Animals and Democratic Theory: Beyond an Anthropocentric Account

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Abstract

Two distinct approaches to the incorporation of animal interests within democratic theory are identified. The first, anthropocentric, account suggests that animal interests ought to be considered within a democratic polity if and when enough humans desire this to be the case. Within this anthropocentric account, the relationship between democracy and the protection of animal interests remains contingent. An alternative account holds that the interests of animals ought to be taken into account because they have a democratic right that their interests are considered. This alternative account is defended in this article by utilising democratic theory and, in particular, the all-affected principle. The interests of animals are affected by collective decisions and, therefore, they, or - more specifically - their representatives, have a democratic right to have some say in the making of those decisions. This approach is favourably contrasted with an alternative, citizenship, account which relies upon contested, capacity-oriented, claims current within the field of animal ethics.

This article considers how far, and in what ways, democratic theory and practice ought to take into account the interests of non-human animals.¹ It is distinctive in two ways. Firstly, whilst scholars have focused on the position of animals within liberal democratic political systems, none have focused on the specific question of how far it is justified to enfranchise animals. Secondly, the article seeks to justify the enfranchisement of animals by a normative political theory route, thereby eschewing reliance on contentious ethical theory that is current in the debate about animals. Central to this ethical debate has been the attempt to ‘read off’ the moral status of animals by reference to the capacities they possess. Singer (1990), for instance, sees sentience as the key characteristic possessed by non-human animals from which he develops his utilitarian ‘equal consideration of interests’ principle. By contrast, Regan (1984) justifies the according of rights to at least some non-human animals on the grounds that they are what he calls, ‘subjects-of-a-life’, possessing enough mental complexity – beliefs, desires, self-consciousness and so forth - to be morally considerable. In making the case for the enfranchisement of animals, this article seeks to avoid utilising contentious non-political ethical theory, relying, as a limiting device, only on the non-contentious claim that animals, by virtue of their sentience, have moral standing. In this way, it is presented as preferable to the citizenship model provided by Donaldson and Kymlicka (2011) which, by contrast, relies upon contentious non-political ethical claims.

The article argues that there are two distinct approaches to the incorporation of animal interests within democratic theory. The first suggests that animal interests ought to be considered within a democratic polity if and when enough humans desire this to be the case. This is an anthropocentric account in the sense that the extent to which the interests of animals are taken into account will depend upon the degree to which *humans* desire this to be the case. In this account, the relationship between democracy and the protection of animal

interests remains contingent. That is, whilst there may be reasons for thinking that a democratic system, particularly one perhaps that has a deliberative bent, will take into account the interests of animals, this is by no means guaranteed.

Of course, it may be that an anthropocentric account of animals' place within democratic theory is normatively correct; that democratic theorists are under no obligation to recognise the interests of animals in any other way. As a result, it may be a more effective route for those concerned with the protection of animals to focus their attention on, say, constitutional devices designed to constrain procedural democracy at least when it fails to take into account the interests of animals. It is argued however that there *is* a convincing alternative account which obliges democrats to take the interests of animals into account irrespective of human volition. According to this alternative account, a democratic polity should take account of animal interests, not because a substantial number of humans wish to see greater protection afforded to animals, but rather because animals themselves have a democratic right to have their interests represented in the political process. This conclusion is defended by utilising the all-affected principle which is regarded by many democratic theorists as the key criteria for determining the constituency boundaries of the demos. That is, *if* the all-affected principle is correct – and whilst this paper is not the place to provide a comprehensive evaluation of the all-affected principle there are strong grounds for regarding it as correct – then there is little to prevent the inclusion of animals within the demos. In short, the democratic representation of the interests of animals, however this is to be achieved, is justified on the grounds that it furthers the goal of political equality.

A Political, Rather than Moral, Theory

There is now a considerable literature concerned with justifying the claim that animals are morally considerable and ought therefore to be possessors of rights and even beneficiaries of a theory of justice (see, for example, Garner, 2013; Regan, 1984; Singer, 1990). This theory of morality or justice is then cashed out in terms of practical policy goals. An abolitionist animal rights position, for instance, would prohibit any use of animals for human benefit whether or not animals are made to suffer in the process.

This article, by contrast, is not seeking to ask whether our current treatment of animals is immoral, and nor is it seeking to claim that excluding animals from the democratic community is immoral. Rather, it asks whether excluding animals from the demos is undemocratic. The arguments employed have a strong normative underpinning, regarding maximising political equality as a desirable objective. However, the article seeks to justify including animals within the boundaries of the political community, not by employing contentious non-political ethical categories utilised in traditional animal ethics, but by reference to a political norm, namely the all-affected principle.

Political philosophers have, increasingly, turned their attention to the question of animals within liberal democratic political systems (see, for example, Cochrane, 2010 and 2012; Garner 2005; O’Sullivan, 2011; Smith, 2012). Perhaps the best known is the version provided by Donaldson and Kymlicka’s in their book *Zoopolis* (2011). In an innovative analysis, applying Kymlicka’s long-held advocacy of group-differentiated rights (Kymlicka, 1995), Donaldson and Kymlicka argue that it is useful to map our obligations to animals through the utilization of citizenship theory. In other words, the moral worth of animals is cashed out, at least in part, through their membership of political communities. They envisage three categories of animals, informed by a relational ethic based on citizenship theory. Domesticated animals, those who are part of our societies, are equivalent to co-citizens, and have certain particular rights because of their relational status with humans (chapter 5). Those

animals who live amongst us as but who are not domesticated, so-called liminal animals, are equivalent to co-residents who do not have the rights of full citizenship but to whom we must have moral guidelines given their close proximity to us (chapter 7). Finally, genuinely wild animals are equivalent to separate sovereign communities which ought to be regulated by norms of international justice (chapter 6).

What is, for our purpose, most significant about Donaldson and Kymlicka's approach is that it is indebted to contentious moral arguments employed in traditional animal ethics. The relational approach they employ plays a relatively small role in their analysis. This is because their starting point is the acceptance, as a baseline, of a traditional - what might be called species-egalitarian, abolitionist animal rights agenda - based on a capacity-oriented ethic (Donaldson and Kymlicka, 2011: chapter 2). That is, they accept that animals have a right to life and liberty which 'prohibits harming them, killing them, confining them, owing them, and enslaving them' (p. 40). This has the effect of ruling out of account the domestication of animals for exploitative human purposes.

Donaldson and Kymlicka's acceptance of a considerable moral status for animals, gleaned from the animal ethics literature, is central to their enterprise, for without such an account there would not be a case for according citizenship status to them. This is because animals can hardly be regarded as citizens if they are regarded as morally inferior and as resources for humans to exploit. That is, to justify regarding animals as citizens requires engagement with a capacity-oriented approach central to traditional animal ethics. It is clear that animals do not qualify as citizens if a traditional definition of the concept is adopted. Traditionally, citizenship has been held to be applicable only to those who are self-reflective about their own good and about social norms and who are able to participate in the co-authoring of laws (Donaldson and Kymlicka, 2011, p. 103). It therefore requires responsibilities as well as the distribution of rights. Donaldson and Kymlicka (2011, p. 55)

themselves recognise this and because animals are not self-reflective moral agents seek to revise the characteristics necessary for citizenship.

Whether or not Donaldson and Kymlicka's revision of the terms of citizenship is successful - and some commentators have claimed that it stretches the meaning of citizenship far too wide (Hinchcliffe, 2015) – is one thing. What is equally important is that even Donaldson and Kymlicka's revised qualification-test for citizenship requires a level of cognitive competence that is contentious. According to this revised version, animals have a good, but they do not need to have the capacity to understand or reflect on it. This good, they argue, can be communicated by animals to human companions in a number of ways. The revised version requires animals to 'exhibit norm responsiveness and intersubjective recognition in actual interactions' and this, in turn, is dependent on ethological evidence that animals 'experience and act on the basis of moral emotions such as love, trust and empathy, engage in a variety of co-operative tasks requiring impulse control or delayed gratification, are socialised into norms of behaviour which can subsequently be modified, resisted and/or renegotiated, and exercise self-restraint and self-sacrifice out of concern for others, fear of consequences, or even a sense of fairness' (Donaldson and Kymlicka, 2014, p. 34).

The revised version of citizenship envisaged by Donaldson and Kymlicka, therefore, depends upon certain (disputed) capacities, as Donaldson and Kymlicka (2011, p. 108) recognise, namely: to 'have and communicate a subjective good', to 'comply with schemes of social cooperation' and to 'participate as agents in social life'. By contrast, the approach adopted in this article – concerned with the case for enfranchising animals – makes no such capacity-oriented claims, other than that animals are sentient which, it is suggested later, can be utilised to limit the coverage of the all-affected principle. The case for enfranchising animals certainly does not require that we demonstrate that animals have the necessary capacities to be citizens, since human proxies can represent their interests. Moreover, it will

be shown that justifying the enfranchisement of animals can be achieved through the employment of a principle current in democratic theory and does not require an engagement with debates, relating to the moral status of animals, current within the field of animal ethics.

Anthropocentrism, Animals and Democracy

In conventional democratic theory the relationship between democracy and the degree of protection afforded to non-human animals is a contingent one. It might be that concern for animals is widespread, and that this concern is reflected in the decisions made in a democracy. Alternatively, it might be that there is little popular support for the protection of animals. Such collective decisions, whatever they were, would be entirely legitimate from a democratic perspective, although not necessarily from a moral perspective.

The relationship between democracy (defined in terms of an exclusively human demos) and the degree of protection afforded to animals, then, is contingent because the former is a process (a theory of agency) and the latter is substantive (a theory of value). As Goodin (1992) has pointed out in the context of a discussion about the achievement of green objectives, there is no guarantee that any particular theory of agency will support a particular theory of value. ‘To advocate democracy’, for Goodin (1992, p.168), ‘is to advocate procedures, to advocate environmentalism is to advocate substantive outcomes: what guarantees can we have that the former procedures will yield the latter sorts of outcomes?’ In the case of animals, in other words, there is absolutely no guarantee that any particular democratically elected legislature or executive is going to be concerned enough about the interests of animals to consider prioritising their interests.

The contingent relationship between democracy and animal protection exists because we are assuming the validity of an anthropocentric or human-centred, theory of democracy.

Such a conclusion is not surprising since, as Dryzek (2000, p. 147) points out, ‘democracy, however contested a concept, and in however many varieties it has appeared in the last two and a half thousand years is, if nothing else, anthropocentric’. It is important to distinguish here between two different forms of anthropocentrism. The first, weak, version of anthropocentrism makes the obvious point that the interests of animals *must* be identified and articulated by humans, and animals *must* be represented by humans who speak on their behalf. Clearly, animals cannot promote their interests in the same way that future generations, the seriously cognitively impaired and children, or at least very young children, cannot promote theirs.

This weak version of anthropocentrism, however, is different from a second, strong, version of anthropocentrism which holds that only human preferences regarding animals *ought* to be promoted. That is, the interests of animals ought not to be represented independently of human interests. That is, one can distinguish between an objective account of the interests animals have (irrespective of the degree to which they conflict with human interests), and the extent to which humans want these objective interests of to be promoted. The contingent relationship between democracy and animal protection depends upon this second strong version of anthropocentrism. That is, the interests of animals will be protected in a strong anthropocentric account of democracy only if enough humans want this to happen.

This strong anthropocentric justification is consistent with the current way in which concerns about animals are expressed. Thus, groups seeking to protect and defend the interests of animals are ubiquitous in liberal democratic polities, and they stand or fall by their ability to persuade other humans to join their cause, and decision-makers to adopt their demands. What should be noticed about the strong anthropocentric perspective, then, is that the interests of animals are represented indirectly. That is, the degree of consideration given to the interests of animals depends upon the extent to which humans are concerned about

defending and promoting those interests. By contrast, the weak form of anthropocentrism does not rule out the prospect of providing a normative justification for the democratic representation of animal interests irrespective of the wishes of any particular human electorate.

Animals and the All-Affected Principle

It may be, of course, that the strong anthropocentric version of democracy provides an entirely legitimate account of the place of animals within the political process, that there is not a case for going further to establish their democratic right to direct representation.

However, it is the contention of this article that the strong anthropocentric version of democracy is a normatively deficient account of how the interests of animals ought to be represented in a democracy. It is normatively deficient, it is claimed, because to exclude animals from the demos is inconsistent with the all-affected principle, a principle that is widely thought to be the most appropriate means to denote the boundaries of the democratic community.

The all-affected principle is often invoked as a solution to the so-called ‘boundary problem’ or problem of inclusion in democratic theory which asks how do we decide who is to be included in the demos? Who is to count as ‘the people’? The boundary problem is described as such because it is not clear on what grounds the decision as to who is to be included is to be made. In particular, this decision cannot be made by democratic (i.e. majoritarian) means because the ‘initial membership of the demos...must itself be constituted according to some principle independent of any decision of the demos’ (Goodin, 2007, p. 43). This has led some democratic theorists to accept that there cannot be a definite answer to the boundary problem. Whelan (1983, p.16), for instance, argues that the boundary problem is ‘insoluble within the framework of democratic theory’. Schumpeter (1952, pp. 43-5) takes

this argument further by controversially claiming that, because democracy is about how decisions are made and not how the group making the decision is constituted, we cannot describe those political systems that exclude certain groups – say, blacks in the American South – as undemocratic provided the decisions taken by those who are included in the political community are themselves taken democratically. Most democratic theorists have, not surprisingly, rejected Schumpeter’s historically contingent argument here on the grounds that, in the words of Dahl (1989, p. 122), since it amounts to saying that ‘democracy is conceptually, morally, and empirically indistinguishable from autocracy’, such a conclusion is intuitively mistaken.

Despite its apparent significance, the boundary problem, as Dahl (1970, p. 60) memorably noted, ‘is a problem almost totally neglected by all of the great political philosophers who write about democracy’. As Wood (2010, p. 371) concurs, with the advent of universal suffrage there has been an assumption amongst liberal political philosophers that democratic regimes are already inclusive and therefore exclusion remains ‘under-described and under-theorised’. Over the last couple of decades, however, political theorists have taken a renewed interest in the boundary problem, and the all-affected principle is regarded by many democratic theorists (and green political theorists) as the only possible solution to it.² The case for the all-affected principle has been enhanced by the decline of the nation state. The nation state has seemed increasingly inappropriate as the primary domain of democracy against the ‘backdrop of increasing attention to issues such as secession, migration, global interdependence and democratic governance beyond the state’ (Owen, 2012, p. 130). In this context, the all-affected principle is particularly attractive because it seems to be able to account for these contemporary political challenges rather better than the traditional democratic domain of the nation state. The increasing dangers of ecological degradation offers, perhaps, the best example of the lack of fit between modern democracies centred on

the nation state and the structure of power and interests in the real world. Not only are environmental problems rarely confined to the nation state, but they also raise the question of how far we ought to take into account the interests of future generations who are currently not enfranchised (see Kates, 2013).

Utilising the all-affected principle, I would argue, also provides a justification for including animals in the demos. Crucially, the all-affected principle derives from democratic theory rather than from a wider account of morality or justice. That is, it requires no engagement with the non-political ethical literature on the moral status of animals. Rather, it is centred on the claim that animals have a *democratic right* for their interests to be taken account of, irrespective of how humans feel about the issue. According to this position, animals ought to be included in the demos if and when their interests are affected by decisions made. It is clear that many political decisions that are made do impact, often detrimentally, upon animals. Therefore, it follows that animals (more specifically, humans acting for animals) ought to have a say in the making of those decisions.

Defending the Use of the All-Affected Principle to Include Animals

The claim that the enfranchisement of animals is justified by invoking the all-affected principle requires, first, a defence of the principle in general. It should be noted, firstly, that many political theorists have seen it as the best solution to the boundary problem. As Goodin (2007, pp. 47-50) notes, the all-affected principle provides us with an underlying principle that justifies both democratic decision making and a democratic means of deciding who is to be included in the demos. For Dahl (1979, p. 19) likewise, the all-affected principle is valid because the exercise of power over those who have no say in the outcome amounts to the exercise of arbitrary power which infringes the fundamental democratic value of political

equality. The all-affected principle is therefore implicit in the central democratic doctrine of government by the governed.

These positive endorsements are not, of course, universal. Two general objections to the all-affected principle are particularly pertinent here. The first is the so-called incoherence objection (Goodin, 2007: 52). This consists of the argument that it is impossible to determine who is to be included in the demos before a decision is made because we will not know until then who has been affected. As Owen (2012, p. 134) points out, however, it is possible to refine the all-affected principle in a way that deals with this objection. Inclusion in the demos becomes restricted, in this refined version, to all ‘whose interests are actually affected by a choice between all plausible possible options open to the collective decision-making body’ (see also Goodin, 2007, pp. 56-9 for a similar response to the incoherence objection). This may, of course, have the effect of widening the scope of the all-affected principle somewhat which might be regarded, in itself, as a further objection (see below).

The second objection to the all-affected principle is that it confuses the case for the need to justify particular policies to those affected by them with the case for the inclusion within the demos of those who are affected (Baubock, 2009, p. 15). That is, it is a plausible idea that decisions have to be justified to those affected by them but it does not follow that they also have a right to participate in the making of those decisions. As Owen (2012, p. 142) points out, all that is required is that the affected have the right to insist that their legitimate interests are impartially treated in the decision-making process and considered fully. One possible retort to this objection, however, is the prudential argument that the interests of the affected are more likely to be considered if they are represented directly in the demos. This, of course, is an empirical claim which may or may not be true. If it turns out not to be true, then the need for inclusion in the demos of those affected no longer becomes necessary.

Even if the all-affected principle is defended successfully against its detractors in general terms, it does not mean that it is justified to include animals within it, or that the all-affected principle is the best mechanism to enfranchise the interests of animals. A number of objections to utilising the all-affected principle to justify including animals within the demos can be identified and challenged. In the first place, it might be argued that animals cannot be included as beneficiaries of the all-affected principle because they cannot represent themselves. One possible justification here relates to practical considerations. Here, it might be argued that we cannot know what the interests of animals are because they cannot tell us, and animal interests cannot be represented because there is no one to actually physically do it.

Both of the practical objections to regarding animals as beneficiaries of the all-affected principle can be dismissed. In the weak version of anthropocentrism, it is, to be sure, humans who are identifying what they think the interests of animals are. However, it is not inconceivable to imagine us being able to ‘surmise’ the interests of animals, even if they cannot tell us themselves (Goodin, 2003, p. 215). These interests can then be promoted, by humans with a fiduciary responsibility or duty towards animals, whether or not there is any wider immediate public support for these interests, and whether or not they clash with important human interests. Indeed, political theorists have developed, sometimes ingenious, schemes in which humans act as proxies for excluded, so-called ‘mute’, interests such as future generations and nature whose representatives are allocated some seats in legislative assemblies and counter-majoritarian devices are suggested to impede the will of the majority.² The same could be envisaged for animals. Operationalising this principle would require institutional reform whereby some humans are elected (possibly by a constituency made up of organisations concerned about the well-being of animals) to represent the interests of animals. Crucially, this representation would take place irrespective of the level of concern for animals in wider human society.

A more challenging justification for regarding the inability of animals to represent themselves as important comes from those who emphasise the significance of agency. Saunders (2011), for example, argues that those lacking agency cannot be enfranchised because, even though they have interests, they are not capable of participating in the demos. As he points out: ‘It is bizarre to suggest that animals or unborn children ought to be granted the vote, though they cannot possibly exercise it’ (Saunders, 2011, p. 286). Democracy is a matter of rule by the people, and since those without agency cannot, in any sense, rule, they cannot be included in the demos. Conversely, to exclude those without agency from the demos cannot be an undemocratic move.

Note here that Saunders is prepared to concede that if one accepts the all-affected principle then the case for enfranchising animals is unanswerable (Saunders, 2011, p. 288). It is necessary, therefore, to tackle his opposition to the all-affected principle by challenging his claim that those lacking agency cannot be enfranchised. Here, it can be argued that he has an unduly narrow view of what being enfranchised means, and thereby gives the concept of agency a significance that is unwarranted. It is true, of course, that animals, because they lack agency, cannot participate in collective decision-making. But that does not, as was indicated above, stop their interests being represented in a democratic political system through proxies, as suggested by Dobson (1998), or by institutions designed for the purpose. Here, one should not confuse the capacity to participate in decision making, and the ability to hold representatives to account, on the one hand, with the existence of clearly identifiable interests that could be represented. Children (below a certain age at least), of course, must be disqualified on the grounds of competence from being active members of the demos. But their interests are still affected by decisions made. It is not difficult, therefore, to envisage others elected to the task of speaking on their behalf. Similarly, the severely cognitively impaired lack the competence to participate in the demos but clearly have interests that can

be affected by collective decisions. And, of course, if proxies can be elected to represent the interests of children and the cognitively impaired, there is no reason why they cannot be elected to represent the interests of animals who are equally affected by decisions made.

A second objection to the all-affected principle is that it is not the best mechanism to enfranchise the interests of animals. An alternative approach would be to justify the enlargement of the political community by invoking the appropriate literature on the moral status of animals. Here, it might be argued that the strong anthropocentric version of democracy sits uneasily with the morally compelling notion that animals have an interest in their own well-being, irrespective of whether humans think this interest is worthy of their concern. We could argue then that the anthropocentrism intrinsic to conventional democratic theory is illegitimate because it fails to take into account, and is inconsistent with, the intrinsic value possessed by animals; that what happens to them matters to them irrespective of what we humans feel about the matter. This claim, then, is that there are morally compelling reasons for including animals as beings whose interests ought to be taken into account when collective decisions are made. Eckersley (1999, p. 36), for instance, argues that animals possess moral personhood and we ought not to make decisions affecting the interests of those possessing moral personhood without their consent (see also Mills, 1996). Including animals as part of the democratic constituency by virtue of their moral considerability ensures, then, that the moral and political communities become more congruent. It might even be suggested here that to fail to include animals in the political community is unjust.

There are two main problems with invoking the moral status of animals in support of the proposition that animals ought to be incorporated into the demos. The first is that we could accept the moral claims made on behalf of animals but still deny that they therefore ought to be enfranchised. Rather, we could simply say that democratic polities ought to take the interests, or even rights, of animals into account when making decisions, but not to

enfranchise their interests directly. Of course, it might also be argued that this is a preferable, or equally acceptable, alternative to enfranchising animals. However, the case for favouring enfranchising animals is based on the classic utilitarian argument that their interests are more likely to be taken into account if there is a formal institutional arena where these interests can be made to count. In defence of this utilitarian argument, it can be pointed out that, despite the widespread recognition that animals *are* sentient and *are* morally considerable, their interests have not been regarded as particularly important by existing democratic systems. Indeed, animals are arguably exploited more severely, and in greater numbers, than ever before, despite a recognition that they matter morally.

The second problem, with invoking the moral status of animals in support of the proposition that animals ought to be incorporated into the demos, is that the democratic claims of animals are then dependent upon the validity and acceptability of the contentious moral claims made for animals. Of course, these claims are open to challenge. It is noticeable that most pre-twentieth century democratic theory – including Locke, Rousseau and Mill – and practice regarded inclusion in the political community to be contingent on competence. Even notable contemporary political theorists want to impose restrictions on the grounds of cognitive capacity (Dahl, 1989, pp. 122-5; Habermas, 1996, p. 127). Dahl (1989, pp. 83-93), for instance, argues that democracy is justified on the grounds that self-governing preserves the autonomy of persons whereas to limit a person's opportunity to live under laws of her own choosing is to limit her autonomy. One might add to this tradition by denying that the moral status of animals is sufficient for inclusion in the demos to be bestowed. The democratic claims of animals will, according to an extrapolation of Dahl's account, flounder on their perceived lack of autonomy (Cochrane, 2009) or, at least, their lack of a particular, higher, kind of autonomy (Frey, 1987).

There are, I think, possible ways of countering the arguments of Dahl, Habermas and others, and to persist with a moral justification for enfranchising animals. For example, the implications of adopting the personhood criteria for entry into the political community are that the democratic claims of those humans who do not meet the cognitive entry requirements set by those such as Habermas and Dahl – for example, future generations and those with severe learning difficulties – would be similarly excluded, a conclusion which many find to be intuitively problematic (Dryzek, 2000, p. 153). However, many, of course, do not find such a conclusion problematic. The point here, then, is that the moral status route to democratic enlargement is fragile and open to serious challenge, just as we saw it was in the case of Donaldson and Kymlicka's employment of the citizenship model.

The Unrealistically Wide Objection to the All-Affected Principle

Perhaps the most significant objection to the all-affected principle in general, and to the inclusion of animals in particular, is that its coverage is likely to be extremely, and perhaps unrealistically, wide. In this sense, as Dahl (1970, p. 67) notes, it 'unlocks Pandora's box'. By this, Dahl is referring to the supranational implications of the all-affected principle. Here, it might be claimed, with some justification, that a decision taken in one country (such as the United States), will literally effect everyone on the planet. Put more dramatically, Goodin (2007, p. 55) paints a scenario where: 'Virtually (maybe literally) everyone in the world – and indeed everyone in all possible future worlds...- should be entitled to vote on any proposal'. The all-affected principle therefore translates into 'a genuinely global, timeless democracy'.

The all-affected principle will arguably be unrealistically wide even if the democratic constituency only includes currently living humans. If one takes the principle to its logical extreme, of course, it extends much wider than this. For one thing, it must include, as Goodin

indicated above, future generations, whose interests will be affected by decisions we take now. Crucially, for the purposes of this paper, it must also include animals, since the decisions humans take clearly have an - often devastating – impact on the lives of animals. The coverage of the all-affected principle, however, is seemingly even wider than this. If entry to the democratic arena does not depend upon the possession of some necessary capacities (rationality, agency, competence etc.) then it logically follows that everything - animate or inanimate - whose interests are affected by a collective decision would be entitled to have these interests represented. This would clearly expand the democratic arena even further.

A number of responses to the objection that the all-affected principle is unrealistically wide are possible. In the first place, one way of limiting the scope of the all-affected principle, that is not fatal to the case for enfranchising animals, can be identified. It is the case, of course, that ‘affected’ is a vague phrase and can be defined in such a way as to limit its scope. Clearly, not everyone is affected by a decision in the same way. Miller (2009), for instance, prefers what he calls the ‘coercion’ principle whereby the democratic domain should extend to include all those who will be coerced by its decisions and not just affected. Miller (2009, pp. 221-2) adopts a specific definition of coercion such that to be coerced is to be forced to follow one particular course of action, and not merely to be prevented from following one (albeit preferred) course of action.⁴

It is clear, then, that one can be affected by a decision within being coerced by it, and if one adopts coercion (at least as defined by Miller) then this will have the affect of limiting the scope of the all-affected principle. This is not, however, fatal for the project of including animals in the demos, since animals *are* coerced into serving our needs, whether it is for our desire to eat their flesh, or our desire to use them as laboratory tools. In both cases, animals are clearly coerced by humans since they are unable to pursue other courses of action (as they

would clearly choose to do if given a choice). Since, therefore, they are subject to coercion at the hands of humans then, following Miller's position, they ought to be included in the democratic domain.

The second way of limiting the scope of the all-affected principle, to enable the inclusion of animals but not other non-sentient entities, focuses on the concept of interests. Here, there is a case for limiting democratic representation to those entities who are sentient, with the capacity to be aware of the affect collective decisions have on their interests. The justification for this limitation has an echo in the environmental ethics debate where it has been utilised to deny moral standing to non-sentient parts of nature. That is, it has been denied by some environmental ethicists that non-sentient parts of nature can have moral standing since it is obvious that rocks, trees or mountains cannot be harmed in the same way as sentient animals. Frey (1983, pp. 154-5) puts the problem succinctly by contrasting the terms 'being harmed' and 'being wronged'. Thus, polluting a river is to harm it but since the river only has extrinsic value for those sentient beings who benefit from it, it is only they who can be wronged by polluting the river. At the risk of labouring the point, Peter Singer (1983, p. 123) expresses the same doubts about granting moral standing to non-sentient parts of nature when he states: 'There is a genuine difficulty in understanding how chopping down a tree can matter *to the tree* if the tree can feel nothing'. According to this interpretation, then, sentience is the benchmark for moral standing, and a life-centred or ecocentric ethic is invalid.

The problem with this move, of course, is that, by invoking sentience as a qualifying capacity for inclusion in the demos, it appears to reintroduce a moral dimension to the debate. By doing so, it thereby contradicts the claim made throughout this article that the all-affected principle enables us to eschew contentious moral arguments in favour of a normative political justification for expanding the democratic boundary to include animals.

There are two main responses we can make to this apparent contradiction. In the first place, we might reject the sentience qualifying criterion and accept the conclusion that the all-affected principle provides a justification for the enfranchisement of non-sentient parts of nature. The view that non-sentient parts of nature do not have interests that can be represented can certainly be questioned by adopting a very broad definition of interests. Ball (2006, p. 137), for instance, defines interests such that ‘x is in A’s interest if x is necessary for and/or conducive to A’s functioning or flourishing’. The possessor of an interest in this sense does not require sentience and such an interest does not need to be articulated by its possessor. Eckersley (2011, p. 251) adopts this approach when she states that: ‘all those potentially affected by ecological risks should have some meaningful opportunity to participate or to otherwise be represented in the making of the policies or decisions which generate such risks’.

There is a substantial, and honourable, environmental ethics literature, of course, which seeks to claim that we ought to extend moral standing beyond those who are sentient, if not to inanimate objects then certainly to non-sentient living entities such as plants, on the grounds that they have interests (see, for example, Taylor, 1986; Varner, 1998; Johnson, 1991). The case for expanding the democratic boundary to include animals is clearly not diminished by the implication that it also provides a case for the enfranchisement of nature, any more than the case for the all-affected principle in general is not diminished by the implication that it also leads to a case for the enfranchisement of animals. Goodin, for one, is prepared to accept the extremely wide application of the all-affected principle (although he does not consider the question of non-humans) as the price that has to be paid for adopting what remains a valid principle (Goodin, 2007: 64).

Nevertheless, I recognise, in the context of this article, that the enfranchisement of non-sentient entities does have far reaching consequences that might, on practicality grounds

alone, impinge upon the validity of the all-affected principle itself. As a result, it is necessary to deal directly with the objection that introducing sentience appears to reintroduce a moral dimension to the debate, thereby contradicting the claim made throughout this article. To justify invoking sentience as a valid limiting factor it is necessary to revisit the reason for dispensing with a moral justification for enfranchising animals. Remember that the key problem with invoking the moral status of animals as a prime reason for suggesting that the interests of animals ought to be represented directly is that the moral worth of animals is disputed. We saw, for instance, that the case, put forward by Donaldson and Kymlicka, for regarding animals as citizens is hampered by reasonable doubts as to whether animals have the capacities to fulfil that role. Regarding animals as sentient is, however, hardly contentious, and nor is the claim - deriving from the recognition that they are sentient – that they matter morally and that we should therefore take their interests directly into account when making ethical judgments.

It might be objected here that, as I pointed out earlier, a philosopher such as Singer draws radical and contentious conclusions about the moral status of animals from the recognition that animals are sentient. Here, though, it is important to point out that it is not Singer's claim that animals are sentient that is contentious, but rather the moral conclusions he draws from that recognition. To repeat, it is not contentious to claim that animals are sentient. Indeed, most countries have animal welfare laws regulating the treatment of animals, and these are justified on the grounds that, because animals are sentient beings, we have direct moral obligations to them. This is consistent with the, widely accepted, animal welfare ethic which holds that humans are morally superior to animals, but that, since animals have some moral worth, we are not entitled to inflict suffering on them if the human benefit thereby resulting is not necessary. The principle of unnecessary suffering, therefore, can be

invoked if the level of suffering inflicted on an animal outweighs the benefits likely to be gained by humans.

Whilst it is true that the sentience of animals is a necessary component of Singer's theory, accepting that animals are sentient - which most philosophers now do - does not require us to consent to the validity of his position. Indeed, Singer's position is very different from the widely accepted animal welfare ethic. For Singer, to prioritize human interests in the way that the animal welfare ethic does is speciesist because it is basing moral superiority on species membership rather than on a morally relevant characteristic. That is, present practices, justified by the animal welfare ethic, have an in-built assumption that non-trivial human interests are not to be counted as part of the utilitarian calculation, but merely defended whatever the cost to animals. Because of this Singer can, and does, arrive at radical conclusions, such as that vegetarianism (barring special cases) is morally obligatory. By contrast, an advocate of the animal welfare ethic cannot engage in such a cost-benefit analysis where the interests of humans and animals are considered equally.

To clarify, the claim that animals are sentient is being used here, in a non-contentious fashion, to articulate some notion of who can actually have interests that can be affected. All that is being claimed, therefore, is that only *someone* and not *something* can have interests that can be affected by collective decisions (Feinberg, 1980). To be sure, non-sentient parts of nature are affected by collective decisions but, precisely because they lack sentience, not in ways that matter *to them*. That is, it is being claimed that animals have moral *standing*, but no claims are being made here about the moral *status* of animals,⁵ the latter constituting the main site where contentious claims about animals are made.

Conclusion:

It goes without saying that the interests of non-human animals (as well as future generations and nonhuman nature in general) are ‘poorly represented in the deliberations and decisions of liberal democratic institutions’ (Smith, 2003, p. 54). The interests of animals are not taken very seriously in the political process precisely because they, or – to be more precise – those acting on their behalf, are not in any position to hold decision makers to account. From a practical perspective, it would be wise to encourage those interested in the well-being of nonhumans to redouble their efforts to persuade more humans to take the interests of animals seriously. The main conclusion of this article, however, is that the interests of animals ought to be taken into account in a democracy, not because (some) humans want them to be, but because animals have a democratic right that their interests are considered. This derives from the fact that their interests are affected by collective decisions and, if one accepts the all-affected principle – and there are strong grounds for accepting it – animals, or – to be more precise – those who speak on their behalf - have a democratic right to have some say in those decisions.

All of this leaves open questions such as what are the most effective ways of democratically representing the interests of animals, what weight should their interests have in decision-making, which animals are deserving of representation and what is the relationship between non-anthropocentric democratic procedures and substantive outcomes? All I have sought to establish in this article is that asking such questions is justified by reference to democratic principles; that enfranchising animals deepens political equality. To paraphrase Goodin (2003, p. 216), the ‘barriers to directly enfranchising’ animals ‘are ones of practicality, not desirability’.

It is often claimed that there is a tension between (democratic) procedures and (just) outcomes (Van Parijs, 1996). Their oppositional character, however, can be exaggerated. What can be said is that ‘the democratic process is not “merely process”’ (Dahl, 1989, p. 175)

but itself has a distributive element in that those excluded from the demos are more likely to have their interests and rights violated. This is the basis for the so-called ‘protective’ theory of democracy with its utilitarian origins. If the interests of animals are properly embedded in the democratic process, as I have argued democratic theory ought to mandate, the laws adopted by a society are less likely to infringe their fundamental interests.

Notes

1. I would like to acknowledge the financial support of the ???? and the provision of a period of research leave by the University ofwhich provided me with the time and resources to research and write this article.
2. See, for example, Beckman, 2006; Eckersley, 2000, pp. 118-19; Held, 1996, p. 324; Heyward, 2008; Pogge, 2008: 189-95; Shapiro, 2003, pp. 129-130; Young, 2000, p. 23.
3. Examples of the former are Dobson, 1998; Ekeli, 2005; and Mills, 1996. Examples of the latter are Ekeli, 2009; Eckersley, 1999; Hayward, 2005; Kates, 2013; Thompson, 2010.
4. Miller’s particular target here is the claim by Abizadeh (2008) that restricting immigration into a particular territory is an example of coercion that necessitates the inclusion of the coerced into the decision-making arena of that territory. For Miller (2009, p. 225), on the other hand, policies restricting immigration are not coercive because they only rule out one particular course of action, leaving all others open.
5. I take this distinction from Goodpaster (1978). Moral standing refers to the existence of any degree of direct moral considerability. Moral status refers to the degree of moral worth, so that, as Attfield (2003: 43) clarifies, ‘moral standing...is compatible with different degrees of moral significance’.

References

- Abizadeh, A. (2008) 'Democratic Theory and Border Coercion', *Political Theory* 36, no. 1, pp. 37-65
- Ball, T. (2006) 'Democracy' in A. Dobson and R. Eckersley (ed.) *Political Theory and the Ecological Challenge*, Cambridge: Cambridge University Press, pp. 131-47.
- Baubock, R. (2009) 'The Rights and Duties of External Citizenship', *Citizenship Studies* 13, no. 5, pp. 47-59.
- Beckman, L. (2006) 'Citizenship and Voting rights: Should resident Aliens Vote?', *Citizenship Studies*, 10, 2, pp. 153-65.
- Cochrane, A., (2009), 'Do Animals Have an Interest in Liberty?', *Political Studies*, 57, pp. 660-79.
- Cochrane, A., (2010), *An Introduction to Animals and Political Theory*, Basingstoke: Palgrave Macmillan.
- Cochrane, A., (2012) *Animal Rights Without Liberation* (New York: Columbia University Press).
- Dahl, R. (1970) *After the Revolution? Authority in a Good Society*, New Haven: Yale University Press.
- Dahl, R. (1979) 'Procedural Democracy' in P. Laslett and J. Fishkin (eds.) *Philosophy, Politics and Society, Fifth Series*, Oxford: Basil Blackwell.
- Dahl, R. (1989) *Democracy and its Critics*, New Haven: Yale University Press.
- Dobson, A. (1998) 'Representative Democracy and the Environment' in W. Lafferty and J. Meadowcroft (eds.), *Democracy and the Environment*, Cheltenham, Elgar, pp. 124-39.
- Donaldson, S. & Kymlicka, W., 2011, *Zoopolis: A Political Theory of Animal Rights*, New York: Oxford University Press.

- Donaldson, S. & Kymlicka, W., 2014, 'Unruly Beasts: Animal Citizens and the Threat of Tyranny', *Canadian Journal of Political Science*, 47: 1, pp. 23-45.
- Dryzek, J. (2000) *Deliberative Democracy and Beyond: Liberals, Critics and Contestations*, Oxford, Oxford University Press.
- Eckersley, R. (1999) 'The discourse ethic and the problem of representing nature', *Environmental Politics*, 8, 2, pp. 24-49.
- Eckersley, R. (2000) 'Deliberative democracy, ecological representation and risk: Towards a democracy of the affected' in M. Saward (ed.) *Democratic Innovation: Deliberation, Representation and Association* London: Routledge, pp. 117-32.
- Eckersley, R. (2011) 'Representing Nature' in A. Alonso, J. Keane and W. Merkel (eds.) *The Future of Representative Democracy*, Cambridge: Cambridge University Press, pp. 236-57
- Ekeli, K. (2005) 'Giving a Voice to Posterity – Deliberative Democracy and Representation of Future People', *Journal of Agricultural and Environmental Ethics*, 18, pp. 429-50.
- Ekeli, K. (2009) 'Constitutional Experiments: Representing Future generations through Submajority Rules', *Journal of Political Philosophy*, 17, 4, pp. 440-61.
- Feinberg, J. (1980) 'The Rights of Animals and Unborn Generations' in J. Feinberg, *Rights, Justice and the Bounds of Liberty: Essays in Social Philosophy*, Princeton, NJ: Princeton University Press: 159-184.
- Frey, R., (1983), *Rights, Killing and Suffering*, Oxford: Clarendon Press.
- Frey, R. (1987) 'Autonomy and the Value of Animal Life', *Monist*, 70.
- Garner, R. (2013) *A Theory of Justice for Animals: Animal Rights in a Non-Ideal World*, New York: Oxford University Press.

- Goodin, R. (1992) *Green Political Theory*, Cambridge, Polity Press.
- Goodin, R. (2003) *Reflective Democracy*, Oxford, Oxford University Press.
- Goodin, R. (2007) 'Enfranchising All Affected Interests and Its Alternatives', *Philosophy and Public Affairs*, 35, 1, pp. 40-68.
- Habermas, J. (1996) *Between Fact and Norms*, Cambridge: Polity Press.
- Hayward, T. (2005) *Constitutional Environmental Rights*, Oxford: Oxford University Press.
- Held, D. (1996) *Models of Democracy*, Cambridge: Polity Press.
- Heyward, C. (2008) 'Can the all-affected principle include future persons? Green deliberative democracy and the non-identity problem', *Environmental Politics* 17, 4, pp. 625–643.
- Hinchcliffe, C. (2015) 'Animals and the Limits of Citizenship: Zoopolis and the Concept of Citizenship', *The Journal of Political Philosophy*, 23: 1, pp. 302-20.
- Johnson, L. (1991) *A Morally Deep World: An Essay on Moral Significance and Environmental Ethics*, Cambridge: Cambridge University Press.
- Kates, M. (2013) 'Justice, democracy and future generations', *Critical Review of International Social and Political Philosophy*, DOI 10.1080/13698230.2013.861655.
- Kymlicka, W., (1995), *Multicultural Citizenship*, Oxford: Clarendon Press.
- Miller, D. (2009) 'Democracy's Domain', *Philosophy and Public Affairs*, 37, 3, pp. 201-28.
- Mills, M. (1996) 'Green Democracy: The search for an ethical solution' in B. Doherty and M. de Geuss (eds.) *Democracy and Green Political Thought*, London: Routledge, pp. 96-114.
- O'Sullivan, S. (2011) *Animals, Equality and Democracy*, Basingstoke: Palgrave Macmillan.
- Owen, D. (2012) 'Constituting the polity, constituting the demos: On the place of the all-

affected interests principle in democratic theory and in resolving the democratic boundary problem', *Ethics and Global Politics*, 5, 3, pp. 129-52.

Pogge, T. (2008) *World Poverty and Human Rights*, Cambridge: Polity Press, second edition.

Regan, T. (1984) *The Case for Animal Rights*, London: Routledge.

Saunders, B. (2011) 'Defining the Demos', *Politics, Philosophy and Economics*, 11, 3, pp. 280-301.

Shapiro, I. (2003) *The Moral Foundations of Politics* (New Haven, CT: Yale University Press).

Schumpeter, J. (1952) *Capitalism, Socialism and Democracy*, London: Unwin University Books.

Singer, P. (1983) *The Expanding Circle: Ethics and Sociobiology*, Oxford: Oxford University Press.

Singer, P. (1990) *Animal Liberation*, second edition, London: Cape.

Smith, G. (2003) *Deliberative Democracy and the Environment*, London: Routledge.

Smith, K. (2012) *Governing Animals: Animal Welfare and the Liberal State*, New York: Oxford University Press.

Taylor, P. (1986) *Respect For Nature: A Theory of Environmental Ethics* Princeton, N.J.: Princeton University Press.

Thompson, D. (2010) 'Representing future generations: political presentism and democratic trusteeship', *Critical Review of International Social and Political Philosophy*, 13, 1, pp. 17-37.

Van Parijs, P. (1996) 'Justice and Democracy: Are they Incompatible?', *Journal of Political Philosophy*, 4, 2, pp. 101-17.

- Varner, G. (1998) *In Nature's Interests? Animal Rights and Environmental Ethics*, New York: Oxford University Press.
- Whelan, F. (1983) 'Democratic Theory and the Boundary Problem', in J. Pennock, and J. Chapman (eds.) *Liberal Democracy*, New York, New York University Press.
- Wood, P. (2010) 'Exclusion: the fall and rise of the exclusionary state in the United States', *Contemporary Political Theory*, 9, pp. 371-80.
- Young, I. (2000) *Inclusion and Democracy*, Oxford: Oxford University Press.