Connexion: A Note on Praxis for Animal Advocates

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Effective animal advocacy requires human-animal connexion. I apply a relational approach to unfold this insight into a praxis for animal advocates. Connexion grounds the affective relationships that so often motivate animal advocates. More importantly, it enables animal agency, the ability of animals to act and communicate in ways humans can experience and respond to. With connexion in mind, some weaknesses of previous reform efforts become apparent. I join these in the slogan “abolitionism as disconnexion.” In so far as abolitionism draws humans and animals apart, it undermines the movement’s social basis, limits its imaginative resources, and deprives animals of a deeper freedom. I evaluate political theories of animals and find that only some can frame a picture of humans and animals living together in connexion. I close by noting the limitations of the connexion lens—we cannot simply create connexions without also evaluating whether they are oppressive—and some practical policy measures that can be taken today to further the goods of connexion.

Pour être efficace, la défense des animaux exige une connexion entre l’homme et l’animal. J’applique une approche relationnelle pour faire de ce point de vue une praxis pour les défenseurs des animaux. Cette connexion est le fondement des relations affectives qui motivent si souvent les défenseurs des animaux. Plus important encore, elle permet aux animaux d’agir et de communiquer d’une manière que les humains peuvent expérimenter et à laquelle ils peuvent réagir. En gardant à l’esprit la connexion, certaines failles des tentatives de réforme antérieures deviennent apparentes. Je les résume par le slogan « l’abolitionnisme comme déconnexion ». Dans la mesure où l’abolitionnisme sépare les humains et les animaux, il sape la base sociale du mouvement, limite ses ressources imaginatives et prive les animaux d’une liberté plus profonde. J’évalue les théories politiques touchant les animaux et je constate que seules certaines d’entre elles parviennent à élaborer un cadre où les humains et les animaux vivraient ensemble en connexion. Je termine en soulignant les limites du concept de connexion - nous ne pouvons pas simplement créer des connexions sans évaluer si elles sont oppressives - et j’examine certaines mesures politiques pratiques qui peuvent être prises aujourd’hui pour faire avancer les mérites de la connexion.

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Introduction

Imagine for a moment that you are an advocate for animals. This group is subjected to systemic violence on a grand scale. They have no legal rights. What do you do? You might at first turn to previously successful social movements for models, but in the case of animals, such analogies quickly become difficult. Consciousness raising seems not an option, and centring voice not a possibility, because animals cannot speak human languages or engage directly with human politics. So, what do you do? Animal advocates struggle with these questions. In this article I will argue that fostering human-animal connexion is an important part of the answer.

The political turn in animal scholarship represents a group of scholars who, for myriad reasons, have turned to political theory and practical politics in their pursuit of a better world for non-human animals.1 This article takes as given the moral importance of treating animals well2 and

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reads political turn scholarship for a legal praxis: a theoretically-informed policy project that lawyers and legal scholars can undertake here and now to further the causes of animals. Connexion serves as a useful lens in the formation of such a praxis. In evaluating political theories of animals and thinking about how to act on them, we should attend to how theories and policies bring humans and animals together or move them apart.

Human-animal connexion is necessary both to foster the affective relationships that for many humans are the basis of caring about animals and to enable the agency of animals in (currently) human-centred political structures. And so, all else being equal, we should seek reforms that increase connexion while being careful that such connexion is not oppressive. To demonstrate this thesis, I take a look at political theories of animals through the connexion lens, use this lens to critique current abolitionist-oriented reform efforts, and point to some new directions for policy that connexion suggests. Attention to the structures of connexion and disconnexion that allow animal-exploitative industries to continue can ground a praxis that accounts for the limits of law and democracy.

In Part I, I explain what I mean by connexion and two reasons why it matters. Here, connexion is figured relationally: not just a thing between a person and her dog but a set of social structures that either promote or fail to promote the goods of connexion. These goods are, first, affective relationships: from bare awareness to loving connexions between animals and humans and animals; and, second, enabled animal agency: the ability of animals to act and communicate in ways humans can experience and respond to.

Connexion provides the basis of a critique of abolitionist efforts, which I undertake in Part II. Shortly, abolitionism (of a certain variety) is a spectacular rejection of connexion. “Abolitionism as disconnexion” turns out to unify many critiques of abolitionist efforts in one travel-sized aphorism. In pursuing a practice of disconnexion, abolitionism cannot compass important lessons we have learned about successful legal reforms.

Part III looks to political turn scholarship that takes up the themes of the critique of abolitionism just sketched. Political turn scholarship sees the need for state-oriented, structural policy tools over the quixotic pursuit of individual revelatory moments.3 By dint of being political, it is premised on the need for a politics: both a conceivably stable end-game

for humans and animals and a path to get us there. As Tony Milligan puts it, “philosophical argument cannot be left to do all the work of practical reason. We also need to be able to picture life in realistic and imaginative ways.” I focus particularly on Robert Garner’s *A Theory of Justice for Animals* and Sue Donaldson and Will Kymlicka’s *Zoopolis.* Garner, Donaldson, and Kymlicka all reject abolitionism (in the sense I mean) as part of a viable political theory, but I find that Donaldson and Kymlicka’s work better stomachs the lessons of connexion. In *Zoopolis,* they picture new, “realistic and imaginative ways” of living with animals, focussing on the creation of structures of just human/non-human relations.

In concluding, I note some of the limitations of this framing. Chiefly, connexion is not all there is: a policy must be evaluated along a number of other axes as well. I then describe some reforms that could promote connexion, emblematized by the legalization of back-yard chicken coops. These suggestions are not supposed to be the end of the conversation, but the start of one, and so I finish with a call to others to engage in animal advocacy as an on-going deliberative activity drawing us animals all together.

I. **Connexion—What is it and why**

Inspired by Jennifer Nedelsky’s relational theory, eco-feminism and feminist care ethics, this article posits connexion as a useful frame for the evaluation of political theories of animals and the formation of praxis therefrom. By connexion I refer to any relationship, interaction or communication between animals and humans. At its loosest, connexion occurs when a human learns about an animal—a tenuous connexion is formed when a consumer picks up a product with accurate labelling about

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the animals that produced it.\footnote{10} At its tightest, we have connexions between humans and companion animals, who share together a living space and the everyday details of each other’s lives. Animal-animal connexions will also be relevant: as, e.g., a praxis of ethical cow-keeping, if there is such a thing, must enable connexion between a cow and her calf.\footnote{11}

I have just sketched what I mean by connexion before delving into the two reasons why I consider it important: enabling animal agency and affective relationships. But the full picture of connexion can only come after that because I want a conception of connexion that ties it to these reasons: connexion is that which allows humans and animals to be affected by other animals, and it is the basis of attachment. And defining connexion in this way allows me to assert that connexion is in general good.\footnote{12}

It is clearly possible for human-animal connexions to be problematic. Bestiality is an extreme example. More generally, it seems there are many animals—say in wild habitats that we might destroy in the pursuit of some resource—who are best left alone. As I will explore in the final section, there are certainly limits to what connexion can do, but in general, and as the ensuing sections should demonstrate, seeking opportunities for connexion points our thinking in the right direction.

1. **Deliberating animals**

We are commonly thought to live in a democracy where an important form of political participation is reasoned deliberation.\footnote{13} But can non-human animals deliberate? Clemens Driessen has argued that they can.\footnote{14} Animals cannot engage in the sort of ideal deliberation sometimes imagined by democratic theorists—using symbolic thought to come to dispassionate positions. But to some extent, the human ability to deliberate is also over-rated—we are ignorant, passionate, and we come to decisions in systematically biased ways.\footnote{15} And so, some have turned away from political participation as primarily about language or thought, and instead
toward reading all the everyday exchanges of interaction and interest as sites of politics. Actions, in this understanding, can be deliberative. And so, when animals can act, they can be political.

Bruno Latour uses the example of the cat-door. Cats kept as pets are prone to sit next to doors or windows and mieaou. Humans often interpret this as expressing a desire to be let out-side (cats generally only mieaou outside doors or windows that they can hope to be let through), and so they go and open the door for the cat. The cat might go outside. Some humans will install a cat-sized door in the door or window. This is equipped with a flap that keeps out a draft, but allows the cat in and out. Thus cats’ freedom is increased—they no longer need a human to let them out—and humans no longer have to get up to do it. According to Driessen, the progress of the cat door is only meaningful if you trace the changes in actors and doors together.

[The human] is involved in a collective learning process in which new subjectivities emerge, and the legitimacy of their claims and desires are explored in interaction, by tinkering with their shared material conditions.

Similarly, Donaldson and Kymlicka cite the example of a Canadian visiting France, where she sees that dogs are common in public spaces. This causes the Canadian, who notices that “civilization hasn’t collapsed” and there are no obvious health issues, to reconsider the restrictive treatment of dogs in public here. Thus non-human animals, just by their presence, just by doing what dogs do, can act as “agents of change.” This example demonstrates, in addition, that the result of attention to animals is not just a better understanding of their preferences but also a reconfiguring of

17. Bruno Latour, “A door must be either open or shut: a little philosophy of techniques” in Andrew Feenberg & Alastair Hannay, eds, Technology and the Politics of Knowledge (Bloomington: University of Indiana Press, 1995) 272, as cited in Driessen, supra note 14 at 92-93. While Latour uses the cartoon figure of Gaston Lagaffe as the protagonist of this example, I have generalised.
18. Though it is a trope of cat jokes that they will change their minds and refuse to go outside, or immediately want to come back in: for example, Kate Beaton: <http://www.harkavagrant.com/index. php?id=173>. And TS Eliot, describing a cat: “The Rum Tum Tugger is a terrible bore: When you let him in, then he wants to be out, He’s always on the wrong side of every door, And as soon as he’s at home, then he’d like to get about”: Old Possum’s Book of Practical Cats (London: Faber and Faber, 1974) at 21.
19. Driessen, supra note 14 at 92.
20. See note 48 infra and the accompanying text below.
21. Donaldson & Kymlicka, Zoopolis, supra note 7 at 114. See also Paola Cavalieri, “Animal Liberation: A Political Perspective” in Cavalieri, Politics of Liberation, supra note 3, 15 at 32-34, explaining animals as agents of history, effecting change, active or passive acquiescence to human dominion, and resistance, sometimes violent.
our conceptual schema. Seeing dogs in France might prompt someone to reconceive dogs as shared users of public space rather than as a source of danger, just as working with a detection dog might prompt a police officer to see them as a co-worker, and living with a pet might prompt someone to see them as a family member. Seeing an animal in one of these roles more regularly would likely reinforce this conception.

Whether it is a cat miaowing until a human builds them a cat door, or a cow refusing to use a new automatic milking machine until it is made comfortable and equipped with enticements, animals can express preferences when provided with a range of non-coercive alternatives... They can be found to protest and dissent, such as by refusing to cooperate in the ways envisaged by their human keepers.

This prompts Driessen to give a test of sorts of a kind of human practice in relation to animals that might be off limits: “those that disallow the flourishing of animals to such an extent that they are unable to engage in common non-discursive articulation of their preferences.” But this expresses “articulation of preferences” as an individual act; it only looks to the animal side of what is in fact a relational process of non-discursive articulation and, on the human side, listening. To activate animal deliberation, not only must animals be allowed to flourish, to be given “a range of non-coercive alternatives,” to the point that they can communicate in this sense, but also humans must be encouraged to listen. And in order to listen, they must be within hearing range. And so, such an understanding implies a shift from a focus primarily on the institutionalisation of legal rights for animals, towards nurturing multispecies communities in which humans learn to be responsive to those they in various ways share their world with.

For animals to be agents, in other words, we need connexion.

23. Kymlicka, ibid at 151: “social recognition of others as co-workers is easier when we interact with them on an everyday basis, in a setting of trust, cooperation, and sociability.”
24. Driessen, supra note 14 at 95.
25. Ibid at 93.
27. Driessen, supra note 14 at 95.
2. Affective relationships

Affective relationships are another potential good of connexion.\textsuperscript{28} It has become painfully clear to animal advocates that caring about animals in the abstract does not generally motivate transformative change. Feelings of love for a pet, general protestations against animal cruelty, and moral philosophical argument,\textsuperscript{29} rarely translate into personal change like vegetarianism, let alone support for broad policy change. Public education campaigns premised on inducing “personal transformative moments”\textsuperscript{30} have stalled in the face cognitive and habitual barriers that prevent the moments in the first place,\textsuperscript{31} and remission very often results even when such moments have occurred: there are many more former vegetarians in the USA than current vegetarians.\textsuperscript{32}

Eco-feminists and others have long applied ethics of care to animal studies,\textsuperscript{33} stressing the importance of affective relationships—both to

\textsuperscript{28} Donaldson & Kymlicka, Zoopolis, supra note 7 at 79 and 255. Here I am using “affective relationship” in a broad sense. It is not confined to the sort of relationship that one has with a pet, nor to relationships which have some mutuality, where a human loves a non-human and the non-human loves them back: June Dwyer, “A non-companion species manifesto: humans, wild animals, and ‘the pain of anthropomorphism’” (2007) 72:3 South Atlantic Review 73. Because I am thinking of affective relationships as motivational resources for animal advocacy, any relationship where a human has some kind of positive feeling for an animal will do. In most cases, this certainly includes a relationship with a pet, but it likely does not include for example the (tenuous) relationship between a human and the battery hen whose eggs she buys in the store. Note that not all feelings are good feelings, and an important part of building relationships between humans and non-human animals is structuring them so that the feelings involved are generally positive. See text accompanying notes 37-39.

\textsuperscript{29} Comedian Louis CK, in a stand-up routine, gave this discourse on akrasia: “I think it’s wrong to eat tuna, and dolphin and cows and everything. But I eat them. I eat them all. Because, I don’t care that it’s wrong. I totally think it’s terrible, but that’s not important to me that it’s terrible. So what if it’s wrong; it tastes good. And I like the way it feels when I eat it, so fuck it. But I’m not going to pretend I’m doing something that’s okay just ’cause it doesn’t think or something.” “Louis CK’s Justification for Eating Meat,” online: <https://www.youtube.com/watch?v=r3cOTHQbdDE>.

\textsuperscript{30} Kim Stallwood, “Animal Rights: Moral Crusade or Social Movement?” in John Sorenson, ed, Critical Animal Studies: Thinking the Unthinkable (Toronto: Canadian Scholars’ Press, 2014) 298 at 308-312.

\textsuperscript{31} Francione & Garner, infra note 55 at 147-154; Donaldson & Kymlicka, Zoopolis, supra note 7 at 252-253; “Moral arguments are notoriously ineffective when they run so fully against the grain of self-interest and inherited expectations... We’re willing to act on our moral convictions when it costs us relatively little, but not when it requires us to give up our standard of living or way of life”; Elisa Aaltola, “The Problem of Akrasia: Moral Cultivation and Socio-Political Resistance” in Cavalieri, Politics of Liberation, supra note 3, 117.


Political turn scholars have recently stressed that decision-making and action, similarly, do not follow “rationally” from philosophical principles, turning their gaze instead to the social and structural conditions that perpetuate contested views and practices. Structures encouraging affective relationships between humans and animals should be part of this in order to mobilize an ever broader base for animal policies. Promoting connexion can bring those who love animals into the fold.

Here is one place a thicker form of connexion may need to come into play. Steven McMullen and Siobhan O’Sullivan have both noted that there is no clear evidence behind the common supposition that mere exposure to animal suffering will induce a caring reaction. Indeed, it seems to McMullen that “agricultural communities that are closest to animal use are not the sources of most animal activism.” Even still, McMullen and others have argued that it is the presence of a pecuniary interest that turns what could be a positive affective relationship into one of exploitation.
Thus we might expect that people with no financial interest in animal exploitation will, when connected with animals, be more likely to form positive relationships. This is the situation of the regular consumer of meat. Whether or not this is right, my claim is simply that connexion is only a necessary and not a sufficient condition for positive affective relationships. Without connexion, we cannot mobilize the powerful emotions that such relationships can instil, and we may be missing something of non-instrumental value besides. Connexion-promoting social structures will mobilize those emotions, and effect that value, in an on-going, regular, and self-reinforcing way.

Even where good feelings are successfully fostered, they are not the end of the story. As Catharine MacKinnon notes, “Loving women is an improvement over hating them, kindness to animals is an improvement over cruelty, but neither has freed them nor recognizes their existence on their own terms.” Attention to the other good of connexion—animal deliberation—goes some way to addressing this concern. What remains seems to be not a question of the preferability of connexion or disconnexion, but of the importance of other frameworks such as justice or respect in evaluating practices.

3. Connexion as a praxis

Only with meaningful connexion do we get animal deliberation—functional animal participation in our political communities—as well as the affective relationships that for so many are their prime motivations for animal advocacy. Connexion might also achieve dramatic new intersubjectivities of the sort imagined by Donna Haraway with unforeseeable results. This model recognises the impossibility of a complete separation of humans from non-humans—since relations are inevitable, we should focus on structuring them well.

Legal advocacy is not restricted to the enshrinement and protection of rights. There is a role here for the “animal lawyer” (a lawyer in private practice who takes primarily cases involving animals) because an animal lawyer engages in the everyday navigation of interspecies interactions,

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42. Jennifer Nedelsky makes this same conceptual move in a human context, Nedelsky, supra note 8 at 118-120; and see Gruen, ibid at 1-2, 63-64.
and can help to construct a world in which human/non-human community is facilitated and encouraged. The drafting of pet trust provisions, the negotiation of animal custody, the pursuit of animal welfare or cruelty cases, can each be a part of creating a world where human/non-human animal connexions are normalised within a legal structure.  

We thus have a scheme for another sort of policy campaign, one which could be run alongside and in support of campaigns to end factory farming or to promote ethical diets. This campaign would see as desirable moves that bring humans and non-humans closer together. The intensification of modern farming occurred at precisely the time that antibiotics allowed farm animals to be hidden away. If more people understood the scale and violence of modern animal farming, I believe they would resist eating its products. “The available evidence suggests,” write Donaldson and Kymlicka, “that many human cultures have viewed the killing of animals as a tragic necessity.” Many people today view the eating of meat as a health necessity (though this position often lacks scientific support). But convincing them that it is not necessary will be much simpler if we can convince them that any such necessity is tragic. Bringing humans and animals back into connexion is a necessary step in achieving this.

There are ways law already structures human/non-human relationships that prevent public deliberation and the flourishing of affective

43. A good illustration of the difficulty of Gary Francione’s abolitionist position, discussed below, can be found in his derision for what animal lawyers do, “animal law”; “Reflections on Animals, Property and the Law and Rain Without Thunder” in Animals as Persons (2008) 67 at 116-123. This includes, for example, pet custody, wrongful death, veterinary malpractice, pet cruelty, and pet trusts: 117. Francione describes the increasing number of animal law practices (and animal law courses in universities), saying that they “may, indeed, provide career opportunities for lawyers, but they will also reinforce the property paradigm rather than challenge it” at 117. Francione cannot see the value of this sort of practice because of his commitment to an individualistic approach to animal rights. He argues that, for example, the drafting of trust provisions in wills does nothing to advance the cause of animals, but must be motivated by the lawyers’ “business considerations” which he, in his Rutgers [University] Animal Rights Clinic, did not have to worry about, at 123. He does not, then, see animal law as playing a role in building a new legal system for all animals. Instead, he recommends that lawyers interested in animal advocacy should “protect the rights of those [he means humans] in society who [are] trying to cause a paradigm shift in thinking”; that is, the “[human] social activist” is the agent of change, not the lawyer and certainly not the animals, at 122. Protecting the civil rights of animal activists (e.g., their freedom of expression, their ability to conscientiously refuse dissection in schools or meals in prisons, their freedom of association in lawful boycotts) is indeed important, but there are other things that animal lawyers can do. Along similar lines, see Alasdair Cochrane, “Labour Rights for Animals” in The Political Turn, supra note 1 at 15, working through what sort of system would be needed to secure the dignity of productive animals; and Kymlicka, supra note 22 at 140, arguing that attempts to establish trusts for the benefit of animals (among other animal law practice issues) are part of recognizing companion animals as family members.

44. Bisgould, infra note 108 at 162.

For instance, there are municipal laws limiting the keeping of animals outside of a limited set of allowable pets. There are similar laws limiting companion animals in public and private spaces—even a person’s “own” living space. The public-private divide, which has been used to prop up the subjugation of women within “private” households, continues to prop up the subjugation of animals: factory farms are able to use the law of trespass and new “ag gag” laws to prevent others from knowing what goes on inside them. (And the pursuit of ag gag legislation by lobbying groups is a good piece of evidence that exposure of these industries works.) Intensifying population density—encouraged by zoning laws—means that fewer people have the opportunity for even the minimal interaction of driving by a pasture where cows may or may not be visible. Zoning laws also keep agricultural areas distinct from residential areas. Building codes reproduce spaces that are unfit for animals. Dogs are seen as dangerous in schools or shopping malls and restricted on this basis. The law of nuisance limits where and how non-farm animals can be kept and seems to function only to keep them out of the sight (and the range of other senses) of humans. In family law separation disputes, the human/non-human relationships involving a pet might be ignored by a test that treats the pet as only property. The list goes on, and every one of these sites of law structuring the human/non-human divide is open to advocacy.

46. When I talk of current municipal, provincial, or national law, I refer to my home turf of Toronto, Ontario, and Canada except where specified.
49. No-pet provisions in residential leases are void in Ontario, but there is no restriction on a landlord initially refusing to let to a tenant because they have a pet (unless there is a discriminatory ground at play). In other provinces, no-pet provisions are enforceable. Under certain circumstances, condos can enforce no-pets rules: Residential Tenancies Act SO 2006 c 17 §14; Bisgould, infra note 108 at 148-154.
50. That is, laws which gag people from talking about agriculture: Mark Bittman, “Who Protects the Animals?” New York Times (26 April 2011), online: <http://opinionator.blogs.nytimes.com/2011/04/26/who-protects-the-animals/>. Mark Bittman appears to have coined the term “ag-gag,” which refers to laws, increasingly common in the USA, which criminalize the audio and/or visual recording of animals in agricultural contexts and/or the distribution of such recordings. These laws stand on top of the traditional protections of trespass law. See Alan K Chen and Justin Marceau, “High Value Lies, Ugly Truths, and the First Amendment” (2015) 68:6 Vand L Rev 1435 at 1439 n 9 and 1469-1471.
51. See supra note 48.
52. Farm operations are protected by legislation from nuisance claims in every Canadian province: Bisgould, infra note 108 at 166, 189-190.
and challenge. Each of them can be shifted to facilitate connexion and human/non-human relationships.

II. Abolitionism as disconnexion

Here I draw critiques of one legal reform practice—abolitionism—together through the theme of disconnexion. Roughly, abolitionism is the animal advocacy practice that views the only good type of reform as one that moves us closer to abolishing all use of animals by humans. Veganism is its emblematic movement. In the introduction, I wrote “abolitionism (of a certain variety).” This is because my target here is a specific brand of abolitionism. Some abolitionisms are not like the others. In so far as an “abolitionist” position can be made to address the issues outlined here, all the better. The abolitionism I target provides an illustration of the use of connexion to evaluate praxis.

This legal reform argument—typified by Gary Francione but accepted by many others—moves from the moral worth of animals to the abolition of all animal use, including all domestication. It goes like this.

1. Animals have moral worth. Here I use “moral worth” as a broad term to capture whatever it is that makes animals morally similar to humans.

54. Specifically, a strong species egalitarian, extinctionist, direct form of abolitionism. An abolitionism without any one of these features will be less open to the critique of this section. On strong vs weak species egalitarianism and extinctionism, see Tony Milligan, Animal Ethics: The Basics (Abingdon, Oxon: Routledge, 2015) at 178 and 180. On direct vs indirect animal rights projects, see John Hadley, Animal Property Rights (London: Lexington Books, 2015) at 104-109.

55. For a thorough statement, see Gary L Francione, “Animals—Property or Persons?” in Francione, supra note 43, 25, and generally Gary L Francione & Robert Garner, The Animal Rights Debate: Abolition or Regulation? (2010). I use the numbered argument presented in the text as a model for critique, but the reader may wonder whether this model argument can really be found in the wild other than among a few extremists. The term abolitionism captures a broad range of ideas and some abolitionists will not see themselves in the model. While the argument of this section applies to non-extinctionist abolitionisms (that do not fully accept point three of the numbered argument) in so far as they advocate human-animal disconnexion, it applies most forcefully to extinctionist abolitionisms. I use just the term abolitionism throughout the text in part because extinctionism and abolitionism tend to go together, and in part because extinctionism is sometimes taken to follow from abolitionist premisses. Milligan, supra note 1, writes that abolitionism “is closely allied to extinctionism” at 7, and that “abolitionism solves the problem [of ‘the end-game of animal rights’] by fell-swoop by embracing extinctionism” at 8. Donaldson & Kymlicka, Zoopolis, supra note 7 refer in their text to an “abolitionist/extinctionist approach” at 77, calling “the eradication of currently existing domesticated species...a hallmark” of the position at 78, noting that “many [animal rights] theorists and activists share Francione’s view” on extinctionism, at 272. It may be that these political turn authors are drawing too direct an association between abolitionism and extinctionism for rhetorical purposes. That said, if my critique encourages abolitionists to spell out how their form of abolitionism furthers the goods of connexion, it will have succeeded.

56. More specific formulations that have each received their own defences are: animals are sentient, are subjects-of-a-life, are ends in themselves...
2. In law and morality, there are only persons and things and only persons have moral worth. Because animals have moral worth, they are therefore persons and not property. Persons, and therefore animals, have basic negative rights against being interfered with by others without consent.

3. Animals cannot give meaningful consent to human interaction. Therefore, there can be no right human interaction with animals. Humans and animals must live apart, and animals who have come to rely on humans for survival should be extinguished, perhaps by sequestration to prevent any further reproduction. It is point three that makes this an “extinctionist” abolitionism and so particularly susceptible to the critique I will draw out. And to this mostly ethical argument is added a legal argument about how point 3 can be practically effected.

4. Property in law has no intrinsic worth. So, as long as animals are property, whenever a legal decision about animals is made the interests of the animals have no legal foot-hold. The interests of humans will always govern. We must therefore change the legal status of animals from property to person.

Even before we get to the implicit political theory behind it, there are some particular problems with the praxis suggested by point 4.

1. Property is not despotic dominion

Point 4 espouses a particular view of property. The idea that owning something implies complete dominion over it—to be used, abused, alienated or destroyed as the owner sees fit—is not today an accurate

57. Francione, supra note 55 at 61-62: “if we extend the right not to be property to animals, then animals will become moral persons...[As between persons and things], there is no third choice.”

58. The usual target of abolitionist theory is animal use by humans (e.g. Francione, supra note 55 at 1, 9-10, 51), with use, I submit, understood as just non-consensual interaction. There may be such a thing as non-consensual interaction that is non-use. We might imagine an exception that allows interaction in health emergencies, as is currently the law for humans, or a best interests exception as currently applies to incapable humans who have not made their wishes known. These possibilities do not detract from my argument in so far as they still relegate connexion to a minimal and extraordinary role.

59. Francione, supra note 55 at 128. Donaldson & Kymlicka, Zoopolis, supra note 7 raise the spectre of “systematic sterilization” at 77. I am drawing out what Milligan, supra note 1, refers to as “familiar abolitionist assumptions...connecting an end of property status with extinctionism” at 14. On whether this point should be considered under the label “abolitionism,” see note 55 above.

60. See note 54 above.

61. Francione, supra note 55 at 38: “it is, of course, absurd to suggest that we can balance human interests...against the interests of [their animal] property, which exists only as a means to the ends of humans”; animal property “exists solely for our use and has no value except that which we give it”; and at 43: “Thus, because animals are our property, the law will require their interests to be observed only to the extent that it facilitates the exploitation of the animal.”
description our legal system, if it ever was.\textsuperscript{62} A popular alternate view is that property is a varying bundle of rights.\textsuperscript{63} The bundle of rights varies widely depending on the type of property. For example, there are many restrictions on how one can transfer a home, imposed by registration laws; and on the circumstances in which one can burn it to the ground, imposed by the Criminal Code. If it is a heritage building, there are further restrictions on what one can do with it.\textsuperscript{64} If it has a side-walk, municipal by-laws require it to be shovelled. Intellectual property behaves by its own statutory rules, and yet it too is “property.” Some animal rights scholars have noticed that there is an illogical leap from “animals are property” to “their owners can do anything with them,” and so have called for explicit intermediate categories that recognise the possession of animals as coming with its own special restrictions and duties.\textsuperscript{65}

Given, though, that animals’ property status does obvious symbolic violence to their dignity, it is tempting to suppose that doing away with it would be an unalloyed good even if it would not solve all animals’ problems. On the other hand, Larissa Katz argues that the restrictions and duties that come with property are so pervasive that they deserve recognition as a distinctive form of governance: governing through

\textsuperscript{62} It is associated with the many impressive metaphors of William Blackstone’s Commentaries. “That foie and despotick dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe”: William Blackstone, Commentaries on the Laws of England 2 (1765-1769) 2, online: <http://avalon.law.yale.edu/18th_century/blackstone_bk2ch1.asp>.

\textsuperscript{63} This view is associated with the work of Wesley Newcombe Hohfeld. Thomas W Merrill & Henry E Smith, “What Happened to Property in Law and Economics?” (2001) 111 Yale LJ 357 at 365.

\textsuperscript{64} Wendy Adams discusses this example in “Human Subjects and Animal Objects: Animals as ‘Other’ in Law” (2009) 3:1 J Animal L & Ethics 29 at 33. I do not agree with Adams that the protection of heritage properties is necessarily for the enjoyment of people and cannot be (in addition) a recognition of cultural heritage as valuable in its own right. Possibly Adams’ conclusion is related to accepting the assumption noted above, that in law there are only persons and things, subjects and objects, and only persons have moral worth or legal rights (text accompanying supra note 55): Adams at 32.

\textsuperscript{65} For example, David S Favre, “A New Property Status for Animals” in Sunstein & Nussbaum, supra note 40 at 234; Wissenburg, “An agenda,” supra note 4 at 42-43; McMullen, supra note 37 chs 9-11 provide an argument grounded in economics; Cass R Sunstein, “Slaughterhouse Jive,”
owners. Looking at the issue of non-human animals this way, we see that there are already restrictions on the absolute dominion over animals as property, particularly in the case of pets. Though these restrictions are missing where they are most needed, we can ask whether a broader regulatory response to the plight of animals is possible precisely through maintaining (some aspect of) animals’ property status. If an animal has a guardian, you know who is responsible for it: so perhaps animals’ legal status, under whatever name, should continue to define a human-animal connexion that can be regulated.

In fact, owners of animal property already have some special privileges over other owners, suggesting that the full regulatory potential of a property status for animals has not been explored. Francione argues that the property status itself stands in the way of better protections. Abolitionists identify real challenges that arise in how we relate to animals, especially those that have been bred into dependency on humans, bred for the very purpose of exploitation. Changing the property status of animals will not make these challenges go away (though it might help). As evidence for this claim, I will now discuss the hap-hazard way that changes in the legal status of marginalized human groups have and have not cashed out to their material benefit: in other words, law mistreats people too.

2. Law mistreats people too

There is some Kantian categoricalism afoot in the idea that there is a necessary connexion between the personhood/property distinction and things having either some or no intrinsic worth—namely, that persons have complete intrinsic worth and items of property have none. This gives us reason to doubt how far making animals legal persons will help, if most people are not moved by such categoricalism.

The person-thing distinction is thought to function as the discursive root of many forms of oppression. If we understand the inhuman to have no

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67. See text accompanying notes 108-112 below.
68. Wissenburg, “An agenda,” supra note 4 at 42; and see McMullen’s view at infra note 127.
69. Ag-gag laws and exemptions from nuisance laws being two examples; see supra notes 50, 52.
70. See supra note 61.
value, we can oppress others (whether people or animals) on the basis that they, or parts of them, perhaps dominant parts, are animalistic or not fully human, and therefore things of no value. Charles de Bovelles’ archetypal illustration of the Pyramid of the Living is known for its ascending hierarchy from rocks to plants to animals to humans. But the second half of the pyramid goes back down with human examples, from the academic living a life of contemplative virtue; to the luxuriant sensualist who like an animal lives and feels but does not think; to the wine-besot glutton who like a plant neither thinks nor feels; to the apathetic sloth who like a rock does not even live, but merely exists. Right here, in this somewhat literal discursive root of hierarchical thinking about persons and things, de Bovelles saw thingness (and therefore sin) in humans.

The person-thing distinction has been particularly weaponized in the service of oppression. For example, the “emotionality” of women was taken to be a failure to live up to the ideal of the rational human, on which sort of basis the oppression of women was ideologically reproduced. The construction of “blacks” in America as a separate race, more bestial than “whites,” can be read as a similar story. The problem is not simply that more “things” need to be persons; the problem is that the person-thing distinction will always be used to oppress, used to oppress persons as well as things. Abolitionists strengthen this divide when their arguments assert that it is inappropriate to respect things, properly classified.

Just as the view of property implicit in the abolitionist argument misses the many duties people have in respect of property, its implicit view of personhood misses the many restrictions on persons’ effective

74. Compare for instance Wendy Adams’ argument about heritage buildings, discussed at note 64 above. Specific projects like the move to recognise great apes as persons based on their cognitive functions also have the risk of ceding ground lower on the Pyramid of the Living. If personhood is won for chimpanzees on the basis that chimpanzees have complex cognitive capacities like moral agency, what room is there for the chicken advocate? Gary Francione himself has identified this issue with the line of argument: “Efforts like the Great Ape Project] are problematic because they suggest that a certain species of nonhuman is ‘special’ based on similarity to humans. That does not challenge the speciesist hierarchy—it reinforces it.” Gary L Francione, “The Great Ape Project: Not so Great” (20 December 2006), online: <http://www.abolitionistapproach.com/the-great-ape-project-not-so-great/>. Francione is, however, comfortable with this same line of argument so long as one uses the correct criterion to separate persons from things. He believes that his sentience criterion is the correct one, while those drawing the line elsewhere (e.g., at moral agency) are wrong.
freedom.\textsuperscript{75} Simply put, although our legal system ought to actualise the freedom of each person, it does not. At best it actualises a specific view of freedom founded on the ideas of independence and unconstrained choice, a view of freedom that has long been under attack by communitarians, feminists, and others critical of the liberal tradition.\textsuperscript{76} Why should we expect personhood or rights to be a balm for animals if they are already fundamentally exploitative of some humans?

More generally, Reva Siegel has argued that the history of civil rights and feminist struggle in the USA illustrates a process of “preservation [of oppressive institutions] through transformation.”\textsuperscript{77} Many real legal victories were won—both women and racialised people went from being property (albeit, in different senses) to being the possessors of full formal rights. But the oppressive status regimes continued, in effect, through new legal forms. Jim Crow enforced the previous status relations of racialised people (and the current criminal law system in the USA arguably serves the same function)\textsuperscript{78}, while new doctrines of privacy within marriage allowed husbands to continue sexual violence and control of their wives. Further, this “modernization” from explicitly status-based oppression to new forms may have had the effect of quelling dissent—making the status quo seem liberal—effectively privatizing oppression and shifting the blame to the oppressed groups for failing to advance in a world of equal opportunities.\textsuperscript{79}

\textsuperscript{75.} Robert Garner expresses a similar skepticism: “there is an assumption amongst many animal law scholars, and many in the animal rights movement, that abolishing the legal status of animals as the property of humans will open the door to an animal rights Garden of Eden where liberated animals will cease to be systematically exploited by humans”: Garner 2005, infra note 88 at 43-44.

\textsuperscript{76.} Nedelsky, supra note 8, summarises many of these critiques in constructing an alternative vision of freedom. To give but one example (not from Nedelsky), Carole Pateman has argued that a contract, despite existing between persons equal under the law, is legalised subjugation: The Sexual Contract (Stanford, CA: Stanford University Press, 1988) and Carole Pateman & Charles Mills, Contract & Domination (Cambridge: Polity Press, 2007). In law a human is understood as the owner of her body, but contracts involving property in the body—employment, marriage—are special. They transfer rights regarding our bodies to others. For this reason, an employment contract is not an exchange, rather it creates a relationship in which the body of one is for the use of the other, a relationship of domination and subjugation.

\textsuperscript{77.} Reva Siegel, “‘The Rule of Love’: Wife Beating as Prerogative and Privacy” (1996) 105:8 Yale LJ 2117.


\textsuperscript{79.} See Mary Joe Frug, Postmodern Legal Feminism (New York: Routledge, 1992) at 3-12 for a classic treatment of the sameness/difference debate within feminism, illustrating that even when “equal rights” are the agreed goal, important differences remain. This critique is picked up in the animal context by Taimie L Bryant, “Similarity or Difference as a Basis for Justice: Must Animals Be Like Humans to Be Legally Protected from Humans?” (2007) 70:1 Law & Contemp Probs 207. Carole J Adams makes the more fundamental criticism that we should not expect liberalism to contain the resources needed for the sort of transformative change animal advocates seek; rather, liberalism has defined each of manhood and humanhood in opposition to both woman and animal:
All this is to say; the idea that changing the legal status of non-human animals to “person” will lead to the abolition of their use, exploitation, or oppression should be treated with suspicion. I do not mean to suggest that formal rights for animals have no place, only that if non-humans achieve such legal victories it will not mean much without an on-going praxis that can consolidate anti-oppressive norms.

3. **Disconnexion**

Let us now look past the practical difficulties I have just outlined with abolitionism’s chosen project, and imagine that it can effect its singular aim. Abolitionism seeks disconnexion, and this avoids the two goods of connexion. Extinguished animals will be unable to form agentic relationships with each other: abolitionism cannot imagine good lives for these animals living together. If we reject human assistance as wrongful interference, then enabled agency is impossible. This uncritically adopts problematic views of the indignity of dependence: the idea that to be dependent on others is to be debased. The most straight-forward rejoinder to this is: we are all dependent whether we like it or not. Abolitionism imagines disconnected non-domesticated animals living in the wild as independent, when such animals depend on food sources, breeding strategies, and other environmental factors that may well be less autonomy-enhancing than what appropriately incentivized humans could arrange. The potential of animals acting with respect to humans is missed, and so there can never be an opportunity for humans to learn what dependent animals need in order to live full lives together. We also lose opportunities for surprising


80. To my mind, the definitive response to the occasional rights-skepticism one sees in legal theory was provided by Patricia J Williams in *The Alchemy of Race and Rights* (Cambridge: Harvard University Press, 1991) at, e.g., 150-152, concluding: “For blacks, then, the battle is not deconstructing rights, in a world of no rights; nor of constructing statements of need, in a world of abundantly apparent need. Rather the goal is to find a political mechanism that can confront the denial of need. The argument that rights are disutile, even harmful, trivializes this aspect of black experience specifically, as well as that of any person or group whose vulnerability has been truly protected by rights.”


82. This is not an idea that is often made explicit, rather it is an implication of the underlying idea of freedom as freedom from interaction with others. Relatively explicit, we have Francione in Francione & Garner, supra note 55 at 79: “However well we treat our nonhuman companions, they are completely dependent on humans for every aspect of their existence, and the best of living situations still involve what is a very unnatural situation for these animals.”

83. Nedelsky, supra note 8, deals with dependence and the myth of the bounded self in chs 2-3; see also Donaldson & Kymlicka, *Zoopolis*, supra note 7 at 82-85.

84. Adriano Mannino, “Humanitarian Intervention in Nature: Crucial Questions and Probable Answers” (2015) 3:1 Relations 109, goes further, arguing that humans may have an obligation to make large-scale interventions in nature in order to reduce the suffering of wild animals.

85. Donaldson & Kymlicka, *Make It So*, supra note 32 at 96. An example: so-called free range
animal-animal connexions. Donaldson and Kymlicka give an example in which urban coyotes intimidate cats from hunting, thereby preserving songbird populations. 86

Nor, in this view, can there be anything of value in a creative or loving human-animal relationship. This is partly a failure to imagine a good life for animals, but also it means that the further the abolitionist project advances the fewer affective resources advocates will have to call upon.

Even human-to-human connexion is missing from abolitionism. I refer to the kinds of connexion that can forge and sustain a movement. What brings animal advocates together is caring for animals. 87 How does extinctionist abolitionism imagine, in the distant twilight of animal-human connexion, that humans will be motivated to maintain the laws and norms set up against animal exploitation? Because, of course, until we have all moved into anti-septic space bubbles there will still be animals, even formerly mass-produced animals, in need of sequester. Do we foresee two grey animal advocates huddled together, perhaps over a heavy drink, imagining the animals they once cared for, now almost entirely gone? Do we see those two inflamed with the passion that will be needed to ensure no do-gooder amends the laws against raising a kind of animal that they can hardly describe? Even when the do-gooder only wants a companion?

None of this is to say that legal personhood or the abolition of specific animal-related practices should not be pursued. Whether one’s animal advocacy goal is to move toward abolition of human-animal interaction or chickens are given an opportunity to go outside. However they generally stay in for a variety of reasons, so that some have suggested that free range is more of a marketing ploy than a real increase in chicken welfare: Ann Hui, “The Cage-Free Egg Trend: Is It Just a Shell Game?,” Globe and Mail (20 March 2017), online: <http://www.theglobeandmail.com/news/national/is-the-free-range-egg-trend-really-just-a-shell-game/article29797385/>, quoting an interview with Temple Grandin. However, other farmers have begun to raise slower-growing, smaller chicken breeds: Chris Nuttall-Smith, “Why Slow-Growing Chickens Are the Next Big Thing,” Lucky Peach (accessed 15 April 2017), online: <http://luckypeach.com/slow-growing-chickens-next-big-thing/> (available through the Internet Archive at <http://web.archive.org/web/20170604140600/http://luckypeach.com/slow-growing-chickens-next-big-thing/>). Nuttall-Smith, interviewing one of these farmers, writes, “He laughed when I asked how his birds are different from the commodity ones sired by his grandfather’s rooster. He noted the same things Pitman had—that they walked with ease and perched up high, and foraged and dust-bathed like real chickens. And when he opens the barn doors to let them outside, his slow-growers line up ‘like third graders at recess. You can tell that the genetics brought this to the bird. It’s kind of like you brought back its natural characteristics or instincts…. It’s almost like they’re athletes instead of couch potatoes.’” This example touches on the vexed question of whether or how it might be appropriate for humans to influence the breeding of animals, but my point with raising it here is that these chickens’ preferences could only have been noticed because they were connected to an attentive farmer and given opportunities to express them: space to dust-bath, an open door, etc. How close are current chicken breeds to relatively fulfilling, less “unnatural” lives (see supra note 82)? Following an abolitionist programme, we would never know.

86. Donaldson & Kymlicka, Zoopolis, supra note 7 at 247.
87. Ibid at 79.
toward humans and animals living together in non-violent interdependence (as in the political visions I am about to discuss), connexion helps us get there. Connexion, affective relationships with animals enacting enabled agency, can bring us closer to a world where the more extreme aims of abolitionists become feasible. But we should be careful as we go that partial abolitionist successes that foster disconnexion are not actually counter-productive.

III. Two political theories of animals through the lens of connexion
Much political theory has been written about animals, but only rarely does it include a general story of a liveable political and legal order that respects humans and animals. Sue Donaldson and Will Kymlicka, and Robert Garner, have recently constructed political theories of animals with such stories, and here I will evaluate these through the lens of connexion.
A political theory is implicit in all activism: the person striving for change has some sense that the change they want will be part of a new and improved political order. To garner support, this political order must not be so fanciful that people are put off striving for it as a matter of practical politics. The support of political theorists is needed to keep the project going, but we also need the support of people more generally—voters and activists—because if they do not see a good life for themselves in a theory they will not struggle to advance it. Because of the importance of the goods of connexion, a successful political theory should have a robust place for humans and animals connected together.

1. Garner’s A Theory of Justice for Animals
The challenge in creating an animal political theory is to produce a political theory unlike others in one detail: the political theory of animals must manifest some recognition of animals’ moral importance. Robert Garner has argued that the most promising route for such a project is to take current mainstream theories and add animals into the mix, rather than to try something more radical. He followed through on this argument by constructing such a theory in his A Theory of Justice for Animals.

It is not enough to produce an elaborate conceptual apparatus and expect it to be convincing to people and self-supporting on the solidity of

88. For a review, see Robert Garner, The Political Theory of Animal Rights (Manchester: Manchester University Press, 2005) (“Garner 2005”). This review has become dated by the recent explosion of the political turn. More recent surveys and selections can be found in Cavalierir, Politics of Liberation, supra note 3, and Wissenburg & Schlosberg, supra note 4.
its logic (a fact Garner understands\textsuperscript{91}). It is illustrative that what Garner describes as the (academic) ethical consensus on the moral importance of animals\textsuperscript{92} is not reflected in the practices of most people. This is a problem that has now received many diagnoses, particularly in political turn scholarship that notes the need for a theory to incorporate self-preserving structure. But in Garner’s own diagnosis, the issue is that stricter views than his are too radical, cannot be popular, and so do not represent a “realistic utopia.”\textsuperscript{93} Thus he situates the problem right back in people’s conscious moral beliefs.\textsuperscript{94} Although palatable, his theory is nutritionally deficient: it does not give animal advocates practical guidance on how to proceed beyond the stalemate of abolitionist efforts.

A political theory should elaborate a structure of relations that will support itself. That is, in telling a story about a political order, an important plot point to include is what normative practices within society will enforce the beliefs and produce the practices that are needed to sustain the order. No number of rights in law books can stop subjugation on their own. We must also imagine a role for animals and/or their advocates that will cause animal liberation to be \textit{popular}, and in a continuing way.

Garner rejects a relational approach, and so forecloses an important route—the building of connexion between humans and animals.\textsuperscript{95} There is no necessary connexion between rejecting a relational approach to justice and failing to recognise the political uses of relationships—both to motivate humans who love animals and to allow for animal deliberation. However, in minimizing the relational approach as a “supplement” to his capacity-oriented approach,\textsuperscript{96} Garner does in fact miss the political importance of relations with all sorts of animals. While he recognises that “many humans do have relationships with animals that enrich the lives of

\textsuperscript{91} Garner 2013, \textit{ibid} at 123-141. It is partially on these grounds that Garner rejects the abolitionist approach, at 118-121; as do Donaldson and Kymlicka in Donaldson & Kymlicka, \textit{Zoopolis}, \textit{supra} note 7 at 77-89.

\textsuperscript{92} Francione & Garner, \textit{supra} note 55 at ix-x, Garner 2005 \textit{supra} note 88 at 10.

\textsuperscript{93} Garner 2013, \textit{supra} note 6 at 119.

\textsuperscript{94} I thus agree with Smulewicz-Zucker’s critique of Garner: that Garner’s theory reduces to a politics of moral persuasion, a person-oriented rather than state-oriented politics that has already fumbled: \textit{supra} note 3 at 255-257. Smulewicz-Zucker also applies this critique to Donaldson & Kymlicka, but there I disagree. In my view, Smulewicz-Zucker too quickly goes from “persuasion in a democratic public sphere” to “moral persuasion” (257). But why must “persuasion” be “moral persuasion”? As a result of this elision, they miss the other kinds of persuasion, or preference-changing more broadly, which Donaldson & Kymlicka’s theory allows. Two of these other kinds of persuasion are precisely the goods of connexion: the affective power of human-animal connexion and the ability of animals themselves to persuade through a process of living-with.

\textsuperscript{95} Garner 2013, \textit{supra} note 6 at 100.

\textsuperscript{96} Garner 2013, \textit{ibid} at 105.
both the human and the animal involved,” this does not seem to him to be important for his theory.97

Garner may be in Carole J Adams’ mind when she argues that animal advocates have distanced themselves from feminism by privileging “rational man,” both as the assimilationist model for a rights-bearing animal and as the ideal author of scholarship about animals: “the animal movement reiterates a patriarchal disavowal of emotions as having a legitimate role in theory making.”98 It is possible to read my criticism of Garner in this way: he pays insufficient attention to the possibilities offered by affective relationships between humans and animals as a source of motivation and direction for change.

2. Donaldson and Kymlicka’s Zoopolis
Sue Donaldson and Will Kymlicka produce a more useful political theory of animals in Zoopolis.99 They take an explicitly relational approach,100 and argue that we should classify groups of animals based on their relationships with humans, putting connexion centre-stage. Their three major classifications are domesticated animals, who live in close relationships of interdependence with humans; wild animals, who live “out there” on

97. Garner 2013, ibid at 138. Garner addresses ideal and non-ideal theory. He writes that his non-ideal “sentience position does not have to get involved in debates about whether an animal rights ethic precludes owning animals as pets or companion animals....[T]he sentence position...is not at odds with the fact that many humans do have relationships with animals that enrich the lives of both the human and the animal involved...” See also 121. The ideal theory Gamer espouses, an “enhanced sentence position,” may well rule out such relationships entirely, at least in so far as they constrain animals’ liberty, at 133-134. Thus Gamer’s positions, while perhaps not ruling out connexion, do not recognize or cash out its value.


100. Garner insists that Donaldson and Kymlicka in fact rely on a capacity approach, and that their relational analysis serves only as a minor supplement to deal with the edge case of companion animals: “this is because their starting point is the acceptance, as a baseline, of a traditional species-egalitarian abolitionist animal rights agenda based on a capacity-oriented ethic...This has the effect of ruling out of account the domestication of animals for exploitative human purposes...When Donaldson and Kymlicka talk about those animals who should be regarded as citizens, then, [as opposed to as denizens or foreign nationals,] they are only referring to companion animals”: Gamer 2013, supra note 6 at 102. Gamer is mistaken. Donaldson and Kymlicka explicitly embrace the possibility of citizenship-style relationships with domesticated animals such as chickens, as I discuss in more detail below: Donaldson & Kymlicka, Zoopolis, supra note 7 at 134-139. Gamer may have elided Donaldson and Kymlicka’s (relational) approach to political theory with their (less relational) approach to rights, which forms the brunt of Zoopolis ch 2. On my reading, Donaldson and Kymlicka do draw on non-relational conceptual resources to ground their defence of universal basic rights for animals in ch 2, but the rest of their book concerns their political theory, which is thoroughly relational. Garner repeats this line of argument in “Animals, Politics, and Democracy,” in The Political Turn, supra note 1, 103 at 113. To my knowledge, neither Donaldson nor Kymlicka has responded to Garner’s critique of their work.
their own and can reasonably be left alone most of the time; and liminal animals—like squirrels, raccoons and pigeons—who live among humans and may depend on our built environments, but who are often regarded as invaders or interlopers and not depended on by humans in any purposeful way. Donaldson and Kymlicka analogise these three groups, respectively, to citizens of our country, foreigners (citizens of a separate, environmental country, an “animal kingdom”), and denizens.101 Among humans, denizens represent a category of people living within a country who are in some sense not full participants in that state as citizens—perhaps because they are permanent residents, “illegal aliens,” or an isolationist community like the Amish in Canada.

Making this analogy allows us to call on the resources of citizenship theory and international law to answer questions about how to deal with animals. For instance, if we respect wild animals as forming their own sovereign “animal kingdom,” we ought to insist on non-intervention as a rule,102 but allow that intervention may occasionally be appropriate on “humanitarian” grounds103—particularly if some population constitutes something like a “failed state.”104 Similarly, if we think of liminal animals as denizens, we will turn to questions surrounding human denizens for guidance. Human denizenship is “inherently prone to exploitation”105 for Donaldson and Kymlicka, and they identify three necessary elements of a just denizenship policy: security of residency, reciprocity of denizenship (a “reciprocal reduction of citizenship benefits and burdens”—getting a fair “deal” rather than all the burdens of citizenship without the benefits), and anti-stigma safeguards, such as anti-discrimination legislation.106 These ideas, taken from issues surrounding human denizenship, can be applied to how we treat liminal animals.

101. Donaldson & Kymlicka, Zoopolis, supra note 7 at chs 5, 6, and 7.
102. Note that I am using the word “ought” advisedly. We don’t, of course, always respect the sovereignty of foreign nations, but we do have a relatively thorough idea of what respecting the sovereignty of foreign nations would look like, and this is the power of Donaldson and Kymlicka’s analogy.
103. Donaldson & Kymlicka, Zoopolis, supra note 7 at 186-187. Hadley, supra note 54, argues that instead of seeing wild animals as forming a separate sovereignty, we should see them as having property rights to wild lands within our sovereignty, at 84-93, 124. I need not adjudicate this dispute, particularly as Hadley concludes that there will be little practical difference between the two approaches. Pursuing a wild animal sovereignty programme will require a very similar project of institutional design, including “theories of guardianship and territorial determination substantially similar” to the property rights institutions Hadley outlines.
104. Mannino argues that, actually, most animal populations are more like failed states obliging human intervention (if it is possible to intervene effectively): supra note 84 at 110-113.
105. Donaldson & Kymlicka, Zoopolis, supra note 7 at 239.
106. Donaldson & Kymlicka, ibid at 240.
107. Donaldson & Kymlicka, ibid at 239-240.
Donaldson and Kymlicka’s view of domestic animals as citizens is in part a recognition of the place animals already have in our society. Animals are contributing members here among us: they work and produce, we consume their labour, their products, and in many cases their bodies. We take. Citizenship, conceived as a fair deal between citizens and the state, requires that we give in equal measure. What would constitute a fair deal for animals, who currently give as much as any living being can to the wealth of our nations but receive so little in return?

Note that this theory, as outlandish as the terminology of animal citizens and animal kingdoms may seem, is not so far from how we understand the world today. Think of the way we treat companion animals. The special legal treatment of pets, vis-à-vis other animals, has been noted before. Pets are protected from some violence in the criminal code (in offences from which farm animals are effectively excluded), and they are protected from a number of wrongs indirectly through the tort claims of their owners. Some pets have come the closest of any non-human animals to owning property through the function of the trust. Family law courts have sometimes shown a willingness to consider the best interests of a pet in determining where they should end up living following a separation of their owners. Pets already receive a marginal citizenship.

Examining the theory in reverse, witness the similarity in the way we treat some humans to the way we treat the liminal animal “denizens” of Donaldson and Kymlicka’s theory. For example, an invention meant to stop pigeons from defecating in certain places—the placing of a set of spikes in an otherwise comfortable position—is now being used to stop homeless people from sleeping near the haunts of the wealthy. I cannot imagine a better case for Garner’s argument that in fact we do treat “marginal” humans like animals already.

110. Ibid at 137-141.
111. Ibid at 157-160.
112. Ibid at 154-157.
114. Garner 2013, supra note 6 at 159-160; and see Donaldson & Kymlicka, Zoopolis, supra note 7 at 294 note 3. Garner’s argument is in the context of a discussion of the “argument from marginal cases” and I have interpreted him liberally here. He uses “marginal human” to mean a human who is like an animal in that they have a limited ability to reason or choose, whether due to disability, injury, or extreme youth. This is a contentious use of “marginal” that I worry might encourage some problematic stances. I am using marginal to mean socially on the margins. As I have noted above, however (see text accompanying notes 71-73), the idea of the subhuman has always been a mess of putatively “physical”
Lastly, if we think of wild animals as forming sovereign states it becomes clear that we humans interact with them as colonialists. We use the supposed savagery of the animal kingdom as grounds to conclude they have no meaningful “state” and are themselves also meaningless, so that there is no wrong in killing them and using their land. Imagining animals as non-people is just as necessary to the myth of *terra nullius* as is so imagining the aboriginal inhabitants. There are parallels between the on-going movement to recognise sovereignty for at least some aboriginal communities in Canada and the movement to recognise animals as political, but these are tricky and perhaps dangerous to draw out in a context where animal/aboriginal analogies are still used to oppress.

As such, Donaldson and Kymlicka’s story is not a bad fit with our current conceptual situation. This makes it more imaginable and achievable, and less politically risky. Moreover, Donaldson and Kymlicka throughout their work share imaginative visions of flourishing animals living together in connexion with humans. They do not rule out the human use of animal products such as eggs and dairy, though the production of these would have to be radically transformed in order to cohere with respect for chickens and cows. And, it might turn out that the cost of producing certain animal products in respectful ways will be so high that only a limited luxury market, or no market, in these products will exist. The pressures of commercialising a product such as eggs are substantial, and legal and non-legal mechanisms would be needed in order to ensure an appropriate line was drawn between use of animal products and exploitation. But all of Donaldson and Kymlicka’s imagined futures are subject to healthy democratic disclaimers: “there is room here for reasonable disagreement.” We might trust democratic processes to draw the lines if these processes are well-structured and, in particular, give due weight to animal perspectives—something that can only be achieved through a connected, enabled agency.

or “biological” factors and social factors.

118. Donaldson & Kymlicka, *Zoopolis*, *ibid* at 139.
It is possible to have just relationships between citizens, denizens, and foreign states. And so, Donaldson and Kymlicka have shown through a powerful analogy how it is possible to have just relationships with animals. The work now begins to turn this analogy into explicit legal prescriptions. For instance, should domestic animals be given the legal status of “citizens,” currently reserved for certain humans, or should we favour legal reforms that would bring non-human animals to a more citizen-like recognition under a different category? Either way, there is a potential here that the argument I made above concerning abolitionism—law mistreats people too—could just as easily be made of Donaldson and Kymlicka’s theory: law mistreats citizens, denizens, and foreign states too. But as I have shown, Donaldson and Kymlicka’s theory provides a framework for a praxis that can ground the kind of deeper social change needed to give legal reforms real heft, because it foregrounds mutually beneficial connexions between animals and humans.

Conclusion: Limits and extensions

Connexion is not everything. Although it provides a valuable tool for judging political theories of animals and for deriving praxis therefrom, it cannot be the whole story.

In economic terms, the goods of connexion will, it is hoped, encourage pro-animal preferences and the motivation to act on those preferences. Caring for animals and respecting their agency must be at the heart of our aims and motivation as animal advocates. But even when people have right preferences, there are barriers to them being expressed. These are the sorts of structures that make it so hard to remain a vegan, or an ethical farmer. McMullen convincingly outlines the way market pressures faced by farmers, and market failures such as a lack of consumer information, prevent even those who already care about animals from expressing that
The easiest way to make someone an animal lover is to make it cheap. Removing barriers to expressing animal-regarding preferences can also go some way to making such lifestyles more accessible, not just to the privileged. Economics on the other hand, does not have much to say about how right preferences are formed and maintained, and here is where connexion comes into play. It has been argued that the addition of an economic incentive to a benign connexion poisons it, leading inexorably to exploitation. Others have argued that market relations have been essential to the abstract, impersonal respect of liberalism and all the goods that has brought. I cannot judge this dispute here, on which much has been written in human contexts. But it seems that non-economic factors can also lead to exploitation. The seeing-eye dog undergoes harsh training, and this would arguably occur in the absence of a direct money incentive as long as there is another incentive to instrumentalizing dogs in this way: to assist people with impaired vision. I would then tentatively suggest that the presence or absence of economic incentives is both over- and under-inclusive as a test for exploitative connexion. We cannot just pursue non-economic connexion, we still need other lenses, such as the freedom or dignity of all, to guard against exploitation: connexion itself does not explain the distinction between benign relationships and domination. Probably also, animals require some kind of formalized representation in human political processes.

The temptation for humans to exploit dependent animals, identified by abolitionists, is real. As we pursue policies that foster connexion, it is an ongoing challenge to structure that connexion in non-oppressive ways. This is a challenge we simply must face if we are to have the goods of connexion and so a viable praxis. Connexion is a partial framework,
and can be complementary to the banning of specific practices and the assertion of certain animal rights that may be necessary to ensure any particular connexion is non-exploitative. If we focus on the goods of connexion we will go some way toward avoiding exploitation, as any human-animal connexion in which the human cares for the animal and is attentive to their agency is on firm ground. But this is not the end of the matter because caring for animals and even attending to their agency cannot be the end of the story of their freedom. If there ever were an end to that story, we would have denied animals’ right to rewrite freedom for themselves. Rather, the answers will emerge, can only emerge, from the iterative interactions of us animals living together, and I offer connexion as one more metaphor for the conversation.

Speciesism is an unavoidable problem with this approach. Some animals seem more charismatic to humans, easier to get into affective relationships with (whether one- or two-sided). Much of this is cultural (as a cross-cultural comparison demonstrates), but some of it is probably down to deeper conditions.

129. For instance, in so far as we are connected to animals as workers they might need labour rights similar to those some human employees enjoy: see Cochrane, supra note 43 and Kymlicka, supra note 22.
130. See MacKinnon, supra note 40 and the text accompanying that note.
131. Nedelsky says that “to become autonomous is to come to be able to find and live in accordance with one’s own law”; “neither the self nor autonomy is static; it is never simply arrived at or achieved” but a process; supra note 8 at 123, 50. Richard Rorty would have us “regard the realization of utopias, and the envisaging of still further utopias, as an endless process—an endless, proliferating realization of Freedom, rather than a convergence toward an already existing Truth”: Contingency, irony, and solidarity (Cambridge: Cambridge University Press, 1989) at xvi.
132. If you would say what it means for animals to have justice, you may insert it here. I only ask you to attend to the trade-offs that pursuit of your ideal might have against the goods of connexion that are necessary to effective animal advocacy. Personally, I advance “connexion” precisely because it seems to me to help frame the questions rather than purporting to answer them for all time and in the abstract, as a formulation like “animals as persons” might aim to do. My method follows Rorty, ibid at 9: “Interesting philosophy…[usually is], implicitly or explicitly, a contest between an entrenched vocabulary which has become a nuisance and a half-formed new vocabulary which vaguely promises great things….The method is to redescribe lots and lots of things in new ways, until you have created a pattern of linguistic behaviour which will tempt the rising generation to adopt it, thereby causing them to look for appropriate new forms of nonlinguistic behaviour, for example, the adoption of new scientific equipment or new social institutions.”
134. Gray & Young, ibid at 24: “Almost all pets [across 60 sampled societies] were mammals; birds and a few reptiles rounded out the sample. Our shared phylogenetic heritage as mammals might make the emotional expressiveness and appearance of fellow mammals more generally appealing when keeping a pet, especially compared with reptiles, fish, or insects. The well-recognized social cognitive abilities of dogs and nonhuman primates might additionally help account for human interest in them as pets. The birds kept as pets were often ones that possess higher cognitive capacities (e.g., keeping notoriously smart parrots, ravens, and eagles, rather than turkeys or quail), perhaps a reason based on cognitive convergence for their appeal as pets rather than phylogeny. As an illustration of the latter,
reticent about drawing a cut-off for agency anywhere on the Pyramid of the Living or even below it. It is clear that some animals and things are more readily agentic in ways intelligible to humans than others. It is at least more intuitive to think of a dog as an actor making choices than a tree, or even than a hymenopter who is more usually seen as an automaton stepping out her instinctual programming. Our best hope might be that charismatic animals act as ambassadors for, say, hagfish, which on top of everything else are gross. While this is a challenge to a connexion-based approach I do not think it is fatal. Because how can we imagine effective pro-hagfish advocacy without intermediary steps improving humans’ feel for animals generally? Humans have a remarkable aptitude for living out contradictory responses to animals between and even within species and this absolutely should give us pause, but again this shows only that connexion is not a sufficient, rather than not a necessary, ingredient in a recipe for effective change.

I turn now to extensions of the praxis suggested by connexion. One reform I offer as emblematic of this praxis is the legalization of back-yard chicken coops. As Donaldson and Kymlicka argue, the consumption of chicken eggs is not inherently exploitative. Unlike for instance the production of milk by cows, chickens do not make use of most of their eggs. “Domesticated hens produce many eggs. They could be allowed to incubate some fertilized eggs, and have the opportunity to raise young, and yet still have many surplus eggs.” We can avoid the slaughter of male chicks not needed for eggs by identifying the sex of eggs and giving hens primarily female eggs to incubate. The chickens would receive food, shelter, protection, and medical attention, while being allowed to do all the things chickens seem to like to do: scratch, socialise, mate, and hatch and raise young. But moreover, the back-yard chicken coop

parrots and parakeets were trained to talk among the Yanomamo of South America, one reason they were enjoyed as pets” (citations omitted).
135. See, e.g., Mancuso, supra note 72, arguing that plants are intelligent.
136. “Widely considered the most disgusting animals in the ocean, if not on earth”: Hannah Waters, “14 Fun Facts About Hagfish,” Smithsonian Magazine (17 October 2012), online: <https://www.smithsonianmag.com/science-nature/14-fun-facts-about-hagfish-77165589/>. No citation is given by Waters for this remarkable claim, and, in my view, it likely reflects nothing more than anti-hagfish bias.
137. Erica Ritter canvasses many in The Dog by the Cradle, the Serpent Beneath: Some Paradoxes of Human-Animal Relationships (Toronto: Key Porter Books, 2009).
138. Donaldson & Kymlicka, Zoopolis, supra note 7 at 138. See also the other potentially non-exploitative labours given by Cochrane, supra note 43.
139. Donaldson & Kymlicka, Zoopolis, ibid at 138.
140. Donaldson & Kymlicka, Zoopolis, ibid.
141. Karen Davis offers a moving description of the things chickens seem to like to do in “The Mental Life of Chickens as Observed Through Their Social Relationships” in Julie A Smith & Robert W
would have an effect on the neighbourhood. Some children would be enamoured. Neighbours would complain about the smell, but most would be mollified with the occasional batch of fresh eggs (as I understand to be the practice in Toronto today if one wants to avoid a complaint to the city\textsuperscript{142}). People would come to learn that chickens—with their smells, their noises, their sociality—are necessary to eggs.\textsuperscript{143} The chickens would be back-yard ambassadors for farm animals. Encouraging urban agriculture, attending to space and zoning, if done with an eye on intersectionality, may go some way towards alleviating concerns with food deserts and the inaccessibility of animal-regarding lifestyles to the under-employed. This example highlights how a law—the municipal ban on back-yard chickens\textsuperscript{144}—serves to structure human/non-human relationships in a way which promotes disconnexion, the objectification of chickens and the commodification of their eggs.

Of course, even this harmless-sounding strategy brings its own risks. If only hens and not roosters are allowed to be kept, or if too few chickens are allowed to form a proper social group,\textsuperscript{145} the chickens may be missing some component of flourishing. What will be done with hens when their laying slows? The regular farm practice of sending them to slaughter

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142. Toronto Chickens is a community website with tips on keeping chickens in Toronto, and materials for a campaign to change the prohibitive by-law: <http://torontochickens.com/blog/>. The City commissioned a report, “Feasibility of allowing back-yard hens in Toronto,” but the Licensing Standards Committee later voted not to read the report: Committee Decision LS11.2, 25 January 2012, online: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.LS11.2>. As this article was being revised, there were reports of an impending vote on a pilot project to study the feasibility of back-yard coops, possibly to be held in Autumn of 2017: “Time for Toronto to Make Backyard Chickens Legal: Editorial,” The Toronto Star (11 July 2017), online: <https://www.thestar.com/opinion/editorials/2017/07/11/time-for-toronto-to-make-backyard-chickens-legal-editorial.html>.

143. Note that even those nearby cities which allow keeping chickens usually only allow keeping hens, making a good life for back-yard chickens difficult or impossible: <http://torontochickens.com/where-are-chickens-legal/>. Allowing hens in back-yards would be a step, but allowing all chickens would be important to a full understanding by human communities of chicken lives.

144. Specifically, it is a ban on keeping chickens in the city other than in certain excepted areas (notably slaughterhouses). Toronto Municipal Code c 349, Animals, 13 June 2013, online: <http://www.toronto.ca/legdocs/municode/1184_349.pdf> §§ 349-2 and 349-4.

145. These restrictions are common even in cities that allow some hens and so are potential sites for reform efforts.
may be inconsistent with the development of affective relationships with hens and may naturalize their exploitation, on top of being a harm and a violation of their autonomy. Requiring that hens be provided for through a “retirement” could encourage connexion and promote the better kind of relationship we want. How much space will a given chicken need, or desire? What constitutes an appropriate level of medical care? Pet owners already make difficult decisions in attempting to balance their pet’s comfort against limited funds—just as we make with human health care decisions. The connexion frame does not offer moral answers to these questions, which seek appropriate balances among the interests of interdependent beings. Rather, fostering human-chicken connexion is hoped to motivate humans to provide for their chickens’ comfort and to help them better understand, through attention to the chickens, things like how best to balance chickens’ desire for space against other draws on scarce resources.

Here is a list of policy efforts that could promote the goods of connexion. This is not a policy brief, and I am not in a position, here at the end of the article, to provide a thorough explication of or motivation for any given reform. I present this list for two reasons. First, I hope to continue the discussion about how to do connexion well. Each of these suggestions comes with more or less obvious dangers, and we simply must do the hard and collective work of living through how to connect together with animals without exploitation. Second, I hope to demonstrate the use of the connexion lens. These suggestions, some more than others, only become salient as animal advocacy effort when we think of connexion as an animal advocacy goal. If we were only to pursue animal rights through direct means, for instance, there would be no place for visits to sanctuaries, or for discussions of zoning, in an animal advocacy project. But if we care about the goods of connexion, projects of this sort become important, even necessary. The connexion lens gives relevance to what, under other lenses, is ignored.

- Requiring that (factory) farms be open to the public
- Companion animals in schools
- Field trips to (factory) farms or to sanctuaries

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146. This is already done in some places. England is taking a related step by requiring slaughterhouses to be fitted with CCTV. Rebecca Smithers, “All Slaughterhouses in England to Have Compulsory CCTV,” The Guardian (11 August 2017), online: <https://www.theguardian.com/environment/2017/aug/11/all-slaughterhouses-in-england-to-have-compulsory-cctv>.

147. We would need to be careful to choose animals with dispositions favourable to sizeable groups of humans of the age-group in question. There are many difficulties here: Helena Pedersen, Animals in Schools: Processes and Strategies in Human-Animal Education (West Lafayette: Purdue University Press, 2010).
- Advocating for advocates\textsuperscript{148}
- Advocating against ag gag laws\textsuperscript{149}
- Tax credits for support of dependent non-humans to financially incentivize such connexions\textsuperscript{150}
- Tax credits or public insurance for veterinary services
- Funding for, access to, and volunteering incentives for fostering programs and sanctuaries for rescued farm or retired service animals
- Intentional communities for animals and humans\textsuperscript{151}
- Animal-friendly infrastructure, design, architecture encouraged through building codes (and animal-accessible spaces are often more accessible to diverse humans)

These are not utopian visions. They are policy and legal changes, some quite small, that could be made now. The hope is for a snowball effect: normalising the idea of animals around us, building connexions between humans and non-humans—and thus both affective relationships and sympathy, an understanding of our interdependencies, and enabled agency. If we are ever to move toward a state where the moral worth of all animals is respected, people need to see them first. This praxis does nothing directly to advance animal “rights”\textsuperscript{152}—but these are the sort of steps we need to take to advance the deliberative community and the popular support required to make respect for animals sustainable.

\textsuperscript{148} As discussed above in note 43. Part of this is exposing current practices through access to information requests (on behalf of activists) and protecting advocates from defamation suits by corporations and industry groups within agriculture.
\textsuperscript{149} See supra note 50.
\textsuperscript{150} There are tax credits for dependent humans, but none for dependent non-humans. There appear to be no income tax savings related to non-human animals, except where they are a deductible business expense or a medical necessity. “How Much Does That Pet Cost in the Window?.” TurboTAX (blog), online: <http://blog.turbotax.ca/are-pets-tax-deductible/>. A search of the Income Tax Act, RSC 1985, c 1 (5th Supp) and regulations for “animal” reveals references only to farming, breeding (in the course of a farming business), and medical expense credits (for, e.g., seeing-eye dogs). There are no instances of “pet” or “companion.”
\textsuperscript{151} Donaldson & Kymlicka, Make It So, supra note 32 at 98-100.
\textsuperscript{152} For arguments against such indirect approaches to animal advocacy and, in my view, a decisive riposte, see Hadley, supra note 54 at 106-109.