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Human-animal amity and reciprocity

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ABSTRACT: Animals are now widely accepted as subjects of justice: not equal but deserving equal consideration; not free but deserving liberties (that is, self-constraining human duties). But liberty and equality are not all there is to a flourishing society – how about amity and reciprocity? Isn't a minimal degree of friendship or amity between human and animal on the one hand, reciprocity of feelings or reciprocal benefits on the other, needed to ensure that justice will last? It is, I shall argue, possible to interpret some human-animal relations as reciprocal, even as mutually beneficial (symbiotic) exchanges (and not necessarily exchanges of goods or services). Human-animal amity, on the other hand, is excluded, since it demands the impossible of animals: identification with a joint project. The 'best' we can get is quasi-amity, the one-sided and dubious belief that animals benefit from and enjoy being part of the basically purely human enterprise, the joint venture that society is. Ultimately then, in relation to animals, justice remains a cold, jealous and calculating virtue.

Keywords: Amity, animal rights, animals, justice, reciprocity

Amity, Reciprocity and Justice

'In a hole in the ground there lived a hobbit' – and one page later, a relation of affection was established between every human aged nine to ninety, and a fictional elvish-dwarvish species. Humans are supposedly generous with their affection: the default position in most fiction up to and including science fiction and fantasy is that alien beings are friendly until proven guilty, and that sympathy, affection, even love can break the barriers between humans and any other species, hostile or not. This is what inspired Sue Donaldson and Will Kymlicka (2011) to bemoan the depth of the chasm between humans and non-humans. If we still had alternative human species like *H. neanderthalensis* and *H. floresiensis* (commonly referred to as 'hobbits') to live with, we might also find it easier to appreciate animals, our 'lesser aliens', as fellow beings worthy of consistent moral treatment.

Despite this chasm, a considerable number of animal¹ species have experienced a status upgrade over the past two centuries (cf. Cochrane 2010, DeGrazia 2002, Garner 2005, O'Sullivan 2011). In the late 19th Century, Kant opened Pandora's box by posing that animals are not moral subjects, therefore not owed any moral consideration – while at the same time animal abuse had to be understood as a sign of a depraved character, as an indication that the abuser would feel no compunction about abusing humans² in the exact same way.

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Kant's position may appear to be inconsistent: if animals are not moral subjects, animal abuse is by definition impossible and cannot be blameworthy. Kant's (supposed) little slip is one of the origins of a debate on consistency that started in moral philosophy and spilled over into politics and more recently political philosophy, where animals have (at least in some theories) become recipients of justice and more.

The debate on the exact status of animals in political philosophy has created – roughly – three parties. First are those who, like Kant, believe animals are not worthy of the moral status of subject or do not have, in John Rawls's (1971) terms, the capacity for moral personality. They do usually accept animals as moral patients, implying that they can be treated in more or less laudable ways. Since their objections to an upgrade of animals cover a broader range of criteria for inclusion or exclusion than I intend to address, the remainder of this article is only of limited interest from this perspective.

The second and third group believe that animals are moral subjects that do deserve to be treated according to moral standards for their own sake rather than for the sake of the human agents' cleanliness of character. What they disagree on is whether or not to attach the label 'justice' to these moral standards. If animals are owed justice, they are by definition conceived of as part of a joint venture, their interests co-define the common good, they are owed representation in politics, their protection and the assignment of primary goods to them is a public concern not that of individuals or civil society, and so on and so forth. They gain formal rights backed up by the state – up to and including specific mention in constitutions and consideration as citizens (Donaldson and Kymlicka 2011). If they are *not* owed justice, their protection becomes an individual responsibility, with state and society only coming in if human tastes are offended, i.e., if humans feel harmed by other humans harming animals.

The fault line between these two parties is created by two concepts: reciprocity and amity.

For many 'traditional' political philosophers, reciprocity or at least the possibility of reciprocity is a precondition for justice, one that they believe animals fail to meet. Oddly enough, one of the great defenders of the reciprocity condition, Brian Barry (1995), dropped the demand of reciprocity without explanation when he characterized obligations to non-existent future generations as obligations of justice. In recent decades though, other non-consequentialists from Nozick (1973) through Nussbaum (2004) to (most recently) Donaldson and Kymlicka (2011) have included animals in their theories of justice, arguing that reciprocity does not matter or that it is not decisive. A number of consequentialists, led by utilitarian philosopher and animal welfare icon Peter Singer (1975), can be found in the same corner, even though not all are willing to adopt the term 'justice'.

The jargon of justice allows animal advocates to translate – or perhaps it is better to say: operationalize – moral demands in active, practical terms like equal rights, duties, liberties and opportunities. Still, liberty and equality are not all there is to a flourishing society. To create a community of justice, rather than a calculated cooperative venture for the duration of mutual advantage, something extra may be needed: a sense of unity, a desire to cooperate not merely for egotistic purposes – that which the Revolution eventually came to call³ *fraternité*. Can there be fraternity or amity between humans and animals, or will justice for animals always remain a cold and jealous virtue – and what mutual advantage is there, then, for humans in sharing with animals? Is reciprocal amity between human and

animal possible, and is reciprocity needed for amity? These are the questions this text sets out to discuss.

Justice for animals: the basics

Orthodoxy has it that the modern history of animal advocacy started in the English parliament in early Victorian times, soon after to be taken up by utilitarian philosophers, in particular of course Jeremy Bentham.⁴ A strict utilitarian will never call for animal rights: if rights are nonsense and human rights nonsense on stilts, what are we to make of animal rights? Yet, animal happiness, animal pain and animal utility (nowadays known as animal welfare) do fit in the utilitarian vocabulary. Perhaps we cannot know the animal's mind when it shrieks out – it may do so out of pain, pleasure or whim – but ultimately the same applies to our fellow humans. And both respond in the exact same way to the exact same physical stimuli. If we believe that other humans feel pain when they express pain, we should believe the same about animals. Here, the so-called consistency argument in animal advocacy was born: if we treat humans humanely by virtue of property X and if animals have X too, then the demand of consistency logically prescribes that animals deserve equal treatment.⁵

Moral philosophy saw a revival of interest in the status of animals in the 1970s, again following developments outside Academia. While animal welfare never went out of fashion in the margins of polite and radical society and politics, rule-utilitarian philosopher Peter Singer gave it a broad public appeal, and a vocabulary to work with, with his best-selling book *Animal Liberation* (1975). Singer's rule utilitarianism allows him to talk about 'animal rights' as grounded in animal welfare. Thanks to enormous progress in biology since Victorian times (in all likelihood due to vivisection), it has become far easier to bridge the gap between human and animal feelings and experiences – nerve systems and other shared bodily functions can now be described and compared with incredible precision, making the consistency argument more forceful and convincing than ever before. Of course this also creates new philosophical (and practical) problems – for example (cf. Vallentyne 2005), since there are so many more mice (or birds, for that matter) than humans, what weight is to be attached to the welfare of mice relative to men?

Nowadays, Tom Regan's *The Case for Animal Rights* (1983) is seen as the definitive deontological answer to the utilitarian defence of animals. Regan argues that animals deserve rights because they are 'subjects of a life' – which is to be read as subject-ivity, as being a moral subject. Deontological literature tries to further operationalize the animal's status as a moral subject by distinguishing traits and properties that make animal morally 'considerable': its having a life, being (self) aware, having a sense of time (and planning), having projects and using tools, learning, reflecting, knowing guilt, having special relations of affection with, commitments to, offspring, partners, other animals, and so on.⁶ Although all of this can be interpreted as a repeated appeal to consistency (in valuing humans and animals), with an anthropogenic foundation, deontological animal advocacy is not necessarily an anthropocentric enterprise: it aims to identify universal standards for moral relevance, with humanity not as the measure but as merely a case in point. A beautiful illustration of the dilemmas confronting the 'universalizing' animal-rights advocate is Robert Nozick's discussion (Nozick 1973) of the claim aliens from outer space might have on moral superiority over humans due to their having a property X that is unknown to humans.

Finally, over the last two decades, Martha Nussbaum propagated a new reading of animal interests from the perspective of the capabilities approach. Originally introduced by Amartya Sen as an amendment to John Rawls' deontological theory of justice, in the hands of Nussbaum the capabilities approach has evolved more and more into an autonomous philosophical approach. In Nussbaum's work, sufficiency has become a prime object of politics, with 'maximizing' distributive justice moving to second place. Her 'capabilities' can be understood as close relations to classic (i.e., not exclusively moral) Aristotelian virtues, as capacities which, if properly used in balance with the subject's environment, promise happiness. The link with Aristotelian naturalism and virtue ethics has become even clearer since Nussbaum translated her list of ten basic human capabilities into one for animals, and when others further expanded the capabilities community with 'wild' animals, ecosystems and the like.⁷

What is remarkable – and what will be discussed in more subtle terms below – is that all three schools of thought, despite their fundamental differences, agree that the failure to meet the demand of reciprocity, so often seen as a necessary condition for partaking in the fruits of justice, is, broadly speaking, irrelevant. What makes animals morally relevant, deserving some form of equal treatment or consideration, and equal rights and liberties, is primarily *logical consistency*: what humans deserve because of X, animals with X deserve just as well.

Once animals become subjects of justice, animal advocates split up in two further groups: abolitionists and revisionists. Abolitionism demands an end to all animal exploitation, but the definition of exploitation is left open to debate – one of several chinks in the armour of *Zoopolis* by Donaldson and Kymlicka (2011). Revisionism demands an 'appropriately improved' interaction between humans and animals, still allowing for the use of animals, in some cases even as food. In very rough and probably unfair terms, there is a deep chasm separating abolitionist vegans⁸ from the rest of the world, while revisionists differ by degree, from vegetarians and organic omnivores through green consumers down to Frankenfood⁹ enthusiasts.

After almost four decades of debate on the status of animals, it seems relatively easy to treat animals as qualified equals, that is, as equally deserving moral consideration, a good life and protection against abuse – though not necessarily deserving equal goods or even equal shares (some animals are, after all, more equal than others). If liberty is conceptualized in terms of rights and concurrent obligations, then the introduction of animal rights has also made animals subjects of justice-as-liberty. It seems (but we'll test this below) that reciprocity is, in the end, not a necessary precondition for the ascription of liberty and equality. At least in these two areas, reciprocity has become irrelevant for access to the justice community.

Amity and reciprocity: strict and soft

How about amity? One could argue that a degree of amity (or fraternity, civic friendship, etc.) is a necessary condition for justice. Without it, any scheme of cooperation that aims to realize equality and liberty, further necessary conditions for justice, would become conditional on either permanently positive results in a continuous calculation of personal advantage; or at best on an on average positive result in a nevertheless still continuous calculation of pure self-interest. No room would exist in such a society for mutual benefit as

a goal in itself, nor for trust and respect, nor then even for self-respect, which is perhaps the most basic of primary goods.¹⁰ Without amity, it seems, justice will either be nothing but the famous cold and jealous virtue Hume called it, a merely more efficient alternative to the war of all against all, or it would be reduced to what Rawls (1971) called ‘natural duties’ – that which humans owe each other as humans, even when (in fact: particularly when) meeting only once in the history of the universe as perfect strangers in the desert.

If we assume that amity is a necessary condition for justice,¹¹ with justice being more than efficiency or abstract morality, then the next question is: what is amity, really? I shall use the term here as a gender-neutral synonym of fraternity. With fraternity it shares the property of not referring to the bond between actual blood relatives – the French nationalist discourse, full of streets covered in the blood of enemies and compatriots,¹² although it suggests that fraternity and amity are (gender-neutral and) interchangeable, also supports an interpretation of fraternity as *metaphorically* being siblings, being children (*enfants*) of *la France, la Patrie*, the father/motherland.

Precisely because of the association with metaphorical ties of blood, amity or fraternity cannot be as personal as ‘philia’ either (cf. Schwarzenbach 2009, Hope 2013). It certainly is not friendship of the good or for pleasure, two of Aristotle’s three types of philia or friendship (Aristotle 1976) – that would imply a too personal, a non-social bond. Friendship for utility or mutual advantage, the third type, describes exactly the problem of amity: it cannot be merely calculative, self-interested, self-centred. It is a whiff (or more) of *Gemeinschaft* added to, and thereby tempering, the coldness of *Gesellschaft*,¹³ while at the same time enabling (though not necessarily instituting) a degree of organic rather than mechanical solidarity (Durkheim 1997).

Amity is distinct from personal friendship (which is too much), organic solidarity (which is one step beyond amity), and calculating cooperation (which demands too little fellow-feeling). It is perhaps best understood with a functional definition as an affectionate bond (cf. Eshethé 1981), rather than a cold relation, between individuals who relate not as individuals but as generalized members of a joint venture, and who understand that joint venture as valuable above and beyond personal advantage. Although the definition is functional, it can be given an ethics of care twist, since amity implies care for a bond that goes beyond self-interest. It implies the appreciation of the other, the fellow citizen, as more than a mere object and as having a good that is relevant to one’s own – hence the fairly common equation of fraternity or amity with *civic* friendship (cf. Woods 2013).

Note that this is a fairly justice-neutral understanding of amity. Amity can be presented as essential to both distributive social justice *and* libertarian-anarchist commutative justice, that is, to both systems based on impersonal solidarity and those prescribing face-to-face charity. It provides a foundation of trust that justifies continued investment in society, i.e., a *positive* not calculated commitment. Amity is what makes it rational to be the first to go to the polling station, or put out the garbage or join a political party, rather than that which makes it rational to go if and only if others do so as well.

A further question is, of course, how much amity is needed. While I am not going to address that question in detail, it seems that, if we may assume that a quantitative measure is appropriate, the answer depends on one’s view of the good society. There will obviously be a point (cf. Dagger (1997)) where a society becomes too ‘fraternal’ for a liberal – where its republicanism deteriorates into communitarianism.

In our context, the more relevant question is whether amity between humans and animals is possible – in other words, whether there is a minimal degree of mutuality or reciprocity of feelings needed to identify the (animal or human) other as participating in the same grand project. For that purpose, I shall make a distinction between strict and soft reciprocity, and between strict and soft amity. To summarize in advance: strict reciprocity requires a degree of identity that is impossible and impractical, even if it were in any imaginable universe desirable. By implication, relations of reciprocity have to be based on a softer version of reciprocity, relations to which the far vaguer and more subjective criterion of equivalence is central. Strict amity does not presume strict reciprocity, at least it does not require objective identity of transfers, but it is equally unrealistic and undesirable in demanding identity of the subjective meaning of the reciprocal relation. Soft amity allows mutual relations to mean different things to different parties. Not only is that a more realistic and desirable interpretation of amity, it is also the only one that makes it worthwhile to consider human-animal amity – that is, discuss it in earnest without falling back on caricatures. Note that the reasons I shall give, pro or con, in no way make up the complete set of possible arguments. For now, sufficiency will suffice.

First then, a truly *strict* understanding of reciprocity must be rejected as self-effacing. In strictly reciprocal relations, two parties do, and give each other, and take from each other, things that *mean* exactly the same to each party. A world of strict reciprocity is obviously impossible, even among humans: it would have to consist of perfectly identical clones performing the exact same tasks in exact same quantities with the exact same degree of satisfaction – and so on – to make sure we all value everything exactly identically. A science-fiction world like that could not evolve or innovate – or adapt to change. Strict reciprocity is a purely mathematical, imaginary, state of affairs.

Humans differ; when they interact – they talk, trade, teach, play. They do so thanks to and because of the differences between them. Interaction implies recognition, and recognition implies difference. Interaction implies that participation in society is embraced not despite diversity but thanks to diversity, because of diversity, because of the recognition as an irreplaceable individual, unique, modality of the substance – in Spinozist terms. *Soft* reciprocity, then, exists where relations are characterized by and result in equivalence: what you get out of the relation may not be exactly what I get out of it, but it means the same to each of us. A relation in which you give love and I return affection may not be equal – but it can still be reciprocal, and neither painful nor unstable.

Next, *strict* amity demands that we each identify ourselves in the exact same way as participating in the exact same joint venture, which we value in the exact same way to the exact same degree independent of our own advantage (cf. Eshethé 1981). While that does not require that we each give ‘the joint venture’ exactly what the other gives – i.e., strict reciprocity is not required – it does imply that we believe we are doing the same thing, that is, contribute to the continued existence of a genuinely joint venture, a mission which we both envision and understand identically. In other words, your ideal of France (or the Shire) and mine must be the same. Apart from being clearly fairly unrealistic, a society of perfectly likeminded citizens will be hell; society needs dissent (cf. e.g. Sunstein 2003).

Soft amity, as an alternative, allows mutual relations to mean different things to different parties – it allows different political ideals and ideologies, it allows a vivid public sphere (in this Machiavellian republican spirit, see e.g. Boisvert 2005). Just as long as I can believe that you see a value in our joint venture above and beyond your self-interest, and as

long as that joint venture includes me, while I at the same time have a plan for a more than subjectively valuable joint venture that includes you – so long as that is the case, we can be (metaphorically!) ‘brothers’, ‘sisters’, ‘siblings’; just like married couples who often believe both partners contribute to the same project.

Animal amity?

As said above, the animal advocate’s most popular tool is the appeal to consistency, and one way of wielding it is by identifying marginal cases.¹⁴ If, the argument goes, humans who do not formally qualify as moral subjects from the points of view of utilitarians, deontologists or virtue ethicists respectively, are still treated the same as qualifying humans – then animals who do not qualify in the same way cannot be excluded either, at least not on the grounds of these deficiencies. Thus, if we require consciousness, rational thought, a plan of life, self-awareness and so on for a ‘mainstream’ human to count as a recipient of justice, and we extend the same courtesy to, say, the comatose or infants – then, even if it is merely a courtesy, apparently the absence of consciousness (etc.) in an animal must be insufficient reason to exclude it from the community of justice; barring a better argument, the infant and the animal ought to be treated alike.

Arguing that, since we treat the comatose as if they join us in amity, we should consider animals as ‘siblings in amity’ as well would however be too rash and too easy. One can imagine a long list of reasons why an argument from marginal cases in support of amity with animals may, and probably will, fail. Rather than going through that list, I will argue that two major objections to thinking of animals as ‘siblings’ are sufficient to show that it is only in an extremely limited sense possible to have reciprocal relations, and to ‘fraternize’, with animals.

The first and most obvious objection to the idea that we and animals can be united in amity, or involved in a somehow (softly) reciprocal relation, is that most animals cannot feel or give amity – either because they lack a concept of self or self-consciousness, or because they cannot and do not plan, or (as Donaldson and Kymlicka (2011) might argue in the cases of wild and liminal animals) because they understand themselves as members of a different joint venture altogether. There are only a few species of animal that can, allegedly, exhibit behaviour that suggests amity (the Great Ape Project (see e.g. DeGrazia 1996) will undoubtedly have produced indications in this direction) or at the very least simple personal affection; others exhibit the benign disinterest of the cat or the egotism of the tiger. Animals respond to us as a different animal species (usually edible) and as individuals (usually edible), not as the generalized fellows that inhabit the joint venture of their society.

It is true that animals are different and it is true that our relations are neither strictly reciprocal nor mutually amicable. Yet we *can* have softly reciprocal relations. That is, at least in romantic literature, how we supposedly already relate to domestic animals: they give us milk or keep out the mice and burglars, and we give them food and shelter; they receive our affection and we get affection in return.¹⁵ Of course, domestic animals are the product of thousands of years of planned breeding, and that makes the existence and needs of these animals highly artificial, their preferences adaptive to a degree rarely found among humans – but it makes those preferences no less real than our adaptive preference for a sauce to go with our cooked meat.

Thus, while our relations with domestic animals may be artificial – in abolitionist eyes: unnatural, false and therefore exploitative – they can be softly reciprocal. That is not to say (this would be a bridge too far) that there can be reciprocal, mutual, amity between us, even in the soft sense of the word. Human-animal amity will, as I will explain in a moment, always be a fairly one-sided love affair.

Ultimately, amity is always in the eye of the beholder. We can *believe* in a reciprocal relation with animals contributing to a project. If we abandon the category of ‘instinct’ as an explanation, we can even think of ‘their’ side in a mutually advantageous exchange as the animal equivalent of a voluntary action based on a kind of deliberation. But soft amity requires more than affection and cooperation – it also requires the embracing of and belief in a political ideal, our ‘joint venture’. For one, that is a bit too much to expect from an animal, even one involved in the Great Ape Project (and yes, there are comparable marginal human cases). More important perhaps: while reciprocity demands that there be an advantage or effect for both parties, it does not demand consciousness of that effect – whereas amity does demand consciousness. We cross a line of objectivity and credibility if we start to construct animals as having, or even as being able to have, *ideas* about a desirable social and physical environment – though again, great apes and dolphins may come close to being exceptions. Still, as a rule, the closest we can come to amity with animals is through *quasi*-amity: one-sided amity in which we *either* make ourselves believe that animals have social and political ideals about our shared grand project, ideas that are compatible with ours, *or* where we stretch the meaning of ‘idea’ and ‘political ideal’ so far that it includes all¹⁶ animals’ *teloi*.

An extreme example of a one-sided, quasi-fraternal relation would be a world taken over by so-called deep ecologists, i.e., radical environmentalists who define the desirable society as an ecosystem in which each living thing plays its role and has an interest (creating a softly reciprocal relation between all entities). If they can imagine the ecosystem as one immense cooperative venture of humans, animals and plants – then no matter how one-sided the relation may be, humans can ‘feel’ amity with animals.¹⁷

This brings me to the second objection: while we can have softly reciprocal relations with animals, and can imagine ourselves as living in quasi-amity with them, we cannot and should not always give in to this inclination, that is, we should not try to live in amity with *all* animals. To start with anecdotal support for this thesis: modern city dwellers’ children think the polar bear and the panda are cute and cuddly; their parents, camping out on a trip, regularly underestimate the wildness and ferocity of furry animals; their grandparents feed the city’s pigeons, according to some flying vessels of plague and pestilence.

While perhaps inefficient and disadvantageous in its present form (in view of what is named the ecological crisis), there is no reason to believe that our increasing ‘existential forgetfulness’ about nature is a morally or ethically objectionable development. Merely to indicate where this train of thought might lead: the abolition of nature and its replacement by a more humane biology may not be an evil thing but rather a duty (Wissenburg 2011) if one cares enough about individual humans or individual animals. Trading in a rain forest for a sustainable agricultural ecosystem helps to feed starving millions, and by eliminating predators, their prey may lead longer, happier lives.

Secondly, there is a good reason why animal advocates have more success defending a cuddly species on the verge of extinction than billions upon billions of far less attractive

chickens: it reflects the unconscious political ideal of a world where our relations with some animals are and remain distant, impersonal, devoid of affection, to use Melancton's term: *adiaphora*, indifferent. We live together only with those we *can* live with; only with them can we establish relations of amity – and in modern societies that includes neither a long list of viruses and bacteria nor most larger predators. There has to be something advantageous in our cooperation with animals, or even in our exploitation of them, for us to embrace them as lovable or huggable, or for us to believe in (quasi-)amity with them. While our judgement on cuddliness may be misguided, the idea behind it is sound: where there is nothing to cuddle, where neither reciprocity nor cooperation are possible, there is no joint venture and there can be no amity.

At the same time, our judgement on cuddliness *is* often misguided, leading us to embrace the bear and loathe the bug, and it is often used and exploited to sell a kind of quasi-amity where there is none. Expressed in terms of virtue ethics: if love of nature (including the proper verdict on cuddliness) is a virtue, then it can be a vice when executed in immoderate quantities or inappropriate contexts. Cuddliness in itself is no argument to protect a species, to make it part of our project; war criminals tend to be loving fathers and mothers too. In sum: perceived cuddliness offers no grounds for making ourselves believe in quasi-amity between humans and animals.

The slippery slope

We have all but excluded now the possibility of human-animal amity. The best we can do is argue for quasi-amity, the one-sided belief that animals benefit from and enjoy being part of the basically purely human enterprise, the joint venture that society is. There can be soft reciprocity between human and animal, though, and that may enable the existence (if not the experience or perception) of permanent rather than incidental mutually advantageous relations, i.e., a society rather than calculated temporary cooperation. In other words: there is still a basis for a system of justice that includes animals.

While the animal advocate uses marginal cases to expand the domain of human rights, animal rights sceptics turn that same weapon around: if reciprocity is gradual rather than binary, will not thinking of animals as involved in reciprocal relations (or worse, fantasy amity) bring us on the verge of a slippery slope? What is next, who else will get in? And how absurd will that be? Let me discuss three cases that may be so construed as to shed doubt on the possibility and desirability of human-animal reciprocity. I shall first present them all three, all the way down the slippery slope, and only then ask if these ultimate implications really are all that absurd.

First, future and past generations. Future generations are already a widely accepted category of recipients of justice despite the absence of any reciprocal relation strict or soft (other than the possible 'exchange' of historians' praise and blame for benefits and burdens bestowed on them). Amity might actually offer additional support for the advocates of future generations. One of the earliest and strongest critiques of John Rawls's original (1971) defence of his so-called savings principle for the benefit of future generations was that Rawls based it on the assumption that the famously impartial parties behind the veil of ignorance would care about the fate of their offspring – an assumption that seems far from impartial in many respects. In his *Political Liberalism* (1993), Rawls, very reluctantly, abandoned the blood relations story, instead deriving the savings principle from a 'chain'

contract between generations: reasoning in the timeless void behind the veil of ignorance, any generation X would save for a future generation X+1 on the assumption that, and obligated to do so because, generation X-1 would do the same for X.

The concept of amity could well be used to add to Rawls's purely (or purer) contractualist defence of intergenerational justice the suggestion that any present generation X is involved in the same great project as the next generation X+1 – thus reintroducing care for the fate of future individuals, yet now without bias towards blood. Yet one surprising consequence (implicit but underdeveloped in Rawls's 1993 argument) is that there might now also be reason to take the desires and wishes of quite definitely dead past generations on board as well, since they are part of the great project of society too. This may in particular come as an unwelcome surprise for the liberal critics of Avner de-Shalit (1995), who once defended justice towards past generations from a communitarian perspective.

Secondly, we may consider, as David Schlosberg (2008, 2012) would want us to do, the inclusion of ecosystems, of communities and of ecological communities, the last 'mixed community' because one might argue that some native peoples are truly 'one' with their environment, i.e., form a human-inclusive ecosystem. Note that the question for us would be whether amity or reciprocity *with* an ecosystem/community as one single entity is possible – not whether amity or reciprocity makes sense *inside* such an ecosystem/community. The former question will probably have to be answered with no and yes. No, in that ascribing a conscious political ideal (a joint venture) to an ecosystem/community would stretch the imagination even further than ascribing one (in quasi-amity) to humans and animals. Yes, since soft reciprocity, both between ecosystems/communities and between an ecosystem/community and an individual on the outside, seems quite well imaginable. In conclusion: if, and that remains the real question, an ecosystem/community can be a moral subject, then it can also be a partner in justice.

Third, for Robert Nozick's famous aliens from outer space, friendly or hostile, and for Immanuel Kant's angels, fallen or not, nothing fundamentally changes. Their supposed difference from humans lies in the possible claim to moral superiority by virtue of an as yet unknown characteristic or capability, and our present discussion does not address the validity or meaning of such a claim. The question for them, whether they want to include us in their joint venture, remains the same.

It seems then that both the kind of argument that tentatively supports the inclusion of animals in the community of justice (reciprocity) and the one that does not (amity) can be used in support of the inclusion of other 'unusual' suspects: the dead, communities, aliens. But how unusual are they really, how absurd is it to include them? Let me end with a couple of words on the argument from absurdity itself, so often used against animal protection theorists and ecologists alike. An idea can be absurd for three reasons (*pace* Aaltola 2010): because, without acknowledging what is assumed to be obvious, it describes (1) an impossible explanation of a state of affairs, (2) an impossible solution to a problem, or (3) an impossible end-result. A society of vegan noble savages is as absurd to mainstream politicians and theorists as the replacement of the savage sovereign animal kingdom by a human-supervised realm of peace and justice is to the animal advocate. It is neither *obvious* that either state of affairs is impossible, nor is it *true*. Both *appear* to be absurd because they require adapted preferences and uncomfortable, currently utterly non-viable sacrifices. That an existing reality does not allow the realization of an ethical principle does not imply

that the principle must be set aside as unpractical (chanting the mantra 'ought implies can') – it rather implies that reality should be changed so that it can accommodate the presently unpractical: ought implies not only can but also 'make it so' (Wissenburg 2011). The appearance of absurdity then is no argument against a theory – although the lack of support for an apparently absurd theory does suggest a problem with its credibility.

Conclusion

I have argued that there can be no amity between humans and animals – at best, there can be quasi-amity, make-believe amity; while personal relations of affection are not excluded, it is highly unlikely that animals can experience themselves, socially, as part of a joint venture. What is not excluded, however, is reciprocity of sorts between humans and animals – soft reciprocity, taking the form of *symbiotic* relations characterized by mutually non-harmful and perhaps non-fatal use and exchange. To imagine softly reciprocal human-animal relations requires the rejection of 'exploitation' as a term that would 'self-evidently' describe the character of those relations, a path as yet unexplored in animal advocacy literature, including Donaldson and Kymlicka's seminal *Zoopolis* (2011), where exploitation nonetheless functions as a cornerstone of the argument.

For the advocate of animal justice (the third party distinguished at the beginning of this article), the possibility of soft reciprocity may be reason to reconsider many by now classic arguments in defence of equality and liberty or rights for animals. If there can be reciprocity in at least some human-animal relations, then the case for animal justice, not to mention state-enforced rights, political representation and so on, may be stronger than previously assumed.

The second school of thought in animal advocacy sees moral subjects in animals so that, as a matter of individual human responsibility, they deserve moral treatment; they are, however, excluded from justice, particularly social or redistributive justice. For this second school, the impossibility of genuine animal-human amity and the possibility of some form of reciprocity are bad news. Fair reciprocal relations, after all, can be fair without interference from outside (think of the invisible hand and the perfect free market) but only when there is no room for free-rider behaviour – which does exist in human-animal relations. In addition, inclusion of animals in the machinery of justice based on reciprocity not amity means that justice will be owed them only as a cold and calculating virtue, i.e., only where there is mutual benefit, and that means necessarily only where there is a profit for humans; in other cases, animals are on their own. The implication is that proper treatment of animals cannot remain a purely individual responsibility, even if one does not believe in justice for animals.

For the Kantian sceptics, the tradition that reject the suggestion that animals might be moral subjects, and that would allow interference in human-animal relations only when they become a danger to other humans – for this group some prejudices have perhaps been confirmed: concepts used to describe human morality either cannot be translated to human-animal relations without self-deceit, or they lose so much import, they become so metaphorical, that the advocates of animal rights harm rather than further their case by calling for justice.

A final note. Some animals are really more equal than others. In this article I have hinted at, yet avoided discussing directly, the differences between animal species. Like

many authors in the field of animal ethics, I have presented a series of oversimplified arguments on ‘the’ animal. I have not even bothered to defend a cut-off point such as the more difference-sensitive authors defend between e.g. mammals and others, vertebrates and others, social animals and others. On the one hand, this means that more work needs to be done, more subtlety needs to be introduced in the debate – how much reciprocity and of what kind is possible with which species exactly? How much amity? On the other hand, I do not believe subtle distinctions between, gradations of, ‘higher’ and ‘lower’ animals would have helped to close the psychological chasm between human and animal one bit. To bridge that gap, we would rather need the hobbits to return.

Endnotes

- ¹ Further on, where appropriate, I shall try to distinguish between animal species since not all animals are equal. If, by using the generic term ‘animal’, I contribute to the existing imprecision in animal advocacy literature on the demarcation of authors’ constituencies, I apologize.
- ² And angels, should they turn out to be vulnerable. Kant believed in angels and held them to be rational, therefore moral, subjects.
- ³ While *liberté* and *égalité* were standard elements of the revolutionary slogan repertoire, *fraternité* had competitors; its inclusion in the revolutionary triad seems to be a relatively late invention; cf. Hansson (1994).
- ⁴ Cf. among others DeGrazia (2002), Cochrane (2010), O’Sullivan (2011). The history of animal advocacy is usually written by Anglo-Saxons on the basis of English literature only. Future research will have to determine whether the origins of animal ethics are really exclusively British.
- ⁵ The alternative view, that consistency requires us to reconsider the obligation to treat humans humanely, is oddly enough rarely considered.
- ⁶ Not so long ago, human-like behaviour in animals (activities that seemed to require reflection, planning, calculation etc. if performed by humans) was explained away as ‘instinct’. Today, no self-respecting biologist (or indeed, philosopher) will use that term – it has the same explanatory power as ‘creation’ or ‘intelligent design’ for the understanding of evolution: such phrases ‘explain’ merely by branding a phenomenon a miracle.
- ⁷ See e.g. Nussbaum (2004, 2006); also Cripps (2010), Hailwood (2011) Ilea (2008), Schinkel (2008), Schlosberg (2008), Wissenburg (2011).
- ⁸ Perhaps *frutitarianism* would be an even more consistent position.
- ⁹ *Frankenfood*: food containing genetically (artificially) modified ingredients.
- ¹⁰ If we may believe Rawls (1971), and even the earliest Rawls, the budding theologian (Rawls 2009; cf. Adams 2009, Habermas 2010) – whose early views on reasons for social commitment, in relation to questions of fraternity, deserve far more attention than I can offer here.
- ¹¹ That this really is an assumption, and a questionable one at that, is argued quite convincingly by Simon Hope (2013); in his view, the mere absence of rabid egotism may suffice to keep society together. In this article, I do not choose sides between a cold (merely reciprocity-based) and a warm (amity-requiring) conception of the joint venture to which the concept of justice would apply.
- ¹² ‘Qu’un sang impur abreuve nos sillons’, according to the *Marseillaise*: let impure blood water our furrows.
- ¹³ The German sociologist Ferdinand Tönnies (1855-1936) introduced the now classic distinction between *Gemeinschaft*, community, as describing a pre-capitalist world where humans were part of an organic whole, and *Gesellschaft*, the cold contract-based capitalist society, where humans are turned into individuals with potentially opposed interests, cooperating only where and when that would be mutually beneficial.

¹⁴ Cf. the sources mentioned in note 4.

¹⁵ For more on the (by animal advocates) often ignored possibility of symbiosis between humans and domestic animals, see Donaldson and Kymlicka (2011) – but note that while they support the theoretical possibility of morally permissible non-exploitative relations between humans and domestic animals, they do not seem to identify any currently existing practices that meet this standard; even the seeing eye dog is exploited and should be phased out.

¹⁶ See note 1.

¹⁷ For the clearest description of radical ecogism as opposed to ‘mainstream’ environmentalism, see Dobson (2007). To aid the imagination: the Na’vi of planet Pandora in the 2009 science fiction movie *Avatar* are role models of ecogists. The invading humans represent ‘mainstream’ environmentalism, in which any natural entity or process can be traded in for any other as long as the (eco)system remains ‘sustainable’.

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References

- Aaltola**, Elisa (2010) Animal Ethics and the Argument from Absurdity. *Environmental Values* 19, p. 79-98.
- Adams**, Robert M. (2009) The Theological Ethics of the young Rawls and its Background. In Rawls, *A Brief Inquiry into the Meaning of Sin and Faith*, pp. 24-101.
- Aristotle** (1976) *Nicomachean Ethics*. Harmondsworth: Penguin.
- Barry**, Brian (1995) *Justice as Impartiality*. Oxford: Clarendon Press.
- Boisvert**, Raymond (2005) Diversity as Fraternity Lite. *Journal of Speculative Philosophy* 19 (2), pp. 120-8.
- Cochrane**, Alasdair (2010) *An Introduction to Animals and Political Theory*. Houndmills: Palgrave Macmillan.
- Cripps**, Elizabeth (2010) Saving the polar bear, saving the world: can the capabilities approach do justice to humans, animals and ecosystems? *Res Publica* 16 (1), p. 1-22.
- Dagger**, Richard (1997) *Civic Virtues: Rights, Citizenship and Republican Liberalism*. Oxford: OUP.
- DeGrazia**, David (1996) *Taking Animals Seriously: Mental Life and Moral Status*. Cambridge: Cambridge University Press.
- DeGrazia**, David (2002) *Animal Rights: A Very Short Introduction*. Oxford: Oxford University Press.
- De-Shalit**, Avner (1995) *Why Posterity Matters*. London: Routledge.
- Dobson**, Andrew (2007) *Green Political Thought* (Fourth Edition). London: Routledge.
- Donaldson**, Sue, and Will **Kymlicka** (2011) *Zoopolis: A Political Theory of Animal Rights*. Oxford: Oxford University Press.
- Durkheim**, Emile (1997) *The Division of Labour in Society*. New York: The Free Press.

- Eshethé**, Andreas (1981) Fraternity. *Review of Metaphysics* 35 (1), pp 27-44.
- Garner**, Robert (2005) *The Political Theory of Animal Rights*. Manchester: Manchester University Press.
- Habermas**, Jürgen (2010), Das "Gute Leben" eine „abscheuliche Phrase“. Welche Bedeutung hat die religiöse Ethik des jungen Rawls für dessen Politische Theorie? In: John Rawls, *Über Sünde, Glaube und Religion*, pp. 315-336.
- Haliwood**, Simon (2011) Bewildering Nussbaum: Capability Justice and Predation. *Journal of Political Philosophy* (Early Online) 14 February 2011. DOI: 10.1111/j.1467-9760.2010.00392.x
- Hansson**, Sven Ove (1994) Kant and the Revolutionary Slogan "Liberté, Égalité, Fraternité". *Archiv für Geschichte der Philosophie* 76 (3), pp 333-9.
- Hope**, Simon (2013) Friendship, justice, and Aristotle: Some reasons to be sceptical. *Res Publica* 19, pp. 37-52.
- Ilea**, Ramona (2008) Nussbaum's capabilities approach and nonhuman animals: theory and public policy. *Journal of Social Philosophy* 39 (4), p. 547-63.
- Nozick**, Robert (1973) *Anarchy, State, and Utopia*. New York: Basic Books.
- Nussbaum**, Martha (2004) Beyond "Compassion and Humanity". In C.R. Sunstein and M. Nussbaum (eds.) *Animal Rights*. Oxford: Oxford University Press, p. 299-320.
- Nussbaum**, Martha (2006) *Frontiers of Justice*. Harvard: Belknap Press.
- O'Sullivan**, Siobhan (2011) *Animals, Equality and Democracy*. Houndmills: Palgrave Macmillan.
- Rawls**, John (1971) *A Theory of Justice*. Cambridge, Mass.: Harvard UP.
- Rawls**, John (1993) *Political Liberalism*. Cambridge, Mass.: Harvard UP.
- Rawls**, John (2009) *A Brief Inquiry into the Meaning of Sin and Faith*. Cambridge, Mass.: Harvard UP.
- Rawls**, John (2010). *Über Sünde, Glaube und Religion*. Darmstadt: Wissenschaftliche Buchgesellschaft.
- Regan**, Tom (1983) *The Case for Animal Rights*. Berkeley: University of California Press.
- Schinkel**, Anders (2008) Martha Nussbaum on animal rights. *Ethics and the Environment* 13 (1), p. 41-69.
- Schlosberg**, David (2008) Capabilities and environmental justice: animals, ecosystems, and community functioning. Unpublished paper.
- Schlosberg**, David (2012), Rethinking Ecological Justice: Capabilities and Critics. Paper presented at the ECPR Joint Sessions of Workshops, Antwerp, April 2012.
- Schwarzenbach**, Sibyl A. (2009) *On Civic Friendship*. New York: Columbia University Press.
- Singer**, Peter (1975) *Animal liberation*. New York: Random House.
- Sunstein**, Cass (2003) *Why Societies Need Dissent*. Cambridge, Harvard University Press.
- Vallentyne**, Peter (2005) Of Mice and Men: Equality and Animals. *Journal of Ethics* 9, pp. 403-433.
- Wissenburg**, Marcel (2011) 'The lion and the lamb: Wider implications of Martha Nussbaum's animal ethics', *Environmental Politics* 20 (3), p. 391-409.
- Woods**, Kerri (2013) Civic and cosmopolitan friendship. *Res Publica* 19 pp. 81-94.