INTERVIEW

Realizing Interspecies Democracy
The Preconditions for an Egalitarian, Multispecies, World

Sue Donaldson, Janneke Vink, and Jean-Paul Gagnon

Abstract: Sue Donaldson, Janneke Vink, and Jean-Paul Gagnon discuss the problem of anthropocentric democratic theory and the preconditions needed to realize a (corrective) interspecies democracy. Donaldson proposes the formal involvement of nonhuman animals in political institutions—a revolutionary task; Vink argues for changes to the law that would cover nonhuman animals with inviolable political rights; and Gagnon advises a personal change to dietary choices (veganism) and ethical orientations (do no harm). Together, the three proposals point to a future position where humans can participate in a multispecies world in which nonhuman others are freed from our tyrannical grasp.

Keywords: animals, democratic theory, egalitarianism, intergenerational justice, interspecies democracy, intersubjectivity, multispecies politics, nonhumans

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Gagnon: Egalitarianism is commonly defined as the principle that all persons are created as equals and should, therefore, have the same rights and opportunities across the span of their lives. The impulse to, if not ideas of, equality are ancient (Stuurman 2004) and have gathered a tidal momentum in innumerable instances in this world across its history, crashing with brave and hard hopes for a fairer future against those monarchs, aristocrats, oligarchs, classes, capitalists, governments, managers, the rich, the male – especially white – the controllers: those few, or fewer, *who have* and *who protect what they have* at the expense of the many, of the majority. To reach for egalitarianism is, thus, to struggle against

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the status quo and to do so with a normative vision, a should, for the more equal, balanced, or rebalanced life to come.

Equality, pure and unsophisticated, is logically rendered by its mathematicians. Some physicists, for example, speak and write of a "democratic field theory" that first defines a field – some conceptual terrain with rigid boundaries – and then explains what exists in the field and which force, or forces, are affecting the thing, or things, that are in existence therein (e.g., Berkhahn et al. 2010). What makes this field democratic is that the things in existence are given the starting position, a first place, their *a priori,* as being spaced exactly the same degree from one another. This is, if you like, their "birth position," simple equality at conception. What exists in the field can be, from the start, equal in type, equal in distance, and, second, equal in their exposure, in their vulnerability, to a force which, depending on the type of force, might affect them all or only some of them at random. Such democratic field experiments allow researchers to understand how things and forces affect each other – to, in other words, discover and describe the interplay dynamics they demonstrate under the observer's gaze. It is the force, or forces, applied to the thing or things in the field that create inequality between them, which *disfigures* their original orientation.

Kurt Lewin, in his field theory (see Kariel 1956), applied a similar logic with reference to humans at his Research Center for Group Dynamics housed by MIT in the 1930s (moved later, in 1948, to the University of Michigan). Lewin's was an interdisciplinary investigation into, for example, a group of persons so that the "forces which determine group life and changes in group life" (Kariel 1956: 280) can be studied in a variety of settings. Lewin's work came to be defined as an undertaking in psychology. If the experimenter, for example, defines the group of persons as equal *in all respects* to one another in the field, then what follows is rather interesting because, from Lewin, there are two forces in the field. The first force is that its members are subject to *facts,* to what they know and how they know it as individuals – of, in short, their capacity to make sense of the field, the world they live in. The second force is that each person in the field *will* move, that such movements are exclusively based on what they *know,* and that this movement *will invariably* impact other individuals in the field as this movement disrupts the pure equality of the group members' original positions. This, without some egalitarian mediation, can result in inequalities that may in turn be cemented into rigid structures through directed autocracy by one or oligarchic rule by a few group members, *or* through a dynamic of erosion from the original position of equality that may occur through the group's *laissez-faire* behavior. Finding ways for people to foster the egalitarian mediation of

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forces in a field was Lewin's means for resisting totalitarianism wherever it may be found.

I have pulled us through quite some terrain here to explain that egalitarianism is never a given and probably never has been. We are not, at the start of our lives, born into an egalitarian field and do not thereby experience pure equality from the outset. We are, rather, born into a field defined by already-existing inequalities and equalities, into a patchwork of norms for and against the status quo. Over the course of our lives, we may experience, therefore, the disfigurement, prefigurement, and refigurement of things in their relations to each other, and, if we want, we can decide what our role in such matters is or may come to be.

Whether we are dealing with particles or people, even in controlled conditions where the starting point for such entities are equal in all regards, a force, once introduced, will disturb the equality and, without efforts at regaining equal balance, both particles and people can be fated to the structuration of unequal relations, of a disfigurement of the original position. Such thinking makes fertile ground for manifestos, for normative riots against the status quo, as the *subject* seeking equality, or the subject that one may be seeking to *make* equal, is constantly changing—maybe because our world, if we take it to mean a field, is so very full of things and forces that may affect one another and another and another, and probably does so if you follow one or more theories of bio-quantum entanglement (see, for a definition of quantum biology, Marais et al. 2018). This makes for an incomprehensibly complex field defined by an unbelievably large number of constant fluctuations, in which humans play their part.

This contexting brings me to the declaration of focus at hand: we are here interested in the injustices inherent in the *in*equality of relations between the species of people, we humans, and those species—animal, vegetal, fungal, animate, inanimate, etc.—that are *not* human but that do, and may, constitute both humans (as in their bodies) and their humanities (as in what results from their bodies). We do this, I propose, for three reasons: (1) the first is to describe these injustices; (2) the second is to explain why resolving these injustices matter, especially *now*; and (3) the third is to outline the preconditions that we believe are required for an interspecies democracy to manifest as mainstream in our field as world.

Janneke, what do you make of this frame? And how would you describe the injustices faced by nonhumans today?

Vink: First of all, thank you, Jean-Paul, for inviting me to discuss these important issues with you two, and for this very intriguing opening of our trialogue. Before describing some of the injustices faced by nonhuman

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animals today, we might want to elaborate a little on the "equality in the field" idea you have just unfolded and its relation to normative democratic theory. Especially in the context of political animal theory, I believe it is important to recognize and emphasize that, although, of course, equality (of, for example, chances, rights, and political consideration) is one of the main goals of a democratic institutional design, it does not necessarily *presuppose* anything like factual equality and sameness of the subjects (such as the factual equality of particles in the field in the "original position"). That is, we can talk about equal political rights and even equal legal rights for animals without needing to prove or even presume that they are equal to us (humans) in the sense of political and legal capabilities.

It might even be better to be clear from the start about the fact that nonhuman animals are not equal to us in this sense: nonhuman animals are typically not aware of our complex political systems (whether because of their intellectual capacities or because of our impotence to communicate this abundance of information to them), and they thus cannot act "politically" in the same way as we (or, more precisely, some of us) do—that is, if we define "political acting" as acting in a way that is intentionally aimed at affecting political institutions (Pepper 2020). This acknowledgment of factual inequality does not disqualify nonhuman animals for political rights, however. After all, an unequal starting position in democracy may mean that the "superior persons" who are lucky enough to have some special political capacities have special responsibilities to those who started off in a less fortunate position (Popper 1999). Furthermore, and apart from this responsibility, we might also want to recognize that nonhuman animals *are* equal to us in the more relevant sense from a democratic point of view: they, too, are affected by state action, rules, and policies (Garner 2016; Goodin 2007). If we focus on this type of equality and sameness, we can discuss equal political rights for animals without needing to make a big stretch by arguing that animals have political agency.

If we accept that nonhuman animals are not political agents who can act politically but instead political *patients* who cannot act politically in the sense of intentionally aiming to affect political institutions (but I anticipate some resistance from Sue on this point), we are one step closer to identifying the first injustice faced by nonhuman animals today. It is the injustice of being victim to totalitarian and tyrannical rule by humans (on our tyrannical attitude toward animals, see Bentham [1789] 2007; Donaldson and Kymlicka 2014; Singer 2009; and Wise 2000). That may seem an extreme allegation, but if we dive a bit deeper into what type of political position would suit animals—accepting that they are political patients—and what we owe them *as* political patients, it is not that big of a stretch anymore.

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I believe the key issue here is whether nonhuman animals are part of the people *by whom* and/or *on whose behalf* a democracy is run. If they are part of the democratic people, it seems to make sense to talk about their political rights. It has been pointed out by others that the question of who is part of the democratic people, *the boundary problem* in short, has long been an underexposed issue in democratic theory (Dahl 1970; see also Beckman 2009; and Dahl 1989). I believe an important but quite overlooked contribution was made by the political philosopher John D. May in 1978. In his article, May points out that it has long been (implicitly) assumed that the "democratic people" includes those individuals who are subject to state action *and* who can participate in actual politics. In this definition, a democracy is ruled *by* and *on behalf of* the same group of individuals. On closer inspection, this definition does not seem quite adequate, however, because it excludes many (human) individuals who we generally recognize as a part of "the people": individuals (such as children or people with severe cognitive disabilities) who cannot participate in actual politics, but who are affected by state action nonetheless.

Gagnon: Following Luis Cabrera (2014), Gustaf Arrhenius (2018), and Biljana Đorđević (2015), I would add to this, too, the noncitizens, "illegal" residents, criminals, exiles, deportees, migrants, the homeless, the sorts of people *other* to what the state or the majority of citizens may consider the valid demos, the sovereign people.

Vink: Yes, but instead of using this compromised definition of the democratic people, May (1978) proposes we distinguish between the group of individuals who are affected by state action (May calls this the *subject population*), on the one hand, and the group of individuals who can actually control the government (we may call this the *control population*), on the other hand. There is, of course, a big overlap between the two groups, but they are not identical. If we accept this distinction, we may argue that a democracy is ruled *on behalf of* the subject population, but that the democracy is factually ruled *by* the control population. The democratic legitimacy of a certain democracy is determined by the extent to which the government has consideration for the desires, wishes, and interests of the subject population, while the control population merely comes into view when discussing the more formal question of who should be checking and executing actual political acting in a democracy. If we combine this important refinement made by May of the central democratic term "the people" with the knowledge that many nonhuman animals are affected by state (in)action every single day, it becomes clear how we can perceive animals as being part of the democratic people: even though

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they are not political agents in the sense of being able to participate in actual politics, they still are part of the subject population to which a democratic government owes political consideration in order to qualify as democratically legitimate.

I have argued more extensively elsewhere that the circumstances discussed here ultimately result in animals having a *consideration right* in liberal democracies (see Vink 2020). That is, democratic governments owe nonhuman (sentient) animals noncontingent consideration of their intrinsic interests in political deliberation, policy, and law. Since current liberal democracies fail in taking nonhuman animals' interests noncontingently into account (Garner 2016; Vink 2020), we seem to have arrived at the first injustice that nonhuman animals face today.

They are victims of governments that continuously execute the most invasive type of political power over their lives, without getting anything (such as rights, consideration, or even a basic consistency in the exercise of power) in return.

This is not only a problem for, obviously, the animals themselves, but it also constitutes a liability for the stability and credibility of liberal democracies in the long run. From an interspecies perspective, current liberal democracies have legitimacy problems to say the least. We might even say that current liberal democracies have, from an interspecies perspective, tyrannical and totalitarian traits, because humans have given themselves the unlimited right to rule over nonhuman animals' lives and we rule over them in an arbitrary way. We are not formally obliged to give animals' interests any consideration in policy or law, and benefits we reluctantly give animals are contingent on our capricious wishes. This form of extreme subordination and political dependence, combined with arbitrary rule, are the core ingredients of tyrannical rule. Adding to this, the current relationship between the liberal democratic state and the animals in it is characterized by many injustices that defy some of the basic political and legal principles that lie at the heart of this political model (O'Sullivan 2011; Vink 2020). This could be a liability because it can have an undermining effect in the long run.

Gagnon: What a fascinating account: liberal democracy for some people but *illiberalism,* and sometimes shockingly industrial despotism, a violent tyranny, for the nonhumans. You mentioned sentience; my take is broader, more Latourian (e.g., as discussed in Melville and Ruta 2019) and Harawayian (especially 2016), in that I do think some people also brutalize vegetal life, simple material objects, and complex ecosystems *alongside* our fellow members of the backbone academy in the animal kingdom. This is, I think, the perfect moment to ask Sue for her insights.

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Donaldson: I am delighted by the opportunity to participate with you both in this trialogue. And thank you, Jean-Paul, for launching our conversation with your highly provocative image of democratic field theory. I worry, however, that translating the question of democracy into the abstract and disembodied language of mathematics and field theory immediately sets us off down a problematic path. Disembodied is the key word here. We animals are born into bodies—astonishingly diverse bodies embedded in complex relationships, cultures, and ecologies. This diversity is the source of beauty, resilience, creativity, and joy in being alive. Democratic field theory presents diversity as disfigurement, as deviation from the desired democratic equality. I see diversity as the inspiration and fount of democratic thought and desire—the desire to reach across difference to create relations of equal respect. Democratic equality has a great deal to do with respect, and very little to do with sameness. And so, when I think about democratic relations between individuals I think about what it means to establish relations of respect, not about what it means to try to achieve sameness of capacities or situations. I agree with you that we are always struggling against forces and dynamics that turn difference into hierarchy and domination, but the answer isn't to wish away difference.

There is a second dimension of a disembodied democratic theory that troubles me, and this is the implication that, once we abstract the idea of democracy away from actual bodies, we open the gate to thinking of justice and democratic equality as pertaining to our relations with entities vegetal, fungal, and inanimate. I realize that we may have different views about what constitutes a "body." When I speak about embodiment, I am referring to embodied subjects—an "I," an experiencing sentient being. Certainly, we use the language of "bodies" to talk about bodies of water, of matter, of biological life forms. But I think that the difference between "bodies" and "embodied subjects" is crucial, and that ideals of justice and democratic equality are intersubjective—pertaining to relations of egalitarian respect between embodied subjects. Ideas of respect and ethical obligation are also central to how we engage nonsentient life, rivers, mountains, ecologies, works of art, and inanimate entities, but I think that the respect and ethical obligations captured by the idea of justice and democratic equality are inherently intersubjective. They involve the mutuality of appropriate response to an "I" who is also capable of response in turn. And they are about respecting *who* someone is, not (or not only) *what* they are.

So, now I have laid my cards on the table. I am starting from a very strong commitment to seeing difference as strength and opportunity, not

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disfigurement; to understanding democratic equality in terms of respect not sameness; and to reserving concepts of justice and democracy to intersubjective relationships.

Gagnon: This is a beautiful response: a respect of difference, a cherishing of and dependance on diversity, an almost, if you'd permit, sacralized recognition of the embodied "I," an admiration of them in their coruscating (sparkling) variegations, and how, of course, this *is,* without doubt, inclusive of nonhuman others.

Donaldson: Thank you, Jean-Paul. If I may, I would also like to respond to Janneke's detailed vision of how to bring nonhuman animals into the demos.

I am wholeheartedly in agreement about the current tyrannized status of animals—they are governed without consideration, representation, or political voice. And I am also in agreement with Janneke that animals must have access to the same basic legal protections as humans. But we have a very different vision of interspecies democracy. I said earlier that we should respond to diversity as a strength and creative opportunity, not as a deficiency that becomes the rationalization for hierarchy. Historically, the distinction between "political agents" and "political patients" has precisely been such a hierarchy. There is a long and disturbing history of separating "control" populations and "subject" populations, of distinguishing the self-governing from those who are governed "on behalf of"—whether it's men claiming the power to govern on behalf of women, the propertied governing the poor, or empires governing colonized peoples.

Gagnon: Yes, there's a dynamic of paternalism in play. It seems, from Janneke's position, to be of the benevolent kind—in line with a Jainist approach to ensure, for example, that "there is always a place for animals in the Jain temples" (Tobias 1991: 22).

Donaldson: The ideology that underlies this hierarchy is, in Stacy Clifford Simplican's (2015) words, the "Capacity Contract": the idea that certain people rightly govern over others because they possess cognitive capacities that others do not (e.g., capacities for rational deliberation, or for "intentionally aim[ing] to affect political institutions"). As Simplican notes, some or other version of this Capacity Contract pervades the Western tradition of political thought. From Aristotle to John Rawls, political theorists have asserted that democracy requires some version of the Capacity Contract, and that the only question is how to make sure we draw

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the distinction in the right place. Its contemporary defenders acknowledge the error of excluding women and the poor from political agency on the basis of their alleged cognitive deficiencies, but insist that it is right and appropriate to exclude those who they claim *really do* fall below certain cognitive and communicative thresholds, such as animals, (young) children, and people with (severe) cognitive disabilities. Instead of seeing political agency as a right we all hold in relation to others as a protection from tyranny, the Capacity Contract defines political agency as a capacity that some citizens possess and others are deficient in, thereby rationalizing their exclusion from political power.

While Janneke seems to endorse some version of the Capacity Contract, it is important to note that there is a strong push in both the theory and practice of multispecies democracy to challenge it. Self and other advocates for children, youth, and people with cognitive disabilities have long fought this denial of their rights to political agency. And the UN Convention on Rights of Persons with Disabilities (2006) explicitly rejects the idea that some people are political patients subject to the governance of others who take their interests into consideration. The UN-CRPD recognizes that barriers to political participation aren't located in the capacities of individuals, but in the "social, attitudinal, architectural, medical, economic, and political environment" (National Council on Disability 2002: 28).

So the question is not, how do we duly consider the interests of those deemed "political patients," but rather, how do we change our environments, our relationships, and our democratic practices in order to respect everyone's *political agency across significant chasms of difference?*

Confronted with the undeniable diversity of cognitive and communicative capacities, our response should not be to draw an arbitrary threshold that endows some with the status of "agents" while relegating all others to the status of "patients." Rather, our response should be to say that wherever individuals are on the continua of cognitive and communicative capacities, we will seek to create ways for them to have a say in how their lives are governed.

Gagnon: This reminds of the different ways that "madness" has been treated across cultures and time, especially as can be learned from Foucault's (1961) *Histoire de la Folie* (*Madness and Civilization*) (see also Chrulew and Wadiwel 2016).

Donaldson: Indeed—who gets to define 'competence' and 'capacity' and who is served by these definitions? Rather than starting with a definition of political agency that excludes huge swathes of the demos from active

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participation, we should start with the goal of empowering all members of society to exercise political agency in ways that are possible and meaningful for them. If this means rethinking some of our basic democratic institutions, so much the better (see Donaldson 2020; and Donaldson and Kymlicka 2016 for some ideas about how to do this). Perhaps the voices we currently exclude are precisely the ones most needed to revitalize our democracies, mend our torn social fabric, discover new common and public goods, and alter our nihilistic relationship to the sustaining systems of the earth.

In *Dancing on Our Turtle's Back* (2011), Nishnaabeg scholar Leanne Betasamosake Simpson describes the profoundly egalitarian political traditions of her Nishnaabeg Indigenous community, in which individuals have an active role in the political life of the community at all seven stages of life, including youngest childhood. Children aren't deficient or unrealized political agents; rather, their stage of life means they have unique ways of perceiving and contributing to the life of the community. Being closer to the spirit world (from which they have recently emerged) and less embedded in existing social norms, they are in a position to question existing ways, and to open the eyes of the community to creative alternatives. The accounts of Europeans on first encountering the Indigenous peoples of North America are full of scandalized observations about the egalitarian relations between adults and children, and the failure of parents to control, punish, and instruct the young members of society. The colonizers simply couldn't conceptualize a world that wasn't divided into those who govern and those who are governed—a genuine democracy, in other words.

Rather than reinscribing this longstanding tendency in European thought to counterpoise childhood (and other states deemed to deviate from an adult human neurotypical norm) and political agency (Rollo 2018), I believe we should learn from Nishnaabeg and other traditions about the possibilities for a richer account of political agency, and a more radical conception of egalitarian democracy. I find it ironic, and dispiriting, that in an age of abject political incompetence and failure of imagination on the part of so-called 'competent agents', so much political theory remains wedded to an idea of political agency that excludes the active participation of myriad members of the demos on the basis of their alleged incompetence.

Vink: It surely is an interesting, resourceful, and rich philosophy of interspecies democracy, and before responding to what has been said about some of the differences between our philosophies, I believe it is important to emphasize here that, despite our differences, we do start from

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a common ground, in my view—and please correct me if I am wrong, Sue: it is the idea that a solely anthropocentric democracy without some type of enfranchisement or incorporation of nonhuman animals is not complete, even illegitimate I would say, and that the voice of nonhuman animals needs to be fully recognized and incorporated—one way or the other. I think it is important to emphasize that this common ground exists between the two philosophical schools in political animal theory that seem to clash in this very trialogue in order to put this discussion in the right perspective.

On the one hand, there is what I have called the Political Animal Agents School (the PAA School) before (Vink 2020). It is the philosophical school that starts from the premise that nonhuman animals are political agents, for example because they can act in a way that brings about political effect. On the other hand, there is a line of thought that we might call, by analogy, the Political Animal Patients School (the PAP School). It is the philosophical school that acknowledges that animals have agency, but resists qualifying this as *political* agency because, for example, an intention of bringing about political effect is lacking. The two schools seem to share the important fundamental idea that democracies, and democratic theories more generally, have to engage with The Animal Question; where they differ is on *how* we should or can do this and what the precise role of the nonhuman animal should be.

Since the PAA School believes that animals already act in a way that we can qualify as "political," it focuses on *enablement* and *recognition* of these perceived political acts of animals when envisioning the political enfranchisement of animals. We must, in other words, negotiate the rules of our coexistence with other animals (Meijer 2017) and take the alleged political acts of animals very seriously. Examples of political acts by animals are, according to this school, choosing some type of dog food over another, expressing a preference for a certain type of walk route, and being physically present in certain specific settings (Donaldson and Kymlicka 2013). It seems that our societies and political systems as they are today must radically change in order to achieve a situation in which such alleged political acts of animals can count in a political sense. Possibly, it requires an all-encompassing political and societal revolution in order to achieve a situation in which, for example, the private walk route preferences of a dog can be institutionally made to count as a political voice.

The PAP School, on the other hand, sticks with the basic Aristotelian contention that nonhuman animals are not political agents. In short, this school argues that nonhuman animals cannot act in a way that is *distinctively political* (which is not to say that they do not have agency, needs, and

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wills, or express preferences). The PAP School is not driven by some irrational urge as such of drawing a line between political agents and political patients, and it does not have some malicious objective to disqualify certain individuals for political acting just like that; this school merely tends to recognize the simple fact that we are, unfortunately, unable to discuss political issues with nonhuman animals (and, indeed, with some humans as well). Nonhuman animals are typically not able to oversee the various interests that are at stake in shaping the rules of a society, nor envision the various choices that are to be made in that regard and oversee their consequences, nor are they able to ultimately make a deliberate choice in that regard. The PAA School dislikes this "highly rationalist," "intellectualist," and "cognitivist" interpretation of core political concepts that leads to the disqualification of nonhuman animals as political agents, and argues that we should focus on the capabilities that nonhuman animals *do* have and label these as "political" capabilities as well (Donaldson and Kymlicka 2013).

But in trying to establish that animals are political agents by focusing on capabilities that animals *do* have, but that are irrelevant when it comes to politics (such as preferring a certain dog walk route over another), the PAA- School stretches the definition of "political agency" too far (Pepper 2020). A dog choosing some walk route over another may indeed be expressing agency, but the PAP School doubts that it is an expression of *political* agency. The PAA School seems to blend political acting with all sorts of private behavior, and political life with broader social and private life in a way that makes it ultimately impossible to distinguish between the two—a risky adventure in light of ever-looming totalitarianism. In addition, the PAA School seems to assume that core political concepts have been "rationalistically" interpreted for no reason at all and that we can thus do away with them just like that, but this is contestable.

Arguably, rationality, and rational capacities more in particular, are intrinsically linked to political acting, because it is precisely rationalistic and intellectual capacities that are necessary to actively engage in the cognitively complicated business that politics (e.g., the shaping of the rules of a certain society) is. Arguably, *political* agency, if it is to mean anything, precisely comprises rationalistic and intellectualist standards. Referring to animals' capacities to choose a certain walk route or food brand over another in trying to establish that they are fit for doing political business then makes about as much sense as arguing that one has to be admitted to law school because she is a great cook. These capacities may be interesting and admirable from all kinds of perspectives, but they are irrelevant for the issue at hand. Revolutionizing our law schools in order to make them inclusive for people who are great cooks but who lack the

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relevant capacities might be an overly dramatic response comparable to revolutionizing the totality of the political system and private sphere in order to include animals' food brand preferences in our political system as a "political voice." And still then, it remains unclear how cooking a great meal could be qualified as a "legal practice" and how choosing a certain food type could be qualified as "political acting" without stripping the definitions of "legal" and "political" of their very essence.

In short: instead of dragging nonhuman animals artificially into the political agency concept and arguing for the political recognition of their alleged political acts, I consider it more realistic to accept the reality that nonhuman animals will not act politically and instead try to find a way to adjust our current political systems in such a way that those who are politically in charge are *institutionally forced* to pay heed to the animals, who are after all part of the demos and express agency, but who cannot defend their own interests in a political context. It is important to add here that resisting to qualify animals as political agents does not automatically mean that the people in power can paternalistically decide what is best for them without boundaries whatsoever. It is extremely important to identify, represent, and protect nonhuman animals' intrinsic interests in the most sincere way and to the best of our abilities, and it would be naïve to just hope for good human intentions in this regard (which is illustrated by the current tyrannical human rule over nonhuman animals). We must learn from the long and ugly history of paternalistic rule and the errors in the designs of political constructions that involved political guardianship in the history of humankind, and be keen on developing firm and institutionally safeguarded mechanisms that can prevent abuse and misuse of power from happening in the political representation of animals.

To wrap up, I think that this is what lies at the heart of our difference in envisioning interspecies democracy: are we starting from the position that animals are political agents, or not? A "yes" leads to a revolutionizing reinterpretation of a whole set of elementary political concepts and ultimately possibly the current political system along with it. A "no" leads to a commitment of changing the political system as it currently is in such a way that the interests of these political patients will be institutionally safeguarded and get the political consideration they deserve. A democracy owes sentient nonhuman animals that consideration in order to qualify as democratically legitimate, but it is, in my view, wishful thinking to expect that nonhuman animals will truly actively engage in the core political business of a certain society. Ultimately, however, I believe the *goal* of these two schools is comparable, in the sense that they both strive to listen carefully to the intrinsic needs, interests, and wills

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of nonhuman animals themselves and to pay due respect to these in a political context.

Donaldson: Thank you, Janneke, for your helpfully detailed and clarifying reply. Let me say, to start, that in discussing (domesticated) animals' right to coauthor the societies they share with us, Will Kymlicka and I have developed our ideas about this considerably in the last 10 years since our admittedly somewhat thin discussion in *Zoopolis* (e.g., Donaldson 2020; Donaldson and Kymlicka 2015; Donaldson and Kymlicka 2016). We have elaborated detailed accounts of how animals can be enabled as political agents in order to control not just day-to-day decisions and choices, but also fundamental life-shaping choices (where to live, who to live with, what kinds of activity and work to engage in, etc.), and society-shaping choices (concerning the nature of public space, policies, practices—and the "public good").

Rather than trying to detail those ideas here, I will take up Janneke's challenge of considering the example of making one's own daily food and mobility choices—actions that Janneke considers "irrelevant when it comes to politics." I think we have a fundamental disagreement about the scope of politics. Consider the example of Rosa Parks. When she refused to relinquish her seat to a white man on a Montgomery bus in 1955 and was subsequently fined, her action sparked a bus boycott that galvanized the civil rights movement. In this context, refusing to give up her seat was surely an expression of political agency. Does this mean that every time someone refuses to give up their seat on a bus it is "political"? Of course not. But we can't make this assessment on the basis of some fixed and *a priori* separation of the political and private spheres. We can only make this assessment in relation to an understanding of the structures of power that permeate society—whether in the home, workplace, or public spaces. In many contexts, refusing to give up your seat is not a political act. But if you are tyrannized by a system that illegitimately controls where you sit, then it may indeed be a political act. As Jouni Häkli and Kirsi Kallio note:

> In present understanding, political agency is not restricted to participation in social movements or institutional political processes, but rather, it refers to a variety of individual and collective, official and mundane, rational and affective, and human and nonhuman ways of acting, affecting, and impacting politically … the meanings of the political may not be known in advance and thus need to be worked out empirically. However, to avoid the trap of "political everything," the relational reading of political agency requires that in each case, it is explicated why certain agencies are to be considered politically relevant and how the polis in

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> question shapes this relevance—be they situated in public or private spheres of life. This principle drives us toward exploring the phenomenology of political action, instead of asking ontologically what is, or is not, politics. (Häkli and Kallio 2018: 2, 17)

The traditional boundaries of "the political" and the public–private distinction work very well for those who already share in sociopolitical power (just as it worked historically for those who were patriarchs at home, bosses at work, and overlords in the colonies). It doesn't work well for those utterly excluded from power, subject to tyranny in their day-to-day activities (like choosing their own food or deciding where to walk). The dramatic expansion of the demos over the last 75 years has meant attending to structures of power wherever they occur, and considering how the exercise of power in these domains can be rendered more transparent, legitimate, and equal—from decolonizing ideas of property and land, to dismantling ableist architectures, to calling for democratization of the workplace, to challenging systemic racism, to critiquing gendered and cultured ideas of reason, and so on.

As Engin Isin notes:

> The images of being political bequeathed to us came from the victors: those who were able to constitute themselves as a group, confer rights on and impose obligations on each other, institute rituals of belonging and rites of passage, and, above all, differentiate themselves from others, constructing an identity and an alterity simultaneously. (Isin 2002: 2)

Once we switch our focus to those excluded from power, the question of political agency starts to look very different. It is something exercised largely outside the formal political sphere. And its primary normative commitment concerns gaining access, changing the agenda, and altering the landscape of power.

So, we need a conception of political agency that works for the disempowered—one that recognizes (1) how power operates outside the realm of formal politics and can be supported and held to account in this broader social context; (2) that at the entry gates to political power the overriding normative goal is to grant access to claimants and claims; (3) that prioritizing access to participation in informal spheres of politics is consistent with a commitment to legitimacy and justification of decision-making in more formal spheres; and (4) that we all vary in our politically relevant capabilities for articulating our needs and desires; comprehending politics; contributing to and reimagining the public good; deliberating; considering the legitimate interests of others; taking responsibility for our actions; and holding others to account.

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We also differ in the ways in which these capabilities are enabled or disabled by inherited social and political institutions and practices (including ideas of "rationality"). Thus, an adequate conception of political agency needs to recognize the pervasiveness of the threat of tyranny, the scalar and socially constructed nature of individual capacities and capabilities, and the possibilities for addressing issues of legitimacy, not (or not solely) by reference to an Aristotelian conception of political agency, but through a distributed and systemic sociopolitical approach (Donaldson 2020). This requires a new way of thinking, not just about who is a political agent, but also about the phenomenon of political agency (how it operates in this newly expanded political sphere, which is essentially coextensive with society) and the mechanisms that can support meaningful political participation for all members, thereby contributing to greater legitimacy in the exercise of power.

As Janneke notes, this may lead "to a revolutionizing reinterpretation of … the current political system." Bring on the democratic revolution, I say. We're not going to overcome current political and ecological disasters solely through changes to legal representation and other tweaks of the system. We need to get animals inside politics.

Gagnon: We are at a good moment now to continue resolving the last question of our trialogue: what are the practical, the everyday, and concrete preconditions—in your opinions—that are necessary to achieving, to enacting, to having, an interspecies democracy?

Vink: Please allow me, Jean-Paul, to quickly thank Sue first for her clear and thorough response regarding the political agency issue. I think your analysis is correct, Sue, that our disagreement on this issue eventually boils down to us having different ideas on the scope of politics. Establishing this as some sort of interim conclusion may indeed enable us to move on to the last question regarding the preconditions of interspecies democracy. What is your take on this, Jean-Paul? Given that your scope of concern stretches beyond sentience, I can imagine your account of interspecies democracy being a quite rich and extensive one.

Gagnon: One answer, from my part, wondrously affected as it is by learning from you both in the course of this discussion, is that the large, sweeping, "collective we," the humans as are able, need to live differently in relation to nonhumans. This accounts for the sentient Others, most certainly, but the nonsentient as well—insofar as a stratified rock, a coffin-bay oyster, or the powerful grey gum trees that drop hard nuts on the tin roof of my home, for example, lack sentiency.

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To live differently in relation to nonhumans means that we need to take Catriona Sandilands's (1997) advice and unlearn our constructs of "nature" and, by extension, "human nature," to create an epistemology of *all* life that is "full of holes" that we can, hopefully, begin filling by learning from what Wade Davis (2001) terms the "ethnosphere." If you listen to the way Davis recounts stories from the Indigenous peoples he was able to share time with as an anthropologist, or if you listen to podcasts or vlogs by Indigenous persons (now, blissfully, blossoming throughout the internet), the appreciation of what this first step means can take place rather quickly: it is *not* unreasonable, it is *not* silly or childish or naïve, to say that this Other life (animate and inanimate) is *just* as important as our own human life.

That saying, that switch in cognition, which you have both been speaking to, *must* change so much in our lives, must it not? Economic growth, built expansion, material consumption, behaviors (actions), *where* we place value: so much of this is, as you have both pointed out, currently premised in our violence on the Others, where ownership is paramount and instrumentality—the "what's in it for us?" mentality—is dominant. We can, and unfortunately so often still do, reign terror, a sheer and shocking brutality, disrespect, and bondage over the homes (wild places, habitats, ecosystems), bodies (animals, vegetal life, mountains, water, air, *soil*), common objects (pots, tables, fences, tires), and ways of life that can fall *outside* the frame of profit and work (such as playfulness, being gentle, living slow time, emotional reasoning, exerting freedom, respecting everything, and learning from everyone—especially our children, who should be venerated).

I cannot help to think that we can tilt toward achieving a reality of practised interspecies democracy through changes to our diet and ethic. Perhaps not alone, but certainly in the main. What if, to posit a thought experiment, a vegan diet (or say a diet with small dairy, meat and egg intake) that is in majority from local organic food grown using regenerative (drawdown) farming practices, was the norm for humanity? Add to this a daily virtue ethicist ideal premised on doing no harm. Or the bigger, generational achievements like creating large swathes of the world that are forbidden to humans or reserving even larger swathes of the world for limited human tourism? If the great majority of us followed such a diet and such an ethic, then what?

There would be the collapse of industrial slaughter and no more mass fisheries. Think of all that pasture or grazing land in the world. It would be left to return to its own designs as demand on animal bodies for eating, milking, skin, and hair would decline. The buffalo could return to more of the prairies, the antelope to more of the Steppe. There would

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be a rebound of nonhuman (especially sentient) life. Carbon in the atmosphere would be sequestered in an ever-deepening topsoil. We would be obliged to govern differently, to think differently, especially as regards the no harm principle. The Jains do so well to remind us that our *very* existence requires the destruction of other existences, so it is our duty, as moral beings, to do what we can to limit that destruction such as by reducing travel, reducing waste, reducing consumption, not disturbing soil (no tilling), not using pesticides and chemical fertilizers whose runoffs poison water ways and ocean bays, and only taking from the material world as is necessary and in the "right" ways with honest words of thanks, maybe even prayer.

Donaldson: Jean-Paul, this is a compelling, indeed captivating, vision. And I think you are right that if humans made this "switch in cognition" and broadly endorsed a vegan and ecological ethic, our societies could be transformed. Action in the realm of personal cognition, choice, and ethical outlook can have an impact on economic and political structures. However, personal transformation is not enough, in my view – and won't get us to the larger transformations you envision (such as vast set-asides of territory for animals, limits on growth and expansion, and the dismantling of systems of exploitation). Consider how often the very same individuals who dramatically alter their personal behavior nevertheless continue to work for (or invest in) companies that destroy habitat and exploit animals, and participate in political systems that fundamentally shape our life opportunities without any attention to the kind of world animals would like to live in.

This is the fundamental problem of the compartmentalization of our lives into a personal realm of ethics and a public realm of politics/power – a problem that goes to the heart of democratic theory. Even if we take steps to stop harming animals and the environment in our personal lives, this will not dismantle a political system and social habitus based on their exclusion, one that profoundly shapes our capacities for personal action. We can't change this solely from the ground up (through individual ethical action). We need to organize and harness real political power for animals. This requires action on multiple fronts – changing the legal system to require consideration of animals' interests, as Janneke proposes; changing personal ideology and ethics that operate from the ground up, as you propose, Jean-Paul; and, I would argue, enfranchising animals as democratic participants whose voices, perspectives, and actions reshape society from the center of power.

What does this mean in practical terms? It means calling on every organization, institution, business, or political process that we engage

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with to create mechanisms for soliciting, deliberating, and empowering animals' perspectives and desires.

Vink: Your vision, Jean-Paul, of a fundamental switch in cognition, a revaluation of "soft values," a change in individual behavior and dietary choices, and the resulting upshot of a society in which individuals take their moral responsibility with regard to other beings is indeed appealing. However, I also agree with Sue that focusing primarily on private ethics and dietary choices is not sufficient. The problem runs deeper than people's private choices. The problem of political animal disenfranchisement is an institutional problem. Sentient animals' interests are affected by state (in)action, they thus are part of the democratic people, and they thus fall within the democratic legitimacy concept. This means that the relevant paradigm is not practical in private ethics. Rather, we find ourselves in the political paradigm, more precisely the paradigm of the basic structures of democracy. From an interspecies perspective, there seems to be something deeply wrong with the basic structures of democracy, and so this is, in my view, where we must locate any possible solutions.

The observation that there is something deeply wrong with the basic structures of our current democracies is a shocking and potentially risky one. It means that solving these issues requires fundamental and deep reform. But while being fully aware of the fundamentality of the observed legitimacy problem, I think it is nonetheless important to be reticent about using revolutionary language in philosophizing about concrete solutions to this problem. Terms such as "dismantl[ing the] political system" and "bring[ing] on [a] democratic revolution" were used in this trialogue, but this is a potentially dangerous narrative. How does one incite an interspecies revolution and dismantle an entire political system if the persons in charge have not (yet) appeared very perceptive to your rational argument? In the history of mankind, revolutions and dismantlings of entire political systems normally have implicated riots, acts of violence, and many deaths. We might want to be reticent about calling for a revolution and instead look for less risky and more peaceful solutions first, and investigate whether they could lead to the same outcome for animals.

In this quest of looking for suitable and peaceful solutions to a very serious and fundamental problem, it is important to carefully distinguish between the aspects of our current open society that are essentially infected with anthropocentrism and those that are not. The first must be eliminated or transformed, while the latter can be sustained. We must, in other words, be careful to not throw the baby out with the bathwater. As political philosophers, it is our duty to help envision how the anthropocentric features can be removed from the political framework without

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causing it to totally collapse and thus lose all of the positive features of the open society as well. This implies envisioning concrete (institutional) steps that would terminate the (institutionalized) injustice done to animals. In order to be able to do this, we must first (1) identify to which position animals are rightfully entitled in open societies (in other words: explicate the normative minimum); and then (2) put certain institutional transitions theoretically to the test, find out whether they would accommodate a fair position for animals without destroying features essential for the basic stability of the open society itself, and articulate arguments pro or contra certain of these hypothetical reforms.

So let us briefly discuss the first step: identifying which political position animals are rightfully entitled to in an open society. One of the means of finding an answer to that question is looking into the basic principles of liberal democracies that are *not* essentially infected with anthropocentrism and developing an *interspecies democratic theory.* Based on an analysis of the basic principles that support the main structures of the open society (conducted in Vink 2020), I think that sentient animals have the aforementioned *consideration right* and that there are a couple of requirements that societies should meet in order to do justice to animals in light of their consideration right. Liberal democracies must reserve an institutional place (*legitimacy criterion*) in which humans (*human assistance criterion*) are institutionally bound (*noncontingency criterion*) to consider the independent interests (*independence criterion*) of sentient nonhuman animals who reside on the territory of the state (*residency criterion*). These are the five features of animals' institutional position that we should be minimally aiming for.

The *noncontingency criterion* is an important one. It requires that—contrary to what is currently the situation in our liberal democracies, termed *strong anthropocentrism* by Robert Garner (2016)—there must be institutional mechanisms in place that oblige humans in political and legal positions to take sufficient account of the interests of other animals, even if these interests conflict with basic human interests, and irrespective of human support. The consideration of animals' interests in political and legal processes thus may not be contingent in the sense that it is dependent on the willingness of humans to do this, but must be institutionally secured instead.

Suppose we would accept the five aforementioned criteria as the normative framework and move on to the second step of designing certain transitions and putting them theoretically to the test. It then, eventually, becomes clear that the noncontingency criterion is a requirement that is not easily met by just tweaking the political system. It is, in other words, hard to design a political mechanism that *makes* politicians and purveyors of justice consider, let alone act in, the interests of animals. Animals' political patiency seems to lie at the roots of this problem: since nonhuman

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animals cannot authorize representatives and hold them accountable for their actions (e.g., by participating in elections), the institutional mechanism that usually ensures that the interests of the represented are heard and represented in a clean and sincere way cannot be used here. Whether we introduce an animal ombudsman, reserve certain parliamentary seats for animal representatives, opt for an extraparliamentary animal committee, or improve deliberation processes among current human representatives, with each of these political tweaks we keep running into the same problem: the political consideration of animals' interests remains too optional, and it cannot be ascertained that their interests are represented at all—let alone proportionally and objectively.

A more fundamental analysis learns that there are some basic characteristics of democracies that seem to prevent a normatively acceptable position for animals being established in the *pure political* sphere. One of these hindering characteristics is the fact that the checks and balances in the current system ultimately rely on the anthropological assumption of the rational and self-serving individual with political agency, which makes enfranchising political patients in this system particularly hard. The scope of this contribution unfortunately does not allow me to elaborate further on this here (see, for a further elaboration on this, Vink 2020), so let us move on to what, in my view, could well be a solution instead. I think it might be fruitful to look at legal solutions to this fundamentally political problem that seems unfixable by pure political means.

In liberal democracies, state power is typically subject to the rule of law, which means that the law—primarily the constitution—limits the authority of the government and the ways in which power may be exercised. Appealing to the rule of law thus can be a fruitful strategy to attain the institutional reform sought here: making liberal democratic states formally and systematically consider the interests of sentient nonhuman animals. Constitutions, as the most prominent legal documents of liberal democratic states, define the most important values and principles of societies, the limits of state authority, the obligations that states have with respect to citizens, and the rights that citizens have in relation to the state and in relation to other citizens. Adopting fundamental legal rights for animals in the constitutions of open societies would thus be an attractive option: it would straightforwardly force states to take nonhuman animal interests into account, notably in a way that meets the five criteria for animal enfranchisement stated above (Vink 2020).

Contrary to what is sometimes assumed, assigning animals fundamental legal rights would not be a mere legal technicality. The role that fundamental legal rights have in a liberal democracy and how far they reach into the political sphere is not always well understood. Due to the

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interaction between democracy and the rule of law, adopting such rights in a constitution would have enormous effects in the political sphere as well—which is precisely what we are looking for here. Adopting such rights would mean that state officials (including Members of Parliament) could no longer simply ignore the relevant (and independent) interests of animals in legal *and political* decision-making processes, since such would be a violation of the constitution and the principle of the rule of law. Adopting fundamental legal animal rights would, in other words, not be some minor legal tweak, it would effectively lead to the *political* enfranchisement of animals and truly "get animals inside politics," as Sue aptly put it. It would legally require that animals' interests are noncontingently taken into account as independent factors by state officials of all branches, and Lady Justice's blindfold should lead purveyors of justice to forgo irrational biases that could otherwise have irrationally disadvantaged nonhuman animals. Fundamental legal rights are some of the heaviest instruments in a liberal democracy: they utilize the law's unique function of legitimately restricting government and democratic decision-making. Introducing such rights would have an unprecedented restrictive effect on governance for the benefit of animals, and the good thing is this: if introduced in a responsible manner, fundamental legal rights for animals would also not undermine or compromise liberal democratic values, nor would they jeopardize the long-term stability of open societies. I would even say that introducing such rights would rather *improve* liberal democracies, by eliminating arbitrariness and undermining features currently existent in this political model.

Fundamental legal animal rights could truly liberate animals from their current political oppression, like rights have done so many times for so many formerly oppressed groups in society. Legal rights are institutional lifelines for those individuals who are victims of political oppression and tend to drown in democratic processes, which are just not tailored to their specific abilities and needs. I think we should now throw these lifelines at animals, and pull them onboard the democratic ship.

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