

# Neo-republicanism as a framework for a political theory of animal protection

An evaluation of Philip Pettit's neo-republican theory of  
freedom and its potential for extending justice to non-human  
animals

# Abstract

Non-human animals are often excluded from contemporary political theories, much to their detriment in terms of welfare and protection. The ‘political turn’ is a subset of animal ethicists concerned with moving beyond motivating moral status and instead discussing the politics of a shared human-animal society. This thesis evaluates Philip Pettit’s neo-republicanism as a theoretical framework for a political theory of animal protection. Focusing on whether or not neo-republican theory is able to extend its conception of justice to non-human animals, this thesis consists of a qualitative text analysis of Pettit’s writings on non-human animals and assesses his principles in accordance with reflective equilibrium strategy. After taking Pettit’s theory at face value as well as modifying it with the addition of empowered proxy agents able to represent the interests of non-human animals, this thesis shows that neo-republicanism is more often than not incompatible with our considered judgments. The results suggest that in order to accommodate justice for non-human animals, Pettit would have to alter or abandon major parts of his theory. Finally, this thesis offers thought for further research and points future inquiries into the relationship between political theory and non-human animals towards alternate ideals of animal protection.

*Key words:* animal rights, Neo-republicanism, analytical political theory, reflective equilibrium, political turn

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# 1 Introduction

“But what surely is clear, after 180 years of organized animal advocacy, is that we have made no demonstrable progress towards dismantling the system of animal exploitation” (Donaldson and Kymlicka, 2011, p. 3)

If you consider yourself a friend of non-human animals, the above quote should send shivers down your spine. To put 180 years into perspective, consider the progression of a few other social movements: Mobilization for children’s rights, the movement for women’s rights and the LGBT movement all emerged in an organized way in the early, mid and late 19th century respectively. Today, about 180 years later, all three of these movements have gained enormous grounds in terms of the expansion of rights for their respective social groups compared to when they started. What is more, despite advancing their positions, both in the legal sense and in terms of social acceptance, these groups still struggle with heinous discrimination in many areas of social life. Now consider animals of a different species than homo sapiens. While animal protection and welfare law is a more prominent feature today than in the 19th century, the living conditions for a non-human animal is arguably worse today than 180 years ago. Besides the fact that non-human animals are considered property in most countries and is thus often subjected to treatment which would be generally considered gross violations for any subject with rights, such as enslavement, vivisection and forceful separation of children from mothers, human interference have led to a staggering 68% decline in global species population size from the 1970s and onward (WWF, 2020). Global meat production, obviously connected to the loss of life and liberty for non-human animals, have increased by a factor of four in the last 60 years (Ritchie and Roser, 2017). Human exploitation of natural resources and the practice of wildlife trade has been linked to what some scientists call the sixth mass species extinction, predicting the loss of over 500 species of non-human land animals within the next 20 years (Ceballos et al., 2020). In short, the life of a non-human animal is on average a very bleak affair and the forces meant to improve their situation are failing to do so (Donaldson and Kymlicka, 2011, p. 3; Wissenburg and Schlosberg, 2014, p. 1).

One way of accounting for this failure is in the current rationale present within the academic field of animal rights theory. Theory has always played an important part in guiding social movements as a way of supporting demands, articulating goals and criticizing accepted conceptualizations to enable new ways of thinking (Cavaliere, 2016, pp. 1-5). However, many scholars agree that when theorists have traditionally been concerned with animal rights, more often than not their work has been lacking several features necessary for advancing animal rights within the practical application of politics and animal rights have been widely neglected within political theory (Wissenburg and Garner, 2002, p. 1). Traditional animal ethics and political theory focuses mostly on questions of morals, such as if non-human animals can be considered moral subjects in the first place, which

rights, if any, do our moral obligations demand and how are human beings morally obligated to interact with non-human animals. But seldom do they focus on the politics of animal rights and on questions about non-human animals' roles in the polis, their relationship to the state and what a political structure inclusive of animal rights and sufficient protection would look like. This is problematic from an animal advocate's point of view, meaning someone who is interested in the advancement of animal interests and the end of animal exploitation, since not only does the moral focus have a poor track-record of combating animal exploitation as seen earlier on in this introduction, but it can also strategically impair the consideration of non-human animal interests and rights by devising moral theories that does not allow for political status or offers anything in the ways of guidance for expanding moral consideration into political consideration (Wissenburg and Garner, 2002b, pp. 1-7; Donaldson and Kymlicka, 2011, pp. 4-5, 252; Cavalieri 2016, pp. 3-6; Smulewicz-Zucker, 2016, pp. 239-241).

As a response to this stalemate in animal advocacy, the field of animal ethics currently finds itself within a 'political turn' where a prominent discourse among scholars interested in animal issues assumes that non-human animals are subject to moral and political consideration (Cavalieri, 2019, p. 21) and, in the words of Cochrane *et al.* (2018) instead focuses on how to "reflect upon and reimagine our political structures, institutions and processes". Identified as an academic discourse by Milligan (2015), the 'political turn' refers to a collection of literature following the influential work of Donaldson and Kymlicka (2011) who, with the publication of their book *Zoopolis – A Political Theory of Animal Rights*, emphasize the current impasse and attempt to formulate an inclusive political theory of human-animal relations beyond moral consideration. The 'political turn' is not a conclusive theoretical framework but rather an umbrella term for scholars who are applying concepts, methods and theories from political theory to human-animal relations (Garner and O'Sullivan, 2016, pp. 12-14; Schmitz, 2016, p. 33). This makes it subject to diverging opinions among its practitioners across a wide range of topics. However, when looking at the 'political turn' texts as a whole it becomes evident that despite disagreeing on many things, the 'political turn' as a whole is commonly characterized by an adherence to liberal political philosophy and theory (Milligan, 2015; Cavalieri, 2016, p. 16; Milburn, 2017, Cavalieri, 2019). Perhaps this is because Donaldson and Kymlicka's political theory of animal rights in *Zoopolis* was cast in an explicitly liberal frame (Donaldson and Kymlicka, 2011, pp. 53-54), or maybe it is because, as Cavalieri (2016, p. 17) points out, liberalism is the by far most common framework for political theorists today and as such comes natural when investigating animal issues. Proponents of the liberal outlook argue that as a theoretical framework, liberalism provides many conceptual tools which can favor non-human animals. Milligan (2016, pp. 88-89) argues that a liberal democracy, with its commitment to deliberative processes and democratic institutions, enables the sort of pragmatic politics with trade-offs, alliances and constituency building necessary for animal advocates to promote animal rights: This goes hand in hand with the liberal ideal of moral value pluralism in which no rights claim have a stronger claim than another, positioning animal rights on equal grounds with human rights.

This domination of a theoretical association with liberalism in the 'political turn' is problematic on several accounts and its suitability as a theoretical framework for promoting animal protection is not obvious. First, liberal conceptions of the values liberty and fraternity have been hard to translate into

human-animal relationships. If animal liberation entails a defiance of property status for non-human animals and the end of animal exploitation, as Milligan argues (Milligan, 2015), then the liberal concept of liberty as non-intervention is problematic because of its inability to accept infringements on autonomous individuals paired with non-human animals inability to rationally and autonomously articulate their interests (Allen and von Essen, 2016; Smulewicz-zucker, 2016). Liberal fraternity is understood as a society “united by its citizens’ sense of justice” and able to fulfill civic duties with shared values in processes of deliberation, capabilities non-human animals arguably does not possess in the same manner as human beings thus effectively excluding them from enjoying a fraternal political relationship with humans (Allen and von Essen, 2016, p. 19). Second, this focus on deliberative processes has been criticized on the grounds that deliberative democratic processes as means of establishing and upholding rights would discriminate against non-human animals since they are unable to participate and are left to human priority. Human representatives are not necessarily a harmful thing for non-human animals (Allen and von Essen, 2016; Donaldson and Kymlicka, 2016; Smulewicz-zucker, 2016), but Smulewicz-zucker points out that where this is the case, within liberalism, the human representatives only way of implementing animal rights is through making a moral argument and convincing their peers of animal interests. As such, animal rights are subjected to changing opinions and a perhaps overstated faith in human compassion (Smulewicz-zucker, 2016), differentiated societal makeups in which animal interests are differently recognized and slow progress due to the need to convince individuals about changing their mind instead of instituting political rights and reform structures (Smulewicz-zucker, 2016; Cavalieri, 2019). Third, liberalism is generally skeptical towards state intervention because of either a fear of inhibiting autonomous, rational agents in pursuing their chosen life-plans or as a result of economic interests being held in high regard. This is problematic because it is through the state that political rights are implemented and enforced and economic interests are among the biggest mechanisms of exploitation of non-human animals today (Smulewicz-zucker, 2016).

As such, one important task within animal rights theory is to look for a more suitable theoretical home for animal protection (Garner, 2002a, p. 399). One such exploration is Allen and von Essen’s (2016) attempt to recast the values of the ‘political turn’ within the confines of a neo-republican framework. As critics of some of the liberal shortcomings, they argue that neo-republicanism is better equipped at translating the commitments to liberty and fraternity to human-animal relations by virtue of the neo-republican conception of liberty as non-domination. The neo-republican framework shares several features with liberalism, such as emphasizing the trinity of liberty, fraternity and equality but contains distinct differences with regards to how these values are encapsulated in political life and in the way social institutions should be organized to realize these values. Looking at the ‘political turn’ through the lens of neo-republicanism is an exciting new way of conceptualizing animal protection and its consequences for the animal rights movement. Much criticism has been poised against neo-republican thought from the perspective of both political theorists from other ideologies as well as from within the republican theoretical tradition, but precious little is written about its potential for the advancement of animal issues.

This thesis is an attempt to further evaluate the normative resources present within Pettit’s neo-republicanism, using the perspective of the ‘political turn’

coupled with Robert Garner's ideal theory of a political theory for animal protection. By looking at the relationship between neo-republican principles and the sentiment of the 'political turn' through text analysis of Philip Pettit's work in the vein of analytical political theory, I hope to add to the understanding of what an alternative, progressive political theory for animal protection could look like.

## 1.1 Aim

The aim of this thesis is to further the prospects of an interspecies political community by extending the theoretical scope of potential schools of political thought within the 'political turn'. Using a method of reflective equilibrium strategy, the ambition is to examine the compatibility between Philip Pettit's neo-republican theory and the inclusion of non-human animals into the sphere of justice, a value argued to be central to the 'political turn' in animal ethics.

This leads me to the following research question:

*Is Philip Pettit's theory of neo-republicanism suitable as a political theory of animal protection and is it compatible with the ideal of extending justice to non-human animals as imagined in the 'political turn' of animal ethics?*

## 1.2 Disposition

Following this introduction is a chapter on the theoretical considerations that constitutes the foundation of this thesis. It begins by outlining the core principles and concepts of Pettit's neo-republican theory, which will provide the backdrop for the analysis, and continues with a discussion about the adopted ethical preconceptions that comes with the 'political turn'. The chapter ends with an explanation of what an ideal political theory can be, focusing primarily on Robert Garner's state and justice-centered perspective while also discussing alternative approaches.

The third chapter explains the various methodological decisions taken in order to conduct the evaluation. In the beginning of the chapter, this thesis is positioned within the methodological boundaries of analytical political theory. Thereafter comes an in depth discussion about the practicalities and merits of using reflective equilibrium strategy. The chapter concludes with two separate discussions about the material chosen for analysis as well as the imposed limitations.

The fourth chapter constitutes the analysis which is structured into two parts. The first part concerns the benefits of Pettit's theory of neo-republicanism as a political theory for animal protection when his writings are taken at face value. This extends to his theory in general as well as to the potential for extending justice to non-human animals specifically. The second part of the analysis is dedicated to assessing a modified version of neo-republicanism, where the concept of empowered proxy agents is introduced and evaluated.

The fifth and final chapter is a concluding discussion based on the results from the analysis. This chapter ends with recommendations for potential further research.



## 2 Theoretical considerations

The primary aim of this chapter is to present and explain the theoretical foundations used in answering the research question. Since this thesis is an evaluation of neo-republicanism from the perspective of the ‘political turn’ in animal ethics, it begins by outlining the core concepts and principles of Pettit’s neo-republicanism. It then explains the ethical preconceptions and the core tenets of the ‘political turn’ that serves as the backdrop for framing the characteristics of the considered judgments utilized in the chosen method of reflective equilibrium strategy.

### 2.1 Philip Pettit’s Neo-republicanism - an overview

In this study, I focus almost exclusively on Philip Pettit’s theory of neo-republicanism. The reason for this is two-fold: First, Pettit is the most widely discussed proponent of specifically neo-republicanism (Paez, 2021) and his work can be considered the linchpin of contemporary neo-republican theory. Second, Pettit is the most common reference among animal ethicists who have previously examined the connection between neo-republicanism and animal inclusion (cf. Allen and von Essen, 2016; Giroux, 2016; von Essen and Allen, 2016; Paez, 2021).

Philip Pettit’s neo-republican framework is an account of societal organization and relations based on a distinctive conception of liberty called ‘freedom as non-domination’ (Pettit, 1997, p. 51). At the heart of this conception is the idea that to be truly free, one cannot be subject to the arbitrary will of anyone. The slave-master relationship is the paradigmatic example to illustrate this in neo-republican theory. The slave is without liberty not only because of the instances where she is subject to repression from the master, but because the status of being a slave makes her a subject to arbitrary interference of the master who can, at any time, exert his or her will onto the slave. To be under somebody’s thumb in this way is in republican thought known as being dominated (*ibid.*, p. 22). For Pettit, domination occurs whenever somebody else has the capacity to intentionally exercise their will over you in an arbitrary fashion, limiting your ability to make choices you would otherwise be able to make (*ibid.*, p. 52).

To fully understand freedom as non-domination, one needs to know its various components and how they relate to one another. Pettit makes a distinction between interference and arbitrary interference. Interference are actions in which one party intentionally “make things worse for you” (*ibid.*, pp. 52-53). Many actions can be considered interfering, such as physical coercion, covert manipulation, or the promise of punishment via threats (*ibid.*, p. 53). But interference alone does not create a state of domination – the way Pettit sees it is that interference in itself is a morally neutral act and even though interference worsens the situation for the

subject, there are many instances in which such interference can be considered legitimate (*ibid.*, p. 54). Two illustrating examples of this relationship is when the state is interfering with somebody who has committed a crime by forcing them to go to prison, or when I stop you from hitting my friend in a drunken brawl. What makes an act of interference an act of domination is, according to Pettit, when it is exercised on an arbitrary basis. Arbitrariness occurs when the agent intervening does so solely contingent upon their own judgment and solely at their own pleasure. Another way of saying this is that the interfering agent acted without “reference to the interest, or opinions, of those affected” (*ibid.*, p. 55).

Domination is not just the result of a certain mode of interference but also that of the capacity to do so. Recall the example with the slave-master relationship. According to Pettit, the slave is not without liberty, or being dominated if you will, solely because he or she is subject to arbitrary interference but also because the master has the capacity to do so. This is because the master has an actual, tangible ability to exercise his or her will arbitrarily, by virtue of the status that comes with being a slave owner. For example, the master’s interference might be sanctioned by the state, or the master might have the capacity to interfere with the slave just by being physically stronger. Pettit’s definition of capacity is rigid and entails an actual ability to do something, as opposed to the potential of having this ability (*ibid.*, p. 54). This distinction between de facto interference and capacity to interfere is key to understanding domination as it means that domination can occur in situations where there is no actual interference present, or ever will be. Instead, domination occurs whenever one is being subjected to somebody’s capacity to arbitrarily interfere, independent of their intentions or actions (*ibid.*, p. 64). Thus, using Berlin’s famous distinction between positive and negative liberty, freedom as non-domination becomes a negative conception of liberty characterized by the absence of dominating relationships (*ibid.*, p. 27). Freedom as non-domination is different from positive conceptualizations of liberty, commonly understood as freedom as self-realization (Berlin, 2002, p. 49), in that it requires no specific capabilities present in an individual to be considered free since he or she is only free in relation to others via the absence of dominating relationships. However, making the distinction between interference and arbitrary interference also makes it different from Berlin’s original conceptualization of negative liberty as freedom of non-interference (*ibid.*) in that liberty is compatible with interference, if interference is exercised in a non-dominating manner (Pettit, 1997, pp. 83-84).

An act of interference is legitimate, according to Pettit, when the interfering agent is forced to track the interests and ideas of those subjected to it. This does not necessarily entail tracking every single interest of an individual, although this would surely be beneficial to avoid domination, but at the very least “the relevant ones”. According to Pettit, relevant interests and ideas are those that one shares with others as opposed to those pertaining exclusively to oneself (*ibid.*, p. 55). Interests is the main mode for Pettit to consider when making warranted acts of interference and he distinguishes between two notions of interest: the interest that any individual has, and the interest that citizens have in common with other citizens. An action is in the interest of an individual if the expected outcome is aligned with what the individual rationally wants for him or herself. The interests that citizens have in common, on the other hand, are those which follow a specific procedure of being voiced, challenged, and agreed upon in public deliberations (Pettit, 2004, pp. 155, 158).

The institution that is the state is central to Pettit's theory. He considers freedom as non-domination to be achievable only by having the proper institutions in place that can track interests and facilitate public deliberations (*ibid.*, pp. 108, 122). Pettit recognizes that the state, as the strongest force capable of exercising interference, is no exception to the conditions of domination, however, and is itself liable to the exercise of domination if not adequately constrained by a constitutional framework which "suitable mechanisms of representation, rotation of office, separation of powers, and the like" is in place (*ibid.*, p. 36). Furthermore, the institutions of the state and society are judged by how well they promote freedom as non-domination rather than how extensive or strong they are (*ibid.*, p. 109). Since non-domination is contingent on the interests of the subject, this means that the institutional framework of neo-republicanism is flexible and subject to revision as interests change.

Finally, Pettit argues that freedom as non-domination as a political ideal is well suited to the challenges of contemporary, pluralistic democracies (*ibid.*, p. 97). Pettit believes that the institutional structure prompted by the promotion of freedom as non-domination carries with it its own inclusive language necessary for the productive articulation of differing opinions. Freedom as non-domination provides not only a common value which everyone can agree is important (liberty), it also legitimizes and gives voice and arena to those with differing opinions from the status quo (*ibid.*, pp. 131-135).

## 2.2 Ethical preconceptions

Fredreike Schmitz wrote that "political science is the evaluation of institutions in the light of prior ethical commitments", and I agree with this statement. On the face of things, the absence of non-human animals in general in political theory might suggest that these theories should be considered neutral, or undecided, on the topic. But the truth is that no matter how sparsely non-human animals are discussed within the various political theories in the world, they all, by necessity, presuppose some claims about the moral status of non-human animals which becomes evident in their proposed institutional design. Institutional design betrays presupposed ethical commitments, because of the simple reason that their various configurations are always positioned so as to either take non-human animals into account, or not (Schmitz, 2016, pp. 42-43). For example; a theory that holds that the state should only promote human interests is adverse to non-human animals, even if non-human animals as a subject of inquiry is never mentioned.

Because of this, it follows that any evaluation of a political theory's usefulness in terms of animal protection will include prior ethical considerations which will help determine the validity of an institution, value or principle. I argue that whilst it would be beneficial if political theorists more often made their ethical assumptions more explicit, it is also necessary for any evaluation of political theory to do the same. This is especially necessary within the confines of this thesis because the ethical foundations associated with the normative position of promoting animal protection are likely to be different than those embedded within a theory that is not primarily (or even explicitly) inclusive of non-human animals, such as neo-republicanism. Therefore, a first step in evaluating Pettit's

neo-republicanism requires us to make these considerations transparent so as to understand why we agree with or discard the various components therein.

I endeavor to position this thesis within the growing body of literature within animal studies known as the ‘political turn’. As a broad but nevertheless distinct branch of animal studies, adherence to the ‘political turn’ has important consequences for the ethical assumptions underlying this evaluation. The next section begins with an overview of the ‘political turn’ and its characteristics, continues with discussing my chosen delimitations within this thesis and concludes with the ethical preconceptions I adopt, based on the values of the ‘political turn’, as a basis for the evaluation.

## 2.3 The Political Turn

The ‘political turn’ is a relatively recent phenomenon within animal ethics, sprung from a dissatisfaction with traditional animal ethics overarching focus on the question of individual moral obligations towards other animals and the absence of a discussion about how to transform these obligations into matters of the political (Donaldson and Kymlicka, 2011; Milligan, 2015, Schmitz, 2016). The contemporary animal rights discourse, that the ‘political turn’ is a reaction to, owes its allegiance to primarily moral philosophers as opposed to political theorists (Donaldson and Kymlicka, 2011). The primary endeavor has been to formulate arguments as to why non-human animals have moral status and why this translates into human beings having moral obligations towards them. The most prominent traditional animal ethicists are perhaps Peter Singer and Tom Regan, who, with different theoretical approaches, argued in the 1970s, 80s and 90s that by virtue of inclusive conceptions of equality, non-human animals cannot be said to have less of a moral status than human beings and therefore ought to be able to claim certain treatment from humans (Milligan, 2015). Singer argued for a utilitarian approach, which deems that because non-human animals are also sentient beings with interests, they require equal consideration (Singer, 2002). Regan, as a reaction to what he perceived as morally compromising implications of utilitarianism, instead argued that non-human animals deserve certain treatment from humans because they are subjects-of-a-life; individuals that have desires and goals, just as human beings do (Regan, 1983). Their rivaling theories caused great debate within the animal rights movement, giving rise to a plurality of different approaches, theories and goals towards improving the situation for non-human animals. However, common to most of these theories is a refrain from discussing, at least to a significant length, the political institutionalization of their principles (Donaldson and Kymlicka, 2011).

The ‘political turn’ marks an increase in political interests among animal ethicists. The turn is not a conclusive theoretical framework that in itself argues for a specific version of political non-human animal inclusion. Rather, it is an umbrella term for scholars who are applying concepts, methods and theories from within political theory, instead of solely from ethics, to understand the political dimension of human-animal relations (Milligan, 2015; Garner and O’Sullivan, 2016, pp. 12-14; Schmitz, 2016, p. 33). While the range of politically-focused

literature is extensive within the ‘political turn’, Tony Milligan identifies five commitments which he argues are distinctive of the ‘political turn’:

1. A broadening appeal to liberal values,
2. A strong emphasis on animal interests in the context of animal rights rather than Singer-style consequentialism,
3. An emphasis on positive rights,
4. A downgrading of the argument from marginal cases,
5. A broadly pragmatic attitude towards political engagement and compromise (Milligan, 2015).

This variety of perspectives, methods and areas of focus is currently cause for debate. The ‘political turn’ has been described as a “discourse of animal rights” (Milligan, 2015) and “a new field” (Cavaliere, 2019) but the novelty and coherency of its content is questioned. Alasdair Cochrane, Robert Garner and Siobhan O’Sullivan, three scholars associated with the turn themselves, argues that a ‘political turn’ would require the literature to be both “distinctive” and to have a “unified thread in terms of shared assumptions, normative commitments, methods or approaches” (Cochrane *et al.*, 2018). They argue that this is not the case for the ‘political turn’ and their argument is two-folded: The first part is that the use of political concepts in making normative claims about animal interests may be shared among most turn texts, but such a feature is not distinctive enough to separate it from traditional animal ethics. The invocation of rights is in itself political because of the intricate connection between rights and state enforcement, and rights are perhaps the most prevalent feature of traditional animal ethics following Peter Singer and Tom Regan. The second part is that the content and perspectives within the turn texts are too varied and disagree on too many central tenets that it cannot be said that turn theorists share commitments or assumptions to a satisfying degree.

What remains as a distinctive feature, according to them, is a new focus on *justice* and how to extend it to humans and animals both; or, in other words, how “institutions, structures and processes might be challenged, redefined or reimaged” (Garner and O’Sullivan, 2016 pp. 12-14; Cochrane *et al.*, 2018).

This thesis will originate from the assumption that achieving justice for non-human animals is the defining characteristic of the ‘political turn’. There are of course other approaches to using the ‘political turn’. For one, we could originate from Milligan’s five commitments and use those as our evaluative measure with the moral assumptions that go with it. Or we could combine some of them with the focus on justice, which Emn e van den Brandeler does in her master’s thesis in which she evaluates virtue ethics based on justice alongside pragmatism (van den Brandeler, 2020). I have chosen to focus mainly on Garner, O’Sullivan and Cochrane’s interpretation of the political turn together with the ethical component of interest-based rights for several reasons. First, I agree with Garner, O’Sullivan and Cochrane’s criticism against Milligan’s commitments as sufficiently unitary for the ‘political turn’ texts. Second, Milligan’s commitments have a distinctively liberal slant to them with the commitment to liberal values, which I believe is an unnecessary position to take in this thesis since this is an effort to explore a different ideological framework for animal protection than liberalism. Third, I agree with van den Brandeler that pragmatism especially is an important value to consider for the animal rights movement as a whole, but I

consider a solid theoretical foundation to be even more important since without it, there would be nothing to apply a pragmatic perspective on. Therefore, I chose to focus solely on neo-republicanism as a political theory for animal protection from the prism of justice, with an ethical interest-based rights perspective which I think is the most pragmatic ethical position available in light of the Singer/Regan divide which the ‘political turn’ tries to move away from.

With this in mind, we can now consider the ethical preconceptions that my interpretation of the ‘political turn’ implies. Since my goal is to assess the potential of Pettit’s neo-republicanism as a political theory for animal protection within the confines of the ‘political turn’, my primary concern is with the governance of political communities and not with the actions of individuals, echoing an approach employed by Alasdair Cochran (Cochrane, 2010, pp. 2-3). This is an important caveat because it has widespread importance for how I approach the topic at hand. Inspired by Smulewicz-zucker and his critical examination of the practical political implications of liberal theory on animal protection, I will not discuss moral philosophy or questions about whether or not non-human animals should be considered moral subjects with moral rights *prior* to my evaluation. These are important questions, not the least within neo-republicanism where there is, as of now, very few explicit neo-republican moral theories motivating non-human animals as moral subjects from within the principles of neo-republicanism itself. However, I sympathize with the frustration present in the ‘political turn’ with regards to the lack of political, rather than moral reflection (Donaldson and Kymlicka, 2017). The boundaries between political theory, political philosophy and moral philosophy or ethics are seldom very clear in terms of areas of interest and methodology (List and Valentini, 2016), but by evaluating neo-republicanism from the position that non-human animals have significant moral status, as opposed to the claim that neo-republican theory itself warrants moral consideration for non-human animals, I hope to connect this thesis to the growing body of literature on animal rights within the field of political theory. To clarify: In my mind, evaluating a political theory, in this case neo-republicanism, as a political theory of animal rights entails looking at if, and how well, its concepts and principles relating to *justice* applies to non-human animals, in light of prior ethical commitments as established by the values of the ‘political turn’. If I was to examine neo-republicanism as a moral theory of animal rights, I would instead focus on if, and how well, the theory can present persuasive arguments for why non-human animals should be recognized as moral subjects in the first place (Smulewicz-zucker, 2016, p. 249).

As a result of this reasoning, I will assume the following specific ethical standpoints going forward: The originating ethical standpoint is one of interest-based rights, which is also one of the commitments of the ‘political turn’ (Milligan, 2015; Schmitz, 2016, p. 44). The interest-based approach stipulates that the motivation to attribute and have rights is because the subject has sufficiently strong interests to ground duty from others (Milligan, 2016, p. 87). Furthermore, with inspiration from Garner, some, but not all, of these interests are to be considered *intrinsic*, meaning that they have value in and of themselves rather as a function of their relation to humans. (Garner, 2013, p. 3). Specifically, those intrinsic interests are the interest in not having to suffer and the interest in liberty. This does not mean, however, that humans and animals have the *same* interests, or equally strong interests in not suffering or liberty. Milligan calls this the *weak species egalitarian* position, whereas Garner sees it as part of his *enhanced*

*sentience position*. This combination of recognizing intrinsic interests but at the same time recognizing the strength of those interests relative to humans means that it is morally legitimate to prioritize human interests, and use of non-human animals, in circumstances where human interests are stronger than other animals as long as both interests are considered and it is not prioritized with appeal to the characteristic of humanity (Garner, 2013, pp. 3, 14-15; Milligan, 2015). This might sound radical to some, but it is a fairly simple proposition that basically states that both humans and non-human animals have intrinsic interests in not to suffer and in liberty.

However, these interests must be weighed against each other when in conflict and the party with the greatest interest in a given situation can prevail, no matter the species. There are differing opinions on what interests non-human animals have and which rights they warrant (see for example Cochrane, 2012 and Garner, 2013 for two diverging interpretations), but since I am interested in the political implications for animal protection that follow from neo-republican principles and institutions, and not what it means for non-human animals to be considered as having interests in the first place, it is not necessary for the purpose of this thesis to define a conception of interests beyond the fact that non-human animals are recognized as having interests strong enough to warrant duties on behalf of others (Smulewicz-zucker, 2016, p. 250). As Smulewicz-zucker puts it: “Without the claim that animals have some morally significant interests, a liberal theory of animal rights cannot be pursued” (*ibid.*). I see no reason why the same should not apply to neo-republicanism. Accepting the interest to liberty as intrinsic is contested primarily by Cochrane, who argues that because non-human animals lack autonomy to reflect and pursue their individual conceptions of the good, they only have an instrumental interest in liberty (Cochrane, 2012). This is refuted by both Garner and Milligan: Milligan, on the grounds that in modern society, the practice of harming non-human animals is so intertwined with the practice of denying them liberty, chiefly by asserting property status, that one cannot separate the two; and Garner, on the grounds that the interest in liberty is derived from the interest in not to suffer and that most forms of modern restraints on animal liberty causes suffering (Garner, 2009; Milligan, 2015). I tend to agree with these counter-arguments and also note that much of the ‘political turn’ literature is resolved to try and keep to the position of animal liberation.

Lastly, a final ethical consideration is that of an anti-abolitionist position that is endorsed by almost all of the ‘political turn’ authors (Milligan, 2015). Abolitionism holds that non-human animals have an intrinsic interest in life as well as liberty, and draws the conclusion that such interests are incompatible with any sort of human use of other animals (Garner, 2013). Opposition to this position has implications for what an ideal political theory of animal protection should look like, which I will discuss further in the following section, as well as significant moral differences to the position adopted here. For our purposes, this means that institutions and practices which accept or promote human superiority over non-human animals may still be morally valid, and any such that would forbid the use of non-human animals on intrinsic grounds would need to be revised.

## 2.4 An ideal political theory for animal protection

Now that we have established our prior ethical commitments, we can turn to, as Schmitz puts it, “work on human-animal relations within the context of political theory” (Schmitz, 2016, p. 33). As we saw earlier, such an endeavor is at the very heart of the ‘political turn’, but does require some explanation about what it entails. This section is dedicated to explaining my interpretation of an ideal version of a political theory for animal protection, defining its components and elaborate upon how they relate to institutions within Pettit’s neo-republicanism.

For advocates of animal protection, the importance of trying to situate non-human animals within the context of political theory cannot be underestimated. Not only because of the painfully obvious absence of non-human animals in even the most influential political theories of our times (Garner, 2002b, p. 7), but also because it is hard not to argue that the animal rights movement has largely failed in expanding the political status of non-human animals. Exploitative practices are increasing (Schmitz, 2016, p. 35) and many of the institutions legitimizing this are connected to contemporary interpretations of liberal capitalism (Cavaliere, 2016; Donaldson and Kymlicka, 2016; Smulewicz-Zucker; 2016). Hence, being able to establish new systems of thinking which is inclusive of non-human animals, or modify or adapt already established ones, have the potential to better non-human animals’ welfare in a very significant way.

Remember that I, for the purpose of this thesis, consider extending justice to animals other than human beings to be the central tenet of the ‘political turn’. In light of this, I have chosen to make this assessment of neo-republicanism as a political theory for animal protection contingent on whether or not neo-republicanism can be said to motivate the transformation of political institutions, structures and processes so as to secure just human-animal relations (Cochrane *et al.*, 2018, p. 274). This requires me to first define *justice*. I take inspiration from Garner and Cochrane and adopt a definition of justice as something intimately connected to the role of the state; according to this perspective, questions of justice are questions about the legitimate exercise of power by the state and the principles which motivates that exercise (Cochrane, 2010; Garner, 2013). Furthermore, I use Garner’s perspective on justice as specifically *distributive justice*, in which justice is centered about the distribution of advantages, rewards and obligations within a society (Garner, 2002b, p. 9).

To be sure, there are competing perspectives on engaging with political theory in an animal rights context. One such perspective is formulated by Donaldson and Kymlicka who argues that to apply political theory to non-human animals is to ask “what kind of relationship they [non-human animals] want with us” and “create circumstances for them to explore different options, express preferences and exert meaningful control over their lives”. Engaging in political theory with non-human animals, according to this definition, becomes a matter of successfully applying concepts of political inclusion commonly found in political theory, with the main example being the concept of citizenship in order to ultimately include animals in the *polis* (Donaldson and Kymlicka, 2011, p. 14; *ibid.*, 2017). While questioning our assumptions about what we know, and how we know that non-human animals’ self-articulated preferences in political human-animal relations is a worthwhile ambition, I tend to agree with Schmitz criticism that the scope is somewhat limited. Schmitz questions if being a citizen is truly the only



way of extending political theory to animals, since it would mean that any theory promoting political status for non-human animals outside of citizenship should not be considered political theories of human-animal relations (Schmitz, 2016, p. 36). However, I would argue that the state would be central to any form of inclusion within the polis (excluding anarchist political theories) and as such, I still regard the state as the most important institution for an analysis of justice for non-human animals and will elaborate upon why this is a worthwhile perspective in what follows.

If Donaldson and Kymlickas' idea of evaluating political theory is too narrow, an alternative view as advocated by Schmitz (2016) is deemed too wide. Also occupied with justice, Schmitz (*ibid.*, pp. 38-39) argues that the concept of justice“ can and should be applied to a range of social spheres” and not only the state, since there are obviously other institutions important to achieving social change. Referring to Rawls's idea of what constitutes the ‘basic structure of society’, Schmitz includes any institution that “consists of arrangements of rules that are or could be subject to collective decision-making and design” as worthwhile institutions to be examined. This is an admirable approach and I contend that looking beyond the state would provide even more benefit when evaluating a neo-republican account of animal inclusion. I am, however, limited by the scope of this thesis and will therefore confine this study to matters relating to the state. Despite recognizing the merits of other institutions for the cause of transforming justice, I want to make a case for focusing on the state even under ideal conditions.

I think it plausible to consider the state to be a very important institution, if not the most important, in terms of human-animal relations. My argument is simple: the institution which is the state today is currently responsible for a large part of animal exploitation across the globe. Not only in conducting exploitative practices in general, but also in its adherence to corporation’s exploitation capitalism (Boggs, 2007). If the state changed to including non-human animals into the sphere of justice, much of their pain and suffering would be alleviated; a huge weight would be lifted from their collective shoulders, if you will. Such transition in status has been very fruitful with other social justice movements, such as the LGBT-movement. Second, the state is an institution present almost everywhere, whereas not all other institutions, such as social movements advocating animal rights, are not. This means that conclusions about just state action in terms of human-animal relations can be more easily adopted by the broad animal rights movement and more immediately contribute to the betterment of non-human animals everywhere.

Finally, for Garner a political theory of animal protection is about the extension of justice and there are several components to this process that should be possible within a political theory in order for it to qualify. For one, Garner argues that justice is necessary in order to establish legal status for non-human animals which in turn is vital to legitimize the state enforcing justice in the first place (Garner, 2013, pp. 2, 8). Hence, justice for non-human animals should require the attribution of legal status. Keep in mind that our commitments to interest-based rights and the position of anti-abolitionism means that non-human animals and humans need not have the same legal status, as long as it warrants state intervention in order to secure fair distribution according to interests.

## 3 Methodology

This chapter aims at explaining the methodological underpinnings of this evaluation. It begins by positioning this thesis as a work within the boundaries of analytical political theory. It then provides a discussion about assessing political theories in general before outlining the method of reflective equilibrium strategy. It ends with an overview of the material subject for analysis as well as the overall limitations of the thesis.

### 3.1 Analytical political theory

This study is positioned within the overarching theoretical and methodological framework of analytical political theory (also known as analytical political philosophy; the terms are often interchangeable (List and Valentini, 2016) and understood as the same thing in this thesis). As a sub-discipline to political science, political theory as a discipline is concerned with normative, evaluative and conceptual questions about politics, society, and the state rather than the empirical (Cochrane, 2010, p. 2; List and Valentini, 2016). Analytical political theory is in turn a school within political theory that focuses on “logical rigour, terminological precision, and clear exposition” with regards to the normative study of politics and power (List and Valentini, 2016). An analytical approach to understanding theories is one of breaking down theory into its defining elements – principles and concepts – and subjecting those to argument and reason-based criticism in order to understand normative connections and implications (McDermott, 2008, pp. 1-2). As a methodological approach, analytical political theory is often contrasted with more holistic approaches, such as continental philosophy or postmodernism (List and Valentini 2016).

At first glance, analytical political theory might seem a strange approach to studying normative ideas about animal rights. Some theorist, such as David Miller and Richard Dagger, have argued that this approach, as a way of understanding normative questions about political society, is incompatible with the promotion of specific groups within society by virtue of emphasizing general rather than specific normative principles (Miller and Dagger, 2006, p. 448). But the argument that analytical clarity would be unnecessary when studying non-human animals is refuted by others. For example, Jason Wyckoff points out that animal advocacy is no different from other political speech acts and thus plays an important role in establishing how we see the world (Wyckoff, 2018). To be sure, I do not suggest that other approaches cannot be beneficial to understanding issues of animal inclusion within political society. Quite the opposite, as I believe that different approaches complement each other in forming a more accurate understanding of the complexities involved.

## 3.2 Assessment according to external criteria

There is a general consensus that there are two main ways of assessing political theories within analytical political theory. One way is according to internal criteria, which is the examination of the internal structure of a theory according to criteria such as consistency, conceptual clarity and axiomatizability (List and Valentin, 2016). Another is according to external criteria, entailing the study of a theory's applicability in connection to phenomenon outside of its own structure. Examples include studying the compatibility between a theory's core values and principles and other values, the validity of any empirical proclamations about the world or to gauge a theory's usefulness in terms of application to real life scenarios (Badersten 2006; List and Valentin 2016). Whereas any serious political theory can, and perhaps ultimately always should, be subjected to both methodological approaches, the primary interest in this thesis is about the potential of neo-republicanism as a theoretical framework for the values of the 'political turn' in animal ethics. As such, I focus my attention on the external criteria.

### 3.2.1 Reflective equilibrium strategy

The dichotomy between external and internal assessment is often a question of the focus of an analysis. However, it is not in itself a method for actually evaluating political theory. As a sub-discipline to political science, much work within political theory is infamous for its tendencies to omit clear descriptions of the methodological approaches and the methodological considerations are often implicit (Leopold and Stears, 2008, pp. 1-2; Blau, 2017, p. 1). I have chosen to utilize the method of 'reflective equilibrium', one of the most widely used methods for evaluating political theories and principles within analytical political philosophy (List and Valentini, 2016; Knight, 2017, p. 46). Popularized by John Rawls in 1971 (Rawls, 1999, p. 18), 'reflective equilibrium' is used to establish compatibility between a set of preconceived judgments (called 'considered judgments') and a set of principles (often, as in the case of this thesis, taken together as a theory) by examining if the implications of said principles are coherent with our judgments and revising either side when not. Thus, equilibrium is reached once our judgments and examined principles are coherent with each other (Wissenburg, 2007, p. 13; List and Valentini, 2016; Newhouse, 2017, p. 107).

Traditionally, there are two ways of using a 'reflective equilibrium' strategy, as differentiated by whether or not the search is for a "wide" or "narrow" equilibrium. The difference lies in the amount of theories or principles examined, as well as the extent to which one is willing to revise the original judgments. "Wide" reflective equilibrium strategy entails looking at a broad theory with many principles (List and Valentini, 2016), in its ideal form and considering every principle relevant for your topic and judgments (Knight, 2017, pp. 49-50). A "narrow" reflective equilibrium strategy, on the other hand, is when the researcher limits himself or herself to the study of one or a few theories with a more limited amount of principles (List and Valentini, 2016). Reflective equilibrium has also

been considered “narrow” when the scope of considered judgments is limited (Stich, 1988).

Rawls himself meant for ‘reflective equilibrium’ strategy to be understood in the “wide” sense, going so far as to say that reflective equilibrium entails that “one is to be presented with all possible descriptions to which one might plausibly conform one’s judgments together with the relevant philosophical arguments for them” (Rawls, 1999, p. 43). Indeed, Rawls’ idea of the merits with reflective equilibrium effectively dismisses the “narrow” interpretation, arguing that it only would be “describing a person’s sense of justice more or less” (*ibid.*). However, this statement is contested among political theorists. Carl Knight, while himself an advocate of the “wide” position, conceding that Rawls’ definition is probably unachievable but should still be viewed as the ideal for conducting reflective equilibrium. He argues that by limiting oneself to few principles or a single theory, one also limits the grounds for justifying a fit (Knight, 2017, p. 50). Another critique is that because “narrow” ‘reflective equilibrium’ strategy limits its scope to one singular theory, then it does nothing to answer questions about which theory would constitute the best fit (Daniels, Stanford Encyclopedia of Philosophy). Advocates of the “narrow” sense argue instead that such limitations are only natural if one is concerned with a specific theory, idea or concept. For example, if one is interested in the principle of freedom in a specific theory, one cannot expect said theory to cover every single meaning of the word “free”; nor does one necessarily need to go beyond theories which capture the specific phenomenon in question (Harbour, 2010, p. 12).

This thesis is an exercise in utilizing ‘reflective equilibrium’ strategy in the “narrow” sense. It is narrow in the sense of three aspects: First, it is narrow in that it looks only at one specific political theory, neo-republicanism as described by Pettit. Any comparison with other theories is meant as an argumentative device used to construct the necessary arguments behind any evaluation. Second, it is narrow in the sense that my considered judgments are based on the commitments of the ‘political turn’ in animal ethics, as described in the theory section, and, for the sake of this thesis, I do not question their validity. As such, I will not engage in any discussion about rival perspectives on animal rights theory when engaging with the material. Furthermore, since I am interested in the potential fit between this specific idea of inter-species society and neo-republicanism, I will not examine other moral principles or theories of political organization. Third, because the overarching aim of this thesis is to assess the potential of neo-republicanism for the intent and purposes of animal ethics, I set the bar for revising the considered judgments very high and will not consider rejecting them fully. This is in accordance with the idea that if neo-republican principles do not accommodate the sort of theoretical framework necessary for the ‘political turn’, then that is a problem for neo-republican theory and not for the ‘political turn’.

Finally, a few words on the validity of limiting the considered judgments. The central piece of reflective equilibrium strategy alongside theories or principles are judgments. Judgments in reflective equilibrium are sometimes referred to as institutions (Harbour, 2010), commitments (Blau, 2017, p. 46) or intuitions (List and Valentini, 2016) and are normative ideas about what constitutes as valid in general, specific to the theory or principle in question (Blau, 2017, p. 46). Considered judgments is in turn a sort of required standard for the judgments, meaning that they are of a character which is, in the words of Rawls, most likely to ‘be displayed without distortion’ (Rawls, 1999, p. 42) and thus suitable for

reflection. There are differing opinions on which criteria to use when motivating considered judgments (List and Valentini, 2016, p. 18; Knight, 2017, pp. 46-49). I adopt the minimal form proposed by Knight, who argues that one should reject most strong barriers for establishing a considered judgment on the grounds that if we are too strict, we might paint our considerations into a useless corner (Knight, 2017, pp. 46-49). Instead, this study follows only the criteria that the considered judgments are “useful for deliberation and judgment in general” (*ibid.*, p. 49). I argue that this approach accommodates considered judgments limited to a specific theory on two grounds. On the one hand, what is “useful for deliberation” is in part dependent on the available resources at hand. If having to adopt a more inclusive set of judgments would hinder reaching relevant conclusions then this would surely be deemed not useful. Since the scope of this thesis is limited in both time and words, I argue that it is better suited to focusing on a specific view. On the other hand, if one does not adopt a rigid version of moral realism in which there would exist moral facts across time and space, which this thesis does not, then one would have to consider that different societies would reach different sets of considered judgments. While perhaps more applicable to the current state of affairs in any society at a given time, this is in itself a limitation and, I argue, no different than adopting judgments from a hypothetical society as exemplified by a political theory.

### 3.2.2 Limitations

Since this is a qualitative effort of an extensive text-analysis, a prominent weakness inherent to this is in the interpretative nature of the researcher. The analysis is a product of my personal understanding of Pettit as well as the ‘political turn’, which carries with it the potential for a different interpretation once reproduced by somebody else. On the other hand, a thorough adherence to the method alongside clear lines of reasoning behind any interpretation or argument leads to better intersubjectivity, which would lend credence to the validity of the analysis. I combat these preconceptions in the same manner as with the general problem of interpretation, but also pay extra attention to this while conducting the analysis.

The aim and scope of this study induces some limitations as to what is possible to do. As discussed in the section about reflective equilibrium, since the aim of this study is to evaluate the fit between specifically the ‘political turn’ and Pettit’s neo-republican theory, I have chosen not to include other political theories or systems of beliefs. This allows me to give neo-republicanism my full attention, but it would also not be possible within the formal scope of this thesis to give justice to other political theories.

Limiting myself to the theoretical confines of the ‘political turn’ may warrant critique from other parts of the animal rights discourse. Internally, all authors affiliated with the ‘political turn’ would not agree with interpreting the ‘political turn’ as justice for non-human and human animals alike as well as the concept of justice as state centered (for examples of different interpretations, see Schmitz 2016 or Cavalieri 2019). Externally, scholars from other animal rights perspectives might disagree with the premise of utilizing the ‘political turn’ in the first place. Critical animal theorists, abolitionists, utilitarianists or care ethicists are examples of a few perspectives that would naturally disagree.

Finally, I have also chosen to focus solely on the writings of Philip Pettit. There are both other strands of republicanism as well as plenty of other interpretations of neo-republicanism and it is beyond this thesis to explain them all. However, I end this section with a few words on the reasons for limiting this study to Pettit. First, Pettit's version is arguably among the most comprehensive and well-developed versions available (Costa, 2007; Laborde, 2013; Paez, 2021). Second, Pettit is the most common reference among animal ethicists who have previously examined the connection between neo-republicanism and animal inclusion (cf. Allen and von Essen, 2016; Giroux, 2016; von Essen and Allen, 2016 Paez, 2021). His writings on neo-republicanism provide many of the core tenets upon which others later develop their own conception. Third, most human-animal relationships in connection to neo-republicanism have been discussed within green republicanism, a strand of republicanism interested in combining the republican focus on civic virtues with green political thought (Barry, 2008; Barry and Smith, 2008). Going to the source seems like a good way to truly assess neo-republican thought.

### 3.2.3 Material

The material used for this thesis is a collection of Philip Pettit's most seminal work on neo-republicanism. The main source is Pettit's *Republicanism – A Theory of Freedom and Government* which constitutes his foundational writings on neo-republicanism and is often cited as the most comprehensive work on neo-republicanism in contemporary philosophy. Although first published in 1997, *A Theory of Freedom and Government* is considered the seminal work on neo-republicanism, still very much applicable in the context of today and comparable to John Rawl's early writings in *A Theory of Justice* (1971). I also include much of his later writings on neo-republicanism in order to review its compatibility with animal ethics without missing any nuances. This includes Pettit's chapter on the Rawlsian basic liberties and their neo-republican equivalent in *The Legacy of H. L.A. Hart: Legal, Political and Moral Philosophy* (2008), the book *A Theory of Freedom* (2001) on the psychological aspects of liberty as non domination and his book *On the People's Terms* (2012) on the relationship between the state and the individual within neo-republican thought. Finally, I also review a variety of articles written by Pettit on various topics of neo-republicanism.

## 4 Analysis

This analysis is structured into two parts. The first part aims at evaluating Philip Pettit's neo-republican theory from the perspective of our considered judgments about an ideal political theory for animal protection when taken at face value. It examines the general role of non-human animals within Pettit's writings, as well as whether or not non-human animals are included within his theory of justice. The second part assesses the implications of empowered proxy agents as a way of extending justice to non-human animals.

### 4.1 Pettit's neo-republicanism at face value

In order to assess Pettit's neo-republicanism, a logical starting point is to examine the level of animal protection present in his writings when taken at face value. This section examines what Pettit has to say about the role of non-human animals in his political theory. Specifically, I look at the moral status Pettit assigns to non-human animals and how they relate to his conception of neo-republican justice. I find that the most straightforward reading of Pettit regards non-human animals as having some moral status, but that it is merely instrumental and compatible only with an indirect duties approach which is incompatible with our considered judgments about intrinsic interests and direct duties.

In company with most contemporary political theorists, Pettit's work contains little mention about how his theory relates to issues concerning non-human animals. The question is not, however, entirely absent but seldom explicit. When discussing the ability of neo-republicanism to promote environmental concerns, Pettit writes in *A Theory of Freedom and Government* that neo-republicanism is a "decisively anthropocentric" theory, in which the state should be "designed with a view to the promotion of people's freedom as non-domination alone, not with the view to the good of anything non-human" (Pettit, 1997, pp. 135, 137). This anthropocentric outlook permeate Pettit's conception of freedom as non-domination, as evident in some of his writings about freedom as "an important human value", which, among other merits, promotes a "deep and universal human desire for standing and dignity" (*Ibid.*, pp. 96, 110). While an anthropocentric view positions human beings as having a higher moral status than non-human animals (Eckersly, 1992, p. 51), it does not automatically entail that other sentient beings have no moral worth whatsoever. In the case of Pettit, he writes:

"We live in a physical, biological, and psychological continuity with other human beings, with other animal species, and ultimately with the larger physical system that comes to consciousness in us... [A]ny damage is done to the environment – the environment of subgroups, of the society as a whole, or of all societies on earth – means that there is an assault on at least the range of our undominated choice" (Pettit, 1997, pp. 137-138).

From this, we can deduce that Pettit considers the moral status of non-human animals, alongside the environment in general as well as future generations, as something determined by how much restricting their interests would mean hurting human interests. We can call this perspective as one of non-human animals having *instrumental* moral status, whereby non-human animals are attributed with a moral status inferior to that of human beings. Such an instrumental status lends itself to a form of animal protection based upon indirect duties, consistent with the fact that non-human animals are afforded legal status and protection insofar as to benefit, or at least not devalue, human interests. This is generally known as the welfarist theory of animal protection (Garner, 2002b, p. 8; Garner, 2013, pp. 74-75). Taken to its extreme conclusion, this would mean that Pettit has to agree with the idea that anything done to non-human animals which is sufficiently motivated by human interests is acceptable treatment. Clearly, such a position is incompatible with our commitments to both the recognition of intrinsic interests in non-human animals. Furthermore, this is a serious allegation for the usefulness of neo-republicanism as a political theory of animal protection, considering that in modern day liberal democracies, direct duties are commonly recognized as evident by contemporary animal protection laws that aims at negating harm towards non-human animals for their own sake (Stucki, 2020).

However, intrinsic interests aside, there is something to be said about the extent of protection which non-human animals would be awarded with an indirect approach. Arguably, Pettit goes pretty far in when humans should consider infringements upon other animal interests as harmful. He writes:

“The linkage between us and the environment means that when you degrade the environment, you hurt me and mine, you hurt us [...] [o]r if you do not affect us, the current representatives of our species in those ways, you may well affect future generations of human beings” (Pettit, 1997, p. 137)

Consider that in practice today, plenty of human beings value other animals and consider them as beings capable of suffering for their own sake, once again evident in the current state of some animal protection laws. Then the likelihood that such sentiment would exist also within the neo-republican society is high. If we, according to Pettit, are obligated to consider the indirect effect of our treatment of non-human animals not only for living humans but also for future generations, it is possible to argue that, because within the neo-republican society policy is decided in public deliberations (Pettit, 2004, pp. 155, 158), the institutional design would extend at least a level of protection comparable to what we see today in liberal democracies.

There is one part of Pettit’s theory that gives us reason to doubt whether or not he really attributes non-human animals with solely instrumental moral status. In principle, if non-human animals are considered worthy only of indirect duties then there is no need to incorporate them into the sphere of justice (Garner, 2013, p. 61). However, Pettit is never explicit about the role of non-human animals within his theory of justice, and writes:

“Special issues of justice and legitimacy arise with those who are not adult or not able-minded [...] with the treatment of other animals” (Pettit, 2012, p. 75)



As a lone statement, this does not provide very much in terms of recognizing direct duties for non-human animals. However, if Pettit truly were committed to an indirect duties approach then there would be no need for additional consideration, as they would not be needed to include within justice in the first place.

From what Pettit writes about non-human animals, we can see that he has an anthropocentric outlook and that animals' moral status are instrumental, prompting only indirect duties. This is not compatible with our considered judgments about intrinsic interests and direct duties. However, this does not mean that neo-republicanism is an inadequate political theory for our purposes. These statements do not tell us *why* species matter and non-human animals should be considered morally inferior to human beings. Pettit's reasoning should be judged by the merits of his argument and if we find his argument lacking in this regard, or if the institutional design lends itself to also include non-human animals, we can plausibly argue that an alternative, non-human animal inclusive outlook would be a viable alternative still within a neo-republican perspective. This is the way many animal studies theorists have examined and defended or rejected Rawls's theory of justice (Garner, 2003; Cochrane, 2010). Furthermore, the legitimization and enforcement of duties is a matter for justice and as of now, we have not seen any evidence for whether or not non-human animals are excluded from Pettit's idea of neo-republican justice.

#### 4.1.1 Pettit's neo-republican theory of justice

So far we have seen that taken at face value, the ethical foundations of Pettit's neo-republicanism is at odds with our considered judgments. This section aims to explore whether or not Pettit's neo-republican justice is inclusive of non-human animals, and how his principles relate to our considered judgments. I find that Pettit excludes non-human animals from justice based on his demands for cognitive capacities.

As with all things neo-republican and Pettit, freedom as non-domination is the central value also in connection to justice. For Pettit, justice occurs only where citizens are free from non-dominating relationships, and one cannot separate the idea of being free from the concept of being a subject of justice. There are two dimensions to Pettit's neo-republican justice: a private dimension, which Pettit calls social justice, and a public dimension, called political legitimacy. Both dimensions need to be present and in effect in order for justice to be considered done and/or in effect. Social justice occurs in the relationship between citizens within the neo-republican state, when individuals are free from any arbitrary interference from others; potential or factual. Political legitimacy is characterized by a just relationship between citizens and the state itself, which is only possible when there are the appropriate constitutional constraints on the state and sufficient institutions for deliberation and contesting state interference. Because of this, as it is with liberty, Pettit sees justice as only be achievable within the context of a republican state with the corresponding legal institutions in place to prevent arbitrary interference (Pettit, 1997, pp. 122-125; Pettit, 2012, pp. 3, 18). Consequently, justice is intrinsically interwoven with the idea of neo-republican citizenship. According to Pettit, only the citizen can be the subject of justice, and

only the neo-republican state can secure that justice (Pettit, 1997, pp. 36, 125-126). In his later works, Pettit elaborate more on what justice specifically entails for the neo-republican citizen. Inspired by Rawls, Pettit argues that to be a free citizen, and thus living with just relations, every individual requires a set of basic liberties and rights. These liberties can only be achieved within the confines of citizenship, and one cannot be a citizen without having access to the basic liberties (Pettit, 2008, p. 203). While not advocating for any specific list of liberties and rights that should always be considered basic, Petti argues that any basic liberty will be defined by the ability to freely make a choice within the parameters of the following three constraints: First, the liberties have to be “as numerous as possible”. Second, they should have “personal significance for people” but not primarily as individuals, but rather “by society-wide criteria”. Third, they must be able to be enjoyed equally by any citizen in the neo-republican society (*ibid.*, pp. 204-208).

What does this mean for animal inclusion? Since justice is inseparable from citizenship, a good place to begin would be by examining if non-human animals can qualify as citizens within Pettits writings. According to Pettit, citizens are those “all the more or less settled residents of a state who, being adult and able-minded, can play an informed role at any time in the conceptualizing of shared concerns and in shaping how the state acts in furthering those concerns.” (Pettit, 2012, p. 75). This definition seems to exclude non-human animals from citizenship status, as they cannot be considered a human adult with a comparable human mind and as such are unlikely to be able to play the imagined informed role Pettit refers to. And even if the case can be made that at least some non-human animals have the cognitive capacities necessary to do so.<sup>1</sup> Having animal protection be contingent on their likeness to human behavior is an anthropocentric sentiment (Allen and von Essen, 2016) incompatible with our considered judgments about human-animal equality.

Also, because of how intimately connected citizenship is with freedom as non-domination (Pettit, 1997, p. 260), we also have to assess the procedural components of liberty as non-domination in order to get the full picture. According to Pettit, enjoying liberty as non-domination is only possible when two main conditions are fulfilled: A person cannot be dominated by another, meaning that there is an absence of arbitrary interference in both action and capacity, and, the state is engaged in tracking a person's interest when interfering in her life and there is the possibility for her to contest any interference (*ibid.*, 1997, pp. 65, 183-185). Conceiving of non-dominating relationships between humans and non-humans is fairly easy. Many a person living with a companion animal can attest to the difference between treating a non-human animal with and without regard to their expressed interests. Furthermore, we can also imagine human-animal relations where the capacity to interfere is limited, perhaps by virtue of risk of severe punishment by the state. For the other condition, while it is reasonable to think that the state may take non-human animals into account when exercising interference and tracking their interests, the second condition is clearly excluding non-human animals from achieving liberty, on account of them not being able to effectively contest interference. Another problematic aspect of Pettit's neo-republican justice is that of how we can tell when an individual is in a

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<sup>1</sup> An example would be the great apes, who many animal ethicists and natural scientists argue share with human beings advanced levels of communication and societal organization skills. See the Great Ape Project for more information about such similarities: <https://www.projetogap.org.br/>

state of just relations in both the private and public dimensions. Pettit tells us that the private dimension of justice requires the “capacity to stand eye to eye with your fellow citizens, in a shared awareness that none of you has a power of arbitrary interference over another” (Pettit, 1997, p. 5). Once again, we see the cognitive capacity constraint in action. It is highly doubtful that we would consider non-human animals to have sufficient cognitive capacity to share such an awareness. Nor is it likely that human beings would be able to share it with other animals in the opposite direction, since justice and liberty in the neo-republican sense is a procedural thing which requires the knowledge about what justice is and how it comes into effect, and ability to formulate these concepts that are of a very human design (Pettit, 2001, p. 29). Pettit describes the liberty as “concept bound” and writes:

“Freedom consists in the agent’s being fit to be held responsible - specifically, in the capacities that resource that sort of fitness - not in their actually being held responsible” (Pettit, 2001, p. 26)

and,

“Someone who did not have access to such concepts or such reactions [about what is justifiable or unjustifiable] would, like the dog, be unfit to be held responsible for anything” (*ibid.*, p. 29)

For political legitimacy, we know that we experience public justice when citizens accept state interference that affects them in a negative way because they consider their interests as having been given sufficient weight and equal consideration while also having full knowledge about, and equal control over, the system that preceded the interference (Pettit, 2012, pp. 176-178). I think it doubtful once again if we can, taken at face value, consider such a state of mind accessible to non-human animals. Even in a scenario where we had the means to extend control over state policy to non-human animals, requiring them to have the cognitive capacity to both fully comprehend the institutional system as well as exercising judgments about specifically state interference as positive or negative seems implausible. Similar arguments as to why non-human animals are unfit to be considered neo-republican citizens have been raised by Marcel Wissenburg and Sandra Seubert (Wissenburg, 2014, p. 39; Seubert, 2015). Both of these signifiers of just relations should be considered too cognitively demanding and anthropocentric in the details of what specific capacities entail to be compatible with our considered judgments.

If we take Pettit’s theory of justice at face value, Pettit does not seem to offer much in way of including non-human animals. The criterias for enabling liberty as well as the conditions necessary to qualify for citizenship seems out of reach for most, if not all, non-human animals. Just as with moral consideration, Pettit’s anthropocentrism is evident in this question too, with cognitive and conceptual demands which are incompatible with our prior commitments, no matter if the relationship is between citizens, or a citizen and the state.

## 4.2 Empowered proxy agents and the extension of justice

Up until now, it looks like Pettit's own account of neo-republicanism is inadequate as a framework for a political theory of animal protection. However, because of the common exclusion of animal issues within already established political theories, political theorists concerned with animal inclusion have a long history of trying to modify already existing theoretical frameworks where non-human animals are either absent or considered a non-issue (see for example Abbey 2007 and Milburn 2017). This section assesses if one of the most commonly argued modifications to neo-republicanism from an animal rights perspective, the introduction of empowered proxy agents, enables the extension of neo-republican justice to non-human animals. I find that proxy agents would fit well within the neo-republican logic of representation for groups unable to articulate their own interests, but does not equate citizenship status and thus cannot extend justice effectively.

Recall that Pettit's exclusion of non-human animals as citizens rests mostly on an idea of them lacking the cognitive capacities necessary for political interaction with human beings. Either by their inability to participate fully in society, by not being able to contest interference, or by their inability to comprehend concepts of responsibility, justice and liberty. Michael Allen and Erica von Essen, building upon arguments from Frank Lovett and Christian List, argue that at least the criteria of contestability is amenable with regards to non-human animals without any loss of liberty if we allow for empowered (human) proxy agents to contest interference on their behalf. Legitimized and sufficiently empowered, they argue, such proxy agents would be no different than the representatives of other groups in society unable to themselves contest interference, or choose their own representatives, such as the very cognitively disabled (Allen and von Essen, 2016). This sentiment is echoed by Valery Giroux and Carl Saucier-Bouffard who, in a chapter about extending legal status of person to non-human animals, states that "if young children and legally incompetent human adults [...] can exercise their legal rights through representation, then nonhumans could as well" (Giroux and Bouffard, 2018, p. 40).

Recognizing proxy agents would go a long way towards providing non-human animals with the same benefits as human citizens enjoy. Eze Paez argues that proxy agents are in fact a necessary feature within Pettit's neo-republicanism, since he has no other way of accounting for "mute agents" (Pettit, 2016), meaning those that cannot articulate their own interests (Paez, 2021). I agree with Paez and believe that the acceptance of proxy agents is closer to Pettit's original intent than is generally recognized. Pettit argues that to give "potential contestators voice", one would need "voices that can speak with the credibility to the concerns and opinions of every significant group, and that can force those concerns and opinions on the deliberative attention of law-makers" (Pettit, 1997, p. 191). Since Pettit is not ignorant of the prevalence of children, the old or the cognitively disabled in the neo-republican society and considers them citizens with need of representation (*ibid.*, pp. 160-163; 119-20), I do not think that it would be much of a conceptual stretch to say that non-human animals also qualify as part of such "significant groups". It would be reasonable to assume then that for those groups in which the participants are not able to contest interference, Pettit's criteria for agents to have "credibility" and the ability to "force those concerns" would

already require the recognition of proxy agents, as long as this way would be the most efficient in propagating the interest of any significant group.

However, being represented is not the same as having citizenship status. A concern is that proxy agents do not represent true, or full, citizenship. From this point of view, one potential objection is that proxy agents, empowered or not, are not compatible with the level of equality that Pettit deems necessary for effective citizenship. Being an equal citizen is about more than having your interests represented; it is also about having a shared sense of community with your fellows as exemplified by the criteria of having the “capacity to stand eye to eye with your fellow citizens” (Pettit, 1997, p. 5).

One way of refuting this objection is using the argument from marginal cases. Plenty of human beings are incapable of sharing a sense of community and justice with other human beings, yet these are nonetheless considered citizens by Pettit. Differentiating between non-human animals and those human beings ‘on the margin’ is generally motivated by either speciesist premises, where humanity holds a higher value in an of itself, or for practical reasons where it is argued that even the most marginal human being has cognitive capacities beyond any sentient animal (Garner, 2002b, pp. 12-13). While this is an empirical question, I agree with Garner who argues that it is very plausible to think that there are instances where animals might have capabilities equal to, or more developed than, human beings (*ibid.*, p. 13). As such, unless we are prepared to exclude many human beings from being considered true citizens then non-human animals can be too.

Nevertheless, one could argue that although we might consider proxy agents capable of representing non-human animals' interests to the same degree as human beings on the margin, this is still not equivalent to neo-republican citizenship. Maybe those “special issues of justice and legitimacy” Pettit refers to (Pettit, 2012, p. 75) indicates that marginal people can not be citizens. After all, Pettit's very definition of a citizen demands at least some level of cognitive capacity. Garner has questioned the entire premise of citizenship for non-human animals based on a criticism of precisely such capacity-oriented connotations. He suggests that instead of trying to include non-human animals in the citizenry, enfranchising, meaning human representation of non-human interests, is the better option (Garner, 2016, pp. 114-115). Enfranchising bears a striking resemblance to the empowered proxy agents proposed by Allen and von Essen. However, according to Garner this would require an additional modification to Pettit's theory, where it is not the capacity to participate but the capacity to be affected by collective decisions which determines membership of the polis (*ibid.*).

In accordance with our considered judgments, enfranchising is an elegant solution to the exclusive implications of Pettit's capacity-oriented citizenship. However, this would mean that citizenry is no longer the device for extending justice, or securing freedom as non-domination. Given the interconnectedness between these concepts in Pettit's theory, such revision seems to unravel the very core of neo-republicanism to the degree that we would no longer be able to talk about neo-republicanism as a distinct political theory.

On a final note, we should consider the case for animal protection if non-human animals were to be considered citizens. Specifically, if the neo-republican state in practice would have the necessary leeway to protect non-human animals. Victoria Costa has pointed out that in the relationship between Pettit's neo-republican state and women as a vulnerable group, citizenship alone might not warrant legitimate state interference in order to protect

vulnerable groups from injustice. The problem as Costa (2013) describes it is that legitimate state interference, according to Pettit, is contingent on taking into account what he calls the citizens' common avowable interests as opposed to individual interests (Pettit, 1997, p. 198; 2004, pp. 151, 157-169). These common interests are those interests shared among citizens in the sense that they recognize them as applicable equally to all, and are decided upon in public deliberations (*ibid.*). Costa's point is that those deliberations might come up unfavorably for women where there is already a culture of unequal consideration between men and women.

As I see it, non-human animals would face the same challenge. Even if animals have representation in these deliberations through proxy agents, this would not guard against instances where, prior to the processes of extending legal status or instituting protective policies, society is already characterized by a culture which devalues other animals in relation to humans. In such a culture, the deliberative sessions might very well end up *not* extending rights or protection to non-human animals because their interests, promoted as they may be by representatives, are not part of the *common* avowable interests in society. According to Pettit, in the case of women, the state would not be allowed to interfere to prevent neither private nor public domination (Pettit, 2006, pp. 282-283).

## 5 Concluding remarks and further research

This thesis set out with the aim of evaluating the potential benefits of Philip Pettit's neo-republican theory as a theoretical framework for a political theory of animal protection. Positioned within the literature of the contemporary 'political turn' in animal ethics, and using a definition of the ideal political theory for animal protection as centered around the inclusion of non-human animals within the sphere of justice, this thesis utilized a narrow reflective equilibrium method in order to assess the compatibility between our considered judgments about animal protection and the principles and institutional design as made evident by Pettit's writings.

The analysis shows that there are significant incompatibilities between Pettit's neo-republicanism and our considered judgments that cannot be resolved without severe modifications to the very core principles of neo-republicanism. Furthermore, the analysis indicates that extending neo-republican justice to non-human animals is conceptually problematic on several accounts. Therefore, the animal rights movement might be better advised to look elsewhere for a theoretical framework.

When Pettit's writings are taken at face value, non-human animals can expect protection only so far as indirect duties warrant. This is compatible with a welfarist position on animal protection, but not with the animal rights position envisioned in this thesis. This is a consequence of the general anthropocentric character of Pettit's ethical commitments which prompts solely instrumental moral status to animals other than human beings. Also, non-human animals would not be considered recipients of justice in Pettit's theory because they lack the cognitive capabilities necessary to contest arbitrary interference which excludes them from being considered free, a necessary condition for justice, and to participate in neo-republican society as an equally empowered citizen.

Even if we modify Pettit's theory by limiting the requirement for arbitrary interference from having to be individually contestable via the recognition of empowered proxy agents as legitimate representatives of non-human animals' interests, neo-republicanism still struggles with effective animal protection in accordance with our ideal political theory. The primary challenge is that one proxy agents does not equate citizenship status and one would have to move away from using citizenship as a means of extending justice, a cornerstone of Pettit's theory without which we would struggle to consider his theory neo-republicanism at all. Furthermore, when comparing non-human animals to women with the rationale that they would both be considered vulnerable groups in neo-republican society, there is scant evidence that even with citizenship status non-human animal interests would still risk being subject to morality rather than legal compulsion, since the neo-republican state would not be able to justify interference in neither private nor public domination unless there interests of

non-human animals are deemed as common, avowable interests shared among all citizens.

This thesis should be considered a stepping stone in the ‘political turn’s’ quest for finding a suitable theoretical framework for animal inclusion. Since there is no singular ideal political theory of animal protection within the ‘political turn’, a beneficial next step would be to examine Pettit’s neo-republicanism from the perspective of alternate political theories. Frederike Schmitz’s wider ideal with more institutions than just the state, or Donaldson and Kymlicka’s ideal with a heavy emphasis on citizenship are two good places to start. Also, continuing the assessment of neo-republicanism but going beyond Pettit would serve as a natural extension of the evaluation made here.



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