

A Defense of Animal Citizenship
Part 2: Unruly Beasts and the Threat to Democracy
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In Part 1 of this paper, we argued that a citizenship model is helpful in conceptualizing justice for domesticated animals (hereafter DAs). We responded in particular to worries that treating DAs as co-citizens – and hence as participants in a scheme of social cooperation - no matter how well-intentioned, would be inherently anthropocentric in ways which can only manipulate, coerce, and diminish them by failing to respect their essential differences from us, and placing unacceptable limitations on their flourishing. As against those who think that locating DAs within a citizenship regime would simply subject them to a new, less violent, but nevertheless oppressive, form of human domination, we argued that citizenship opens meaningful and effective avenues for ensuring that the norms governing human-animal relations are truly responsive to their subjective good. DAs have a subjective good which they can communicate, and which we can interpret, allowing them to be co-creators of a shared social project with humans, rather than being molded to fit pre-determined roles.¹ Citizenship, in short, can be good for domesticated animals.

Our focus here in Part 2 flips the question around, and asks whether domesticated animals are good for citizenship. Are DAs the kinds of beings with whom we should engage in citizen relations, or does this extension make a mockery of the idea of citizenship, threatening to erode a practice central to human flourishing and justice? Can we include “unruly beasts” in our practices of citizenship without abandoning, or at least radically weakening, fundamental norms of reciprocity, self-restraint and civility that make democratic self-rule possible and meaningful?

We begin by exploring why including animals might be thought to threaten democratic citizenship, drawing upon a recent critique of *Zoopolis* by Emma Planinc. She argues not only that animals lack the self-restraint needed for citizenship, but also that including animals would weaken commitment to such self-restraint on the part of humans, leading ultimately to either anarchy or tyranny. We then respond to this concern in two steps, or from two directions. First, we draw upon a growing body of evidence which shows that many animals, far from being unruly, display norm responsiveness rooted in a range of pro-social behaviours (cooperation, altruism, reciprocity, conflict-resolution). Of course, so far as we know, animals do not entertain propositions about such norms, and do not consciously assent to such propositions. But this leads to our second step: we draw upon an equally wide and growing body of evidence showing that human moral behaviour also is not exclusively or even primarily about rational reflection on propositions, but rather is embodied behaviour grounded in moral sentiments and pro-social impulses, and is largely intuitive and spontaneous. This evidence about norm-responsiveness in both animals and humans confirms what evolutionary biology has already told us: namely, that

¹More specifically, we discussed 1) how citizenship for domesticated animals can be structured as a choice (with a meaningful right of exit) rather than forced participation; 2) how the rights and responsibilities of citizenship can be jointly authored/negotiated by humans and animals, not simply imposed unilaterally and paternalistically by humans; and 3) how domesticated animals can exercise forms of dependent agency which can be meaningfully distinguished from adaptive preferences.

humans are evolutionarily continuous with other animals in our moral natures as much as other dimensions of our being. If democratic citizenship is possible for the crooked timber of humanity, then we have no grounds for presupposing that it is impossible for animals.² We conclude the paper with a concrete example that we hope will add flesh and bones to the more abstract arguments – namely, the growing debates across North America about dog parks, which provide a microcosm for debates about the possibility of cross-species social norms, self-restraint and civility. As we will see, here as elsewhere, we have good reason to think that including domesticated animals, far from threatening civic norms, will in fact promote them.

Democracy, Self-Restraint and Animals

In a recent article Emma Planinc suggests that the zoopolis model of animal citizenship could “render our political institutions dangerously formless and unjust in their affinity to and intimate relationship with tyrannical rule”, and that failure to distinguish human from animal forms of freedom and agency (giving “equality to both equals and unequals alike” in Plato’s terms) could lead “to the freedom of all things beastly and tyrannical in ourselves” (Planinc 2012: 3, 23).

Planinc ties her critique to two traditional theorists of the dangers of liberty for democratic citizenship: Plato and Rousseau. Both argue that the characteristic flaw of democracy – and its potentially fatal vulnerability – is its tendency to tolerate or even celebrate all forms of freedom, including the most impulsive and unbridled, when effective self-government requires a very distinctive form of moral freedom that involves taming and restraining impulses and passions. Making room for unruly beasts in political life, therefore, is a symptom of this democratic flaw.

According to Plato, the excessive freedom of animals is the mark of anarchic democracy, and its inevitable descent into tyranny:

No one who hasn’t experienced it would believe how much freer domestic animals are in a democratic city than anywhere else. As the proverb says, dogs become like their mistresses, horses and donkeys are accustomed to roam freely and proudly along the streets, bumping into anyone who doesn’t get out of their way; and all the rest are equally full of freedom.³

As Planinc puts it, for Plato a constitution which fails to distinguish human agency from beastly freedom “opens itself up to all forms of freedom including those that are unbridled, savage, and dependent on the rule of the strong and vicious over those who have eaten too many lotuses to tell the man from the wolf” (Planinc 2012: 12).

In a similar vein, Rousseau warns of the human capacity for confusing natural freedom (physical freedom and strength, impulse) with the moral freedom required in politics. Animals have a form of natural liberty, but they are incapable of consciously inhibiting impulse, or turning against natural passions and desires, and so are inevitably subject to the rule of the strongest. It is only

²“Out of the crooked timber of humanity no straight thing was ever made” (Kant, Idea for a University History with a Cosmopolitan Purpose).

³Plato, Republic 563c.

when humans replace natural liberty with “moral liberty” that political freedom is possible. As Rousseau puts it, it is “the acquisition of moral liberty which alone makes man truly the master of himself”, and “only when the voice of duty replaces impulse and right replaces appetite does man find himself forced to act upon other principles and to consult his reason before listening to his inclinations”.⁴ If humans ignore this lesson, they open the door to the rule of the wolf – those with the strength and inclination to rule others. As Planinc puts it, for Rousseau “The tyrannical wolf is one who continues to abide by the law of the strongest despite his capacity to acknowledge the freedom and equality of his subjects; and the subject of tyranny is one who abides by the law of the strongest despite his capacity to assert his moral freedom and independence” (Planinc 2012: 16-17).

On both Plato’s and Rousseau’s accounts, animal freedom represents a great danger to citizenship and democracy. When humans lose sight of the fundamental role of self-restraint, unleashing the beast within and without, they make themselves vulnerable to the tyrant who thrives in an atmosphere of anarchic rejection of authority.

In evaluating this critique, it is worth distinguishing two different lines of argument regarding the relationship of animal freedom and citizenship. As we understand Planinc’s argument, she worries that extending citizenship to animals is dangerous because:

- 1) It shows that humans no longer distinguish unbridled freedom from moral free agency (an ability self-consciously to act counter to natural impulse). In other words, moving from (human) polis to (mixed human-animal) zoopolis inevitably entails losing the crucial concept of moral free agency. The danger, here, is not so much from animals per se, as from humans abandoning our capacity for self-restraint, surrendering to our own animalistic nature, and accepting “animalistic conceptions of freedom into our democracy” (Planinc 2012: 22).
- 2) A democratic citizenry can only encompass members who are “equally free”, i.e. equally capable of moral free agency. If we admit animals as citizens, expecting them to act according to human standards of freedom “we will be betrayed” (Planinc 2012: 22), and they will potentially become tyrants, dominating us with their physical strength (“bumping into anyone who doesn’t get out of their way”, as Plato puts it).

Either way, the danger is from unbridled freedom, whether we unleash it in the form of actual unruly beasts or celebrate beastly freedom in ourselves. Democratic citizenship depends on a sharp distinction between human moral freedom and animal freedom, and the latter must be strictly controlled. This control must be both external in the case of unruly beasts, keeping them in their place (and outside the polis), and internal in the case of humans, through conscious self-restraint of animal passions and appetites.

We will challenge this picture in several ways. It rests on a false dichotomy of human and animal nature, one which underestimates animals’ capacity for exercising self-restraint and control of natural impulses; and overestimates human abilities for doing the same via rational reflection and deliberation. Moreover, it relies on a conception of moral and political agency which implausibly locates free agency strictly within individuals, rather than in the relations between individuals,

⁴Rousseau, *On the Social Contract*, Book 1, chapter 8.

and the larger environment. Relatedly, it assumes that any acknowledgement of the limitations of the human (or animal) capacity for reflective and deliberative moral agency amounts to surrendering to those limitations, when in fact it is quite possible to value and promote ideals of reflection, deliberation, and self-restraint without having to deceive ourselves about the realities of human nature. We can acknowledge that capacities for moral and political agency fall along a continuum (or series of continua), with enormous variation between individuals, across species, and in relation to different environments, without losing any sharpness in our conceptual ideals of responsible citizenship. And finally, we will argue that while human tyranny is indeed a real threat to the polis, this human tyranny is not uniquely or even primarily tied to our beastly nature, and hence the way to protect ourselves from human tyranny is not to suppress our animal nature or to exclude actual animals from the polis. Human tyrants – whether driven by a lust for power and domination, greed and excess, revenge-seeking, pleasure in violence and sadism, or ideological evil – are often unleashing distinctively human pathologies, not those elements of our nature more closely shared by animals. The unruly beast is us in our full humanity, not our animal nature.

The Human/Animal Dichotomy:

The Plato/Rousseau critique, like most of the Western philosophical tradition, draws a sharp line between human and animal nature. Humans are said to share certain aspects of our nature with animals (appetites, passions), but only humans have supervening capacities (for rational thought, impulse control, moral reflection, principled action) which can check and guide our underlying beastly nature. Animals can be ruled externally, but are incapable of self-rule based on capacities for rational reflection and moral agency. And from Aristotle onwards, politics and citizenship have been envisioned as the coming together of individuals capable of self-rule based on human-specific capacities.⁵ Even those who are sceptical about humans' ability to rationally control our animal dispositions – as with Freud or sociobiologists – share the assumption that these animal dispositions are beastly. Frans de Waal calls this the “veneer theory” – the idea that human morality is a “cultural overlay, a thin veneer hiding an otherwise selfish and brutish nature” (de Waal 2006: 6).

De Waal and other ethologists have systematically challenged this view in recent decades, arguing that humans are evolutionarily continuous with other animals in our moral nature as much as other dimensions of our being. Human morality doesn't represent a sharp break with beastly nature, but rather relies on foundations of moral emotions (e.g. empathy, love) and pro-social behaviour (e.g. cooperation, altruism, reciprocity, conflict-resolution) shared by many

⁵For a classic statement of this view, see Aristotle's *Politics*:

Now, that man is more of a political animal than bees or any other gregarious animals is evident. Nature, as we often say, makes nothing in vain, and man is the only animal she has endowed with the gift of speech. And whereas mere voice is but an indication of pleasure or pain, and is therefore found in other animals (for their nature attains to the perception of pleasure and pain and the intimation of them to one another, and no further), the power of speech is intended to set forth the expedient and inexpedient, and therefore likewise the just and unjust. And it is a characteristic of man that he alone has any sense of good and evil, of just and unjust, and the like, and the association of living beings who have this sense makes a family and a state. (Aristotle 2005: 4)

animals. Animals have the capacity to understand and respond to others without entertaining propositions about them (Andrews 2012), and they have the capacity to be good without knowing what “good” is (Rowlands 2012).

To stress this continuity is not to deny the distinctiveness of human moral capacities. As far as we know, animals do not reflect on the morality of their behaviour, discuss this with one another, and alter their future behaviour on the basis of this reflection and discussion. But recognition of evolutionary continuity is nonetheless important, implying that we should expect moral behaviour to be expressed in degrees, and along different dimensions. Moral behaviour is not an on-off switch that magically got turned on in human nature at a certain stage of evolution, but rather a matrix of capacities exercised along a continuum both within and across species.

This suggests not only that we should expect to find antecedents of morality, or dimensions of moral behaviour, in animals, but also that we should view human morality, not simply as a narrowly defined reflective intellectual capacity, but rather as embodied behaviour grounded in moral sentiments and pro-social impulses, and embedded in intuition and practical reason. And indeed, recent work in moral psychology analyzes human moral behaviour in precisely these terms, recognizing that much of our moral behaviour: 1) is prompted directly by moral emotion or intuitive judgment, unguided by conscious reflection; and 2) consists of instilled habits and adherence to norms which might never be subject to conscious reflection or revision. As Catherine Johnston states, “a great deal of human daily behaviour is necessarily intuitive and spontaneous”, and quoting Tim Ingold, “thought interrupts action, breaks it up into fragments, but by no means does it constantly direct action. The fact that we can think things out in advance does not imply that we always do” (Johnston 2008: 642). Indeed, not only do we manage to be moral agents much of the time without rational reflection, but sometimes the process of conscious scrutiny actually undermines our ability to do the right thing, or to come to the right choice or judgment.⁶ While most humans have the capacity to rationally scrutinize the morality of our behaviour, and to alter or mold it on the basis of this scrutiny, we regularly engage in moral behaviour without exercising this reflective capacity, and some humans may never exercise it.

This is not to deny the fundamental importance that rational reflection on moral norms plays in our collective democratic life. At crucial junctures, moral practices or commitments can become foregrounded, and subjected to widespread scrutiny – consider attitudes towards slavery in the US in the mid-19th century, or attitudes towards homosexuality in recent decades. And these moments of heightened awareness of moral controversy, where the capacity for rational reflection is particularly engaged, can lead to momentous decisions about how to embed moral ideals and concepts in our guiding principles, social practices, institutions, and cultural traditions.

But we mustn’t mistake these moments of high political drama with the stuff of everyday social life in a democracy.⁷ Much of the time our moral ideas are simply part of the air we breathe, not something we debate, or need to consider reasons for and against. Within a few more generations

⁶For recent discussions of moral decision-making, intuition and rational reflection, see Haidt (2007), Bortolotti (2011) and Tiberius and Swartwood (2011). On the (lack of) connection between propensities for rational reflection on morality and propensities for ethical behaviour, see also Schwitzgebel and Rust (2009), who note that professional ethicists, even though they devote their professional lives to rationally scrutinizing ethical behaviour, do not behave more ethically than others.

in North America, most people may consider it strange indeed that our society once criminalized homosexuality and mixed marriages, or that it legally enforced women's subordination to men. When this time arrives, such ideas will be subject to what moral psychologists call "moral dumbfounding". People will have a powerful and immediate sense that such practices are wrong (just as they once had such a sense that they were right), but will struggle if asked to 'give reasons' to explain why they are wrong.⁸ These practices will simply be obviously wrong (the way slavery is, or sexual molestation of children, or honour duels), and so entrenched in our cultural practices that we will simply act – intuitively, habitually -- on the basis of this new moral commitment. At key moments, our collective capacity to explicitly scrutinize pervasive and previously unquestioned moral norms is crucial to making moral progress. But in many ways the best indication that we have succeeded in making progressive change is when these new behaviours and commitments become habitual and unreflective for most of us most of the time.

Indeed, the moral health of a society depends on this sort of habituation. We are born with various pro-social tendencies (cooperation, empathy, etc.) which are molded through socialization into habitual responses and behaviors that embody certain social norms, and society functions, not because we all reflectively endorse moral norms, but on the contrary because most of the time violating those norms is literally unthinkable. We don't weigh up the reasons for and against conducting lethal experiments on orphaned children: on the contrary, we would never even think of doing such a thing. Similarly, Steven Pinker argues that the dramatic reductions in violence (such as the end of honour duels) results not from "weighing the moral issues, empathizing with the targets or restraining an impulse, but in not having the violent act as a live option in the mind at all. The act is not considered and avoided: it is unthinkable or laughable" (Pinker 2011: 624). It is important to emphasize that this behaviour, while unreflective, is not therefore "instinctive" in the biological sense. On the contrary, it is the result of intensive processes of socialization that habituate us to be (intuitively, spontaneously, often unconsciously) responsive to social norms – it is a social and cultural achievement, not a biological given.

The crucial point here is that human moral agency is embedded in cultural constructs and social environments, and not strictly located in individual capacities.⁹ And changes at the social level are possible even though many individuals do not, or cannot, scrutinize or consciously direct their own behaviour on a regular basis. We can still be beneficiaries of the moral reflections of our forebears, embedded in our socialization, culture and institutions. Human morality cannot be understood solely in terms of individual capacities and character, but in the interplay between individual capacities and the cultural environment. Individual's reflective capacities can be very limited, but their character and actions are powerfully molded by social structures which, in turn, have been subject to scrutiny over generations. The role that most of us play, most of the time, in

⁷We can draw an analogy here with Ackerman's account of "constitutional dualism", and the necessity of distinguishing "normal politics" and "constitutional moments" (Ackerman 1991). It is essential that democratic politics make institutional space for periodic bouts of highly reflective discussion of constitutional foundations, but most of the time we inevitably (and rightly) take constitutional norms as a given.

⁸On moral dumbfounding see Haidt 2001

⁹See Bandes 2013 for a helpful discussion of how moral and democratic deliberation is a social activity more than an individual capacity.

upholding these moral practices doesn't rest on our capacity for rational reflection, deliberation, or conscious commitment, but on our moral emotions, intuitions, and pro-social tendencies (e.g. our desire to love and be loved by others, to be helpful, to be cooperative, to follow the rules, to fit in, etc.). An accurate picture of human moral agency must take this entire picture into consideration, not restrict itself to the more narrow behaviour of consulting our reason before listening to our inclinations, or self-consciously acting against our impulses. Agency "cannot be simply equated with intentional choice or will" (Krause 2011: 306).

So far as we know, rational moral reflection is a distinctive and unique human achievement, but this does not mean that all human individuals possess this capacity, or that most human individuals exercise this capacity on a regular basis, let alone that participation in democratic life must be restricted to those who exhibit this capacity to some threshold level. Everyday moral agency is socially embedded, habitual, unexamined, and governed by internalized norms. It is not something which happens primarily in our conscious minds, but has "a bodily life" in Sharon Krause's phrase (Krause 2011: 317).¹⁰ We can behave morally without consciously directing it, and in performing it (with others) we create it, reinforce it, and modify it. Krause argues that agency is not located in a 'sovereign will', but rather is "at once a subjective and an intersubjective phenomenon; it emerges out of the communicative exchanges, background meanings, social interpretations, personal intentions, self-understandings, and bodily encounters through which one's identity is manifest in one's deeds" (Krause 2012: 240). This means that there is a "socially distributed" dimension to agency. It depends on "uptake" by others in reflexive intersubjective encounters. Individual moral agency need not involve rational debate and reflection, but it does presuppose several other widely shared capacities – our capacity to be socialized into social norms; and our capacity to engage in trusting, cooperative and communicative relationships.

Like Krause, we view this capacity for norm responsiveness in intersubjective relationships – the ability to moderate behaviour in accord with internalized norms when relating to other selves - as the basis of democratic citizenship (Krause 2011: 299). Such a conception is emerging not only from empirical studies of the everyday dynamics of democratic civility, but also from the work of disability scholars. Recent disability theorists make a similar case for recognizing that capacities for moral agency and democratic citizenship are embedded in ongoing social relations amongst responsive, reflexive and interdependent selves, not located in a threshold individual capacity for rational reflection and debate, or conscious self-restraint. As a result, even severe cognitive disabilities do not disqualify individuals from participating in, and contributing to, norm-governed and morally valuable practices (Arneil 2009, Clifford 2012, Silvers & Francis 2005).

A recent Supreme Court case in Canada, *R. v D.A.I.*, provides a concrete illustration of what this might mean in terms of the exercise of democratic citizenship.¹¹ In its decision, the Court considered the case of K.B., a person with significant intellectual disability, and whether she was

¹⁰Krause defines agency as "the affirmation of one's subjective existence, or identity, through concrete action in the world. To be an agent is to affect the world in ways that concretely manifest who you are, to see yourself and be seen by others in the effects you have, to recognize your deeds as being in some sense your own" (Krause 2012: 240).

¹¹Ha-Redeye 2012 and Arneil 2012 discuss this case.

competent to give testimony in the trial of the man accused of sexually assaulting her. In the original trial the judge said:

Having questioned K.B. at length I am fully satisfied with K.B. has not satisfied the prerequisite that she understands the duty to speak the truth. She cannot communicate what truth involves or what a lie involves, or what consequences result from truth or lies, and in such circumstances... I am not satisfied that she can be permitted to testify under a promise to tell the truth.

On appeal, the Supreme Court ruled that the lower court judge had erred in his application of the Canadian Evidence Act, which requires that witnesses be able to communicate the evidence, and promise to tell the truth. The Act does not require that witnesses be able to answer abstract questions about the nature of truth or to assert propositional claims about the consequences of telling the truth. The relevant standard is simply whether the witness is responsive to the norm of truth-telling, not whether she can reflect upon or debate the concept of truthfulness. So long as KB can be expected to be responsive to the social norm, her testimony is no threat to the rule of law, or to democratic life more generally.

The Supreme Court also emphasized that K.B. was being unfairly held to a standard for giving testimony that others were not required to meet. Other witnesses are not required to prove that they know what telling the truth means before giving testimony. If the competence of a particular witness for giving testimony is questioned, the response should not be to impose what is in effect a different test of competence, one which regular witnesses are not required to meet (and may or may not be able to meet).

We would argue that the same dynamic is at work in Planinc's critique, and in other dismissals of the idea of citizenship for domesticated animals. Most humans are highly sceptical of the idea that animals can be citizens. And in light of this scepticism, they impose on animals a stricter test in terms of capacities and behaviours than is required of human citizens. Starting with an overly-intellectualized idea of what constitutes human moral agency, and ignoring the fact that most of the time moral agency is the habitual expression of internalized or externally sanctioned norms, we hold animals to a higher standard, expecting them to pass a test of citizenship which humans are not required, and may not be able, to pass ourselves. Meanwhile, while awaiting confirmation that they possess capacities for reflection and deliberation, we withhold our own responsiveness to the expressed agency of animals, and thereby deny them the very uptake that could confirm and support their agency.¹²

So the appropriate test for animal citizenship, we would argue, is whether they exhibit norm responsiveness and intersubjective recognition in actual interactions, not whether they engage in rational reflection and deliberation. Whether or not they exhibit such norm responsiveness is an empirical question, and recent ethological research offers some fascinating evidence. This includes evidence that many different kinds of animals experience and act on the basis of moral emotions such as love, trust and empathy; engage in a variety of cooperative tasks requiring impulse control or delayed gratification; are socialized into norms of behaviour or social

¹²As Kennan Ferguson notes, "in trying to understand the ethical and political constitution of people, it is more important to attend to how they behave than how they think they should behave (or, especially, how theorists argue they should think and then behave)" (Ferguson 2004: 379).

practices which can subsequently be modified, resisted and/or renegotiated; and exercise self-restraint and self-sacrifice out of concern for others, fear of consequences, or even a sense of fairness.¹³

It is early days in our exploration of animal agency, and we still have much to learn. We don't know the extent to which the behaviour of different DA species, and different individuals, in different circumstances, is best described in terms of instinct vs unconscious internalized habits vs externally imposed constraints vs more conscious forms of practical reasoning and choice-making (in the face of conflicting desires, for example). But the existing science is already very compelling in suggesting not only a remarkable extent and complexity of animals' agency, but also great continuity and overlap between their forms of agency and our own.

Put simply, the evidence to date suggests that we are able to share a common moral world with domesticated animals. "To talk of agency", says Krause, "is to conjure a world not simply of interactions among bodies but of relationships among beings who share sufficiently in reflexivity to be capable of responding to one another's normative claims, a material world that lives in a social register, marked by communication and reciprocal coordination. Agents do not always respond to norms, but they are constituted in such a way that responding is possible for them" (Krause 2011: 311). This world of agency is a world we share with domesticated animals.

We will only discover the extent of DA's capacity for moral agency and citizenship by engaging them as citizens and seeing what happens, rather than by setting tests of citizenship capacities which are not an accurate reflection of human moral and political agency, let alone a fair assessment of any new capacities which animals might contribute to the polis.

In light of this recent research on the continuity of human/animal social and moral impulses, and the normative and other regulative mechanisms of animals' social lives, we must set aside the sharp dichotomy of unruly animals and reason-governed humans, and alarmist fears that admitting animals to the polis will result in unruly beasts taking over public space and trampling everyone who gets in their way.

Indeed, it is time to look again at who really are the unruly beasts of the polis. Plato and Rousseau rightly emphasize the capacity for self-restraint in the face of excessive appetites, passions and greed – this surely is crucial for a sustainable democratic politics. But it is worth asking, in a serious and systematic way, who does and who does not display such self-restraint. There is ample evidence from the animal world that most animals, in most circumstances, do not engage in excessive behaviour – gratuitous violence and war mongering, greedy accumulation and hoarding, consumption past the point of satiety. Rather than perceiving passion and appetite as drives which are unregulated in animals but over which humans can exercise self-restraint, it might be more accurate to view them as drives which are checked in most animals by the constraints of their environment and their limited ability to control that environment. By contrast, humans, having figured out how to dramatically manipulate our environment, have become the

¹³For overviews of some of this evidence see Rowlands (2012); Bekoff and Pierce (2009) and de Waal (2006: 2009). For intriguing examples in practice not only of norm responsiveness, but of the inter-species negotiation of such norms, see the discussion of the negotiation of social practices between dogs and cats in Alger and Alger 2005 and Feuerstein and Terkel 2008.

true unchecked force which is overwhelming and destroying the planet with our unregulated appetites.

Plato and Rousseau also rightly emphasize the need to avoid tyranny – this too is crucial for sustainable democratic politics. But here too it is worth asking who displays the drive to tyrannize others. To be sure, social animals often form hierarchical societies. In some cases these are dominance hierarchies, in which power and status are tested, fought over, and vigilantly protected. But in many cases, leadership falls to those who may or may not be the strongest or fastest, but who possess other qualities such as knowledge and experience, capacity for judgment, or for assuming responsibility. In any event, what we rarely observe in the animal world is the exercise of tyranny, or a desire to control and dominate others which crowds out all other motivations. Wanton or gratuitous cruelty does not seem to be widespread amongst animals. And evil, at least ideologically motivated evil, is absent. Animals do not fall under the grip of an idea (racial superiority, vanguard of the proletariat, death to apostates, right to bear arms) whose single-minded pursuit overrides social norms of reciprocity and tolerance, or moral sentiments such as compassion and trust. Animals can hold a grudge, engage in resistance, and even revenge. But this kind of behaviour is usually observed only when there has been extraordinary provocation. Animals do not seem particularly inclined to nurse wounds, or harbour grudges (with the possible exception of some of our close primate relatives) – let alone encode these slights in intergenerational enmities.

Dogs in City Parks – A Case Study for Zoopolis

Thus far we have engaged in a very abstract discussion of DAs and citizenship, a level of abstraction where it is very easy to talk about “unruly beasts” without thinking about what it concretely means to encounter one another as embodied citizens, in the actual sites of citizenship. So let us turn now to thinking about one such site – the city park. Far from being a hypothetical zoopolis, such sites are currently being negotiated as a location of DA citizenship across North America and other jurisdictions. According to U.S. statistics, 39% of American households include one or more dogs, and there are an estimated 2200 dog parks across the country (Urbanik & Morgan 2012: 1). The status of dogs in these households has undergone a transformation. Increasingly, dogs are recognized as family members, full stop. And humans expect these family members, like other family members, to accompany them in public space, on public transport, when they go on vacation, and so on. They expect to visit parks, as a family, in which all family members are accommodated, recognizing dogs as “needing, sharing, and utilizing public spaces” (Urbanik & Morgan 2012: 2).

The creation of dog parks (on and off leash) is being driven by increasingly vocal and well-organized demand. It is not without controversy, and many of the opponents of dogs in public spaces would sympathize with Plato’s lament that democracy is losing its way when you have unruly beasts “accustomed to roam freely and proudly along the streets, bumping into anyone who doesn’t get out of their way”. Opponents express concern about the noise generated by dogs, the smells, the threat of biting and other violence, the problem of dog waste, and generally boisterous, undignified, and unruly behaviour in what is supposed to be a ‘human’ space, dedicated to the needs of human recreation, especially children. They also object to money being spent on dog parks when the city faces many more important challenges and priorities (Urbanik & Morgan 2012: 8-9). Even when specific concerns (eg., about costs or dog waste) are clearly

addressed, opposition often remains virulent, which suggests that opposition is grounded in a more general discomfort with the idea of dogs as part of the public urban community.

In their review of attitudes to dogs in city parks in Kansas, Urbanik and Morgan found a clear split between those who think of dogs as animals belonging to private individuals who should take care of them in their own private space, and dog owners who

see their dogs as explicitly members of their families, which, in their view, entitled these more-than-human families to claim parts of public spaces as their own; just like families with children or those who want to play tennis or picnic. In essence, these more-than-human families need more-than-human public spaces (Urbanik & Morgan 2012: 10).

The dog park movement is therefore a key site for negotiating perceptions about dogs' membership in the community, and their right to shape, and share in, public space with their human co-citizens. And, like Planinc's critique, the language of this debate draws upon millennia-old ideas about the human-animal divide, the nature of the polis as a human-only space, and the threat that beasts pose to the human polis by their unruly bodily appetites and passions, and their inability to regulate their behaviour in light of the interests and rights of other members of the community. The desire to admit dogs to the polis is seen by critics as evidence of misguided priorities - of democracy going to the dogs. It relinquishes the precious idea that the polis is a place to foster distinctively human forms of freedom and flourishing.

In the first part of this paper, we argued that this kind of generalized fear of the unruly beast is tied to a sharp conceptual dichotomy of human and animal natures which underrates animals' capacities for self-regulating, pro-social and moral behaviour, while overestimating human tendencies to subject our behaviour to rational scrutiny, reflection, deliberation, and control (and overestimating the value of doing so at least in the context of quotidian good citizenship behaviour). We also noted that democratic agency (in the form of norm responsiveness and reflexivity) is a distributed phenomenon which depends for its realization on uptake via intersubjective encounters and environmental opportunities. In other words, the capacity of any individual for citizenship is dependent on recognition and support of that agency by other citizens and the nature of the spaces, practices, structures and institutions which they share. This means that if we subject individuals to tests of citizenship in an abstract or de-contextualized setting prior to actually engaging them in citizenship relationship, we are directly limiting and distorting those capacities. This is especially true if we start from an inaccurate, overintellectualized or idealized conception of what constitutes good citizenship behaviour.

With this critique in mind, let us look more closely at the behaviour of dogs and humans in the city park. A highly idealized or intellectualized conception of how human citizens behave in the park would emphasize that they deliberate about the nature of a city park and the goals of this public space, that they rationally scrutinize their role and the role of others, that they explicitly articulate the rules of the park in propositional form, and that they are conscious of their duty to comply with these collectively negotiated rules for the benefit of all. And we do indeed engage in all of these behaviours some of the time, particularly when a long-established dimension of park use becomes controversial. But much of the time our moral agency in the park is on auto-pilot. This does not mean that it is not acutely reflexive and responsive to norms, but simply that most of our interactions with the environment and others are spontaneous, intuitive, habitual and unreflective. The extent of this spontaneous norm responsive and reflexive behaviour is quite

staggering. A careful trained observer can catalogue hundreds of micro-accommodations we make on a daily basis in the park: we leave sufficient space between ourselves and the next sunbathers or picnickers, restrain the force or pace of a soccer game when little kids are running about nearby, negotiate paths involving walkers, bikers, skateboarders, baby buggies and dog-walkers, avoid staring at people for too long, curb our public displays of affection, lower the volume of our music, shift to a whisper so as not to wake the old man napping on the park bench, avoid frightening others by suddenly appearing from behind a shrub or following them too closely on the path, bin our litter, control the urge to spit, feed the ducks in the designated area, and so on. These forms of civility are ubiquitous, and essential to the functioning of public space to allow everyone to share the park, enjoy and coordinate their individual uses of the park, and participate in a larger park experience of vibrant and diverse community.

Naturally some people fail to be good citizens of the park (and surely we all on occasion fail in this way). Some people simply haven't internalized the kinds of norms outlined above. They may be oblivious or indifferent to the stares or comments of others when they fail to behave civilly. Or they may be sensitive to external social pressure, but not to an internal norm. For example, the same person who automatically puts their trash in the bin during the day when the park is crowded, might toss it on the ground at night when nobody is around, or when there's no bin in immediate sight. Park planners know all about regulating human behaviour by controlling the environment – how to use sightlines, lighting, plantings, and surface treatments to keep people to paths, to give them a feeling of safety, to keep them moving in a desired direction, or to encourage authorized activities while discouraging unauthorized ones (e.g. how far apart to space trash bins to minimize littering).

In a myriad of ways, then, our behaviour in parks is unconsciously governed by the environment, by internalized habits, and by responsiveness to the presence and actions of others. This may not be the conscious control of a deliberative and sovereign will, but it is agency which, to repeat the quote from Krause earlier, “emerges out of the communicative exchanges, background meanings, social interpretations, personal intentions, self-understandings, and bodily encounters through which one's identity is manifest in one's deeds” (Krause 2012:240).

And of course dogs do all of this too. They internalize norms of behaviour. They respond to external cues and controls. They are acutely aware of, and responsive to, the presence and actions of others in their environment. In their study of a Swedish city park, Laurier, Maze and Lundin identify the multiple dimensions of dog agency in an activity as seemingly simple as a human and dog companion taking a walk across the park together. The dogs are constantly aware of the location of the humans (and vice versa) either by sight or by feel and pressure on the lead. They know what paths are and how they structure a walk. At either end of the lead, dog or human can use pressure and direction to communicate the pace and direction of the walk. Dogs and humans both learn how to negotiate lamp posts (or multiple leads) and other obstructions so they don't end up in a muddle. They take turns suggesting play opportunities – picking up a stick, kicking a pile of leaves. When different dyads of dog and human walkers approach on the path, the humans (and sometimes the dogs) signal (consciously or not) whether an encounter or visit is desired by shortening or lengthening lead lengths, moving dogs to an inner or outer position on the path, or changing pace. Dogs and humans can recognize all these signs, and respond accordingly (Laurier et al 2006).

Initially, all of this coordination has to be learned and negotiated, but over time both humans and dogs engage in a kind of spontaneous ballet of coordinated movement. Dogs have to exercise a great deal of self-restraint as they learn the rules of going for a walk, (e.g. not lunging at a passing dog or human, not trying the patience of their human companion with endless prolonged sniffing)¹⁴, and there will always be temptations and conflicting interests or commitments which require them to exercise patience, tolerance, or self-control. Laurier et al note various instances when humans are aware that their dogs have exercised self-control, and reward them for this (Laurier et al 2006: 14). With experience and maturity, dogs can become extremely savvy park users, attuned to the various dimensions of park life and their place in it. They can become good citizens not just of the walking paths, but of the designated off leash areas (learning how to negotiate the rules of dog encounter and play), or coordinated human-dog games and activities. Highly responsible dogs learn “to become an urban dog that does not bother those that are not its friends” (Laurier et al 2006: 17). Whether on the street or at the park they learn to go about their business, seek out their friends (human, canine and other) and pleasures without accosting joggers, sunbathers, or other mutts; defecating where they ought not; running in front of vehicles; or pinching unsupervised picnics.

Of course, as in the case of human park users, there are many instances in which dogs have not internalized the rules of civil park use, or whose humans fail to teach them, supervise them, or clean up after them. As noted above, however, humans also frequently fail to live up to social norms and expectations, and indeed park planners purposely design public space in order to create external checks and inducements to support and complement our intrinsic pro-social motivations and internalized habits. Where this fails, we use social opprobrium, fines, or more significant punishments to promote cooperative and lawful behaviour. We don't punish all park-using humans for the misbehaviour of a few, and we don't admonish children for being bad park citizens when their parents are at fault. We accord everyone their rightful opportunity to learn about the park, and be socialized into its ways. So too, we argue, with domesticated animals.

We don't wish to minimize the challenges of engaging DAs as co-citizens, but it's only fair to note that fostering responsible, engaged and contributing citizens of any species is a challenge, not a special mark which counts against DA's admission to the polis.

By looking at how actual dogs and humans interact in actual city parks, we can see the myriad ways in which dogs are able to exercise reflexive and norm-sensitive agency. It is simply not true that they are unable to exercise self-restraint, capable only of a freedom which will tyrannize and trample others if they are welcomed into the polis. Dogs do not pose a threat to the polis. In fact, they have the capacity to enrich the polis in countless ways. In some respects, they exemplify some of the highest values of democratic citizenship – for example, in their dedication to service, their disinclination to discriminate (regarding race, gender, sexual orientation, class, etc.), and their general capacity for joyful, creative and fun communal activity. Research continues to mount about the individual and communal benefits of dog parks, and dogs in parks, for their human co-citizens.¹⁵ This includes health impacts (dog walkers have lower blood pressure, suffer

¹⁴And hopefully their humans are doing the same – restraining the impulse to spend walk time ignoring their dog while they text, or chat with another human, or forgetting what it is to have a nose and a longing to use it!

¹⁵Urbanik & Morgan (2012) summarize some of this evidence.

less depression). Dogs also contribute to the sense of local community by prompting interaction between humans. For example, Laurier et al 2006 discuss how dogs are “tickets”

to start conversations between people who are previously unacquainted. Thus dog walking provides a means for owners to decrease their loneliness and social isolation through meeting other people while out walking. Under most circumstances city dwellers do not initiate conversations with people with whom they are unacquainted unless by way of some legitimate mechanism... (Laurier et al 2006: 13-14).

The presence of humans walking dogs contributes to people’s sense of safety in public areas (Wood et al 2007). Because they use parks in early morning and late at night, human/dog walkers extend the hours of sanctioned park use, reducing use by groups who vandalize, or litter the park with used condoms, needles, beer cans, cigarette stubs, etc.¹⁶ When humans become community activists around dog park advocacy, they often go on to other kinds of community activism (Wolch 2002; Urbanik & Morgan 2012). Advocating for animal citizenship can function as an entry issue, in other words, to broader forms of social engagement and active citizenship. Dogs can help support the agency of their human co-citizens – providing affection and social interaction to people who are shy, or withdrawn, or socially isolated or ostracized. They can also make very practical contributions, like socializing young dogs into good park habits, discouraging unwanted park animal visitors (scaring away Canada geese who become too numerous, or coyotes who become too friendly), or scavenging and cleaning up messes that humans leave behind. If public space starts to open up to other DAs (community chicken runs, or sheep to keep the grass trimmed as in many small British villages), then dogs might have a role in protecting their co-citizens. Some dogs are super-citizens, like Meg the border collie from Suffolk, England, who loves to collect litter in the park and put it in the bin. She occasionally sets an example for human park users who fail to live up to their civic responsibilities (swooping in to grab the garbage they have just tossed), and indeed the local municipality is considering her as the “face” of an upcoming anti-litter campaign.¹⁷

Once again, we must ask who really are the unruly beasts threatening civic space? Is it dogs, chickens, sheep and donkeys? Or is it humans who segregate parks along race or ethnic lines; or who scrimp on public funding so that poor people are excluded by park user fees, or denied recreational and public space altogether when such spaces become increasingly gated and privatized? What about the humans who engage in industrial activity which pollutes public park beaches? Or support the conversion of public parks from civic to commercial space by selling naming rights or exclusive service contracts (vending machines, for example) to companies and brand names? Or join gangs which seek to dominate park space for the purposes of illegal activity, or simply to assert status against rival gangs? Or simply vandalize, litter and generally disrespect public space? (In Ottawa recently, the dog walkers at Brewer’s Park organized an annual park clean-up. They found almost no dog waste, but collected 30 bags of human-generated litter!)

¹⁶See Wolch 2002 for a discussion of how dogs and their humans reclaimed a rundown Los Angeles park from illegal use.

¹⁷Bond 2012. Meg is not an isolated case – lots of dogs enjoy collecting litter from parks and recreational trails. Some apparently know how to separate garbage from recyclables! (Daily Mail 2010).

Any move towards integrating DAs into a zoopolis is going to be greeted by scepticism and fear, as well as a host of legitimate concerns and practical challenges. The way forward is to engage in citizenization processes and relationships, negotiating the challenges of cross-species citizenship in the arenas of actual civic space, not in the armchairs of the academy where unscientific stereotypes of rational man and unruly beast still hold sway.

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