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## **Solidarity between Human and Non-Human Animals: Representing Animal Voices in**

### **Policy Deliberations**

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In this paper, we discuss the bridging potential of “interspecies” solidarity between the often incommensurable ethics of care and justice. Indeed, we show that the Environmental Communication literature emphasizes feelings of care and compassion as vectors of responsibility taking for animals. But we also show that a growing field of Political Animal Rights suggest that such responsibility taking should instead be grounded in universalizable terms of justice. Our argument is that a dual conception of solidarity can bridge this divide: On the one hand, solidarity as a pre-political relation with animals and, on the other hand, as a political practice based on open public deliberation of universalizable claims to justice; that is, claims to justice advanced by human proxy representatives of vulnerable non-humans. Such a dual conception can both challenge and validate NGOs’ claims to “speak on behalf of animals” in policy following the Aarhus Convention, indeed underwriting the Convention by insights from internatural communication in solidarity as relation, and by subjecting it to rational scrutiny in mini-publics in solidary as practice.

KEYWORDS: [Solidarity](#), [internatural communication](#), [discourse ethics](#), [proxy representation](#), [mini-publics](#)

## **Solidarity between Human and Non-Human Animals: Representing Animal Voices in Policy Deliberations**

While perhaps equally important in defining our relationships to vulnerable others, the concepts of care and justice are often presented as in profound tension with one another (Noddings, 1984; Gilligan, 1987; Okin, 1989). On the one hand, it is thought that such relationships must be based on feelings of care and empathetic understanding of the needs and interests of the vulnerable who cannot, for one reason or another, rationally formulate or articulate their own good (Goodin, 1986; Donovan, 1996; Fineman, 2008). On the other hand, it is thought that our relationship and responsibility-taking for vulnerable others must be based on universalizable claims to justice; claims that gain validity through rational argumentative defenses against skeptical challenges concerning what the vulnerable need and what they are properly owed (Regan, 1995; Garner, 2012). Indeed, the rational universalizability of claims to rights and justice proves essential to the task of giving public justification to policy decisions concerning vulnerable members of the shared political community (Goodin, 1996). Here, the tension between the concepts of care and justice derives from a difference in emphasis regarding the basis of moral responsibility (Buchanan, 2013). This is the difference between developing feelings of being responsible for vulnerable others and defending before a universal audience of all those who are purportedly placed under an obligation that they should to take responsibility.

Such a tension between care and justice is by no mean limited to our relations to vulnerable others who are fellow humans; others whose vulnerabilities are a function of race, class, or gender. It is equally present in discussions of our relations and responsibility taking concerning non-human animals (Clement, 2003; Palmer, 2010). These are both voiceless and vulnerable in the face of policy. This is why, for example, the Aarhus Convention now gives

standing to NGOs to speak on behalf of nature. It is worth noting that, as we show in this paper, the previous research in Environmental Communication heavily favours a care-based response to motivating our relationships of taking responsibility for vulnerable non-humans, who do not rationally or indeed linguistically articulate to us their needs, interests, or goods. But by contrast, the burgeoning literature on political animal rights favors a rationally universalizable justice-based response, stressing what is owed to non-human animals by right based on the particular kinds of relationships we have established with them, as participants in a complex system of interspecies cooperation (Hobson, 2007; Palmer, 2010; Smith, 2012; Garner, 2013). The tension between the different appeals to care or justice for animals is a source of considerable frustration for anyone who believes that we should take responsibility for vulnerable non-humans. Both approaches are correct in their different ways. We must both develop appropriate *feelings* of being responsible and appropriate *reasons* to defend our claims. The latter more universalist approach must be before fellow ‘rational’ members of the political community, who should rightly take responsibility for vulnerable others across species lines in a shared interspecies community.

What, then, is the appropriate mechanism for balancing the claims of care and justice—indeed of feelings and reason—to best further responsibility taking for animals? We purport the concept of *solidarity* across species lines can provide exactly the kind of conceptual basis required for such a balancing of concerns. Indeed, we argue that solidarity is, in one part, a concern for developing appropriate feelings of being responsible for vulnerable others based on caring and empathetic understanding (Lenard et al., 2010). But it is also, in another part, a concern for justifying universalizable claims that we ought to take responsibility for the vulnerable with whom we are politically interrelated (Habermas, 1990a; Rehg, 1997). We

support this balancing claim by appealing to a distinction between solidarity as a *relation*, based on developing empathetic understandings of the needs and interests of vulnerable non-human animals, and a *practice* of justifying claims that all rational human animals are bound as privileged members of an interspecies political community to take responsibility for addressing these vulnerabilities. The practice of solidarity, then, is that which must be discursively checked so as to not permit NGOs to conjure claims out of thin air when speaking on behalf of animals following the Aarhus Convention.

It might be considered, however, that the distinguishing feature of solidarity is that it is, above all, a *membership* concept. Moreover, the category of membership to which theorists of solidarity frequently appeal is that of co-national citizenship. As such, solidarity is about a co-national ‘we.’ But this ‘we’ may have feelings of empathy and duties of universal humanitarian justice towards non-members – or “them” as distant others from other countries – without including the latter in ‘our’ exclusive solidaristic community of citizens. This is true. But, as we shall argue, that is also based on a particularly narrow reading of solidarity, which may encompass many different forms of membership besides national citizenship. Ultimately, we are concerned with developing a conception of solidarity suitable for Donaldson and Kymlicka’s (2011) idea of a zoopolis, or interrelated human/non-human political community. To this extent, our conception appeals to the ‘we’ of just such an interspecies community. Here, all animals are members of the universal ‘we’ of this community, even if only humans are capable of performing the duties of citizenship. Indeed, all animals are members in the sense that all are owed considerations of care and justice, although this may mean different things for domestic as opposed to liminal or wild animals.

We proceed in the following steps. First, we explore the Environmental Communication literature on internatural communication – across species lines – in order to ground our claim about a human/non-human solidarity relation based on care and developing an empathetic understanding of the vulnerabilities of non-human animals. Next, we turn to the very different literature of political philosophy concerning discourse ethics and solidarity as a practice of justifying universalizable claims of justice. Finally, we argue for certain innovations in how we think about solidarity, especially in regard to representing animals incapable of developing and articulating conceptions of their own good.

### **Internatural Communication**

We confine our discussion in this section to a review of the emerging literature in Environmental Communication on what we will call *internatural communication* (see Plec, 2013), but which may just as well be termed human-animal or interspecies communication. This literature challenges the conception of non-human animals as voiceless, or as participating in political processes only through implicit claims (Milstein, 2012). To be sure, scholars within the intersections of political philosophy and animal rights theory have recently begun to rethink human duties to animals through giving animals ‘voice’ on an abstract societal level through concepts like citizenship, justice and sovereignty (Hinchliffe et al., 2005; Hobson, 2007; Donaldson and Kymlicka, 2011; Garner, 2013). But few have examined *how* this voice is to be heard and translated in what remains an anthropocentric society. On the one hand, failure to acknowledge and formalize animal presence in participation is recognized as a barrier to overcoming the prevailing view of voiceless non-humans. But, on the other hand, this lack of acknowledgement is also a failure to *understand* their subjective goods well enough to feature them in decision-making processes in the first instance (Matarrese, 2010).

Fields of zoosemiotics, biosemiotics, ecosemiotics, biorhetoric and internatural communication take up the challenge of the latter (Sebeok, 1972; Plec, 2013). The evidence for animal communication suggests animals communicate symbolically, contextually, colloquially, and with perlocutionary or illocutionary effects in a way that is different from human communication not in kind but in degree (Sebeok, 1965; Lind, 2012; Plec, 2013). Indeed, animals may be said to communicate politically with humans in the following ways: through acts of protest and resistance (Hribal, 2013), through cooperation with humans (Donaldson and Kymlicka, 2011; Meijer, 2014), ‘voting with their feet’ as displays of autonomy (MacKinnon, 2004) and through negotiation and bargaining (Meijer, 2013). In this regard, they increasingly challenge the dichotomization of a complex symbolic human on the one hand and merely signatory ‘sound-emitting’ animal communication on the other (Scott-Phillips, 2015).

In attending to embodied, non-verbal and performative forms of communication across species, closer connections between human and non-human animals are forged, so that we cultivate a better understanding of ourselves, others and how we are related (Carbaugh, 1999; Munday, 2012). This facilitates a move toward the view of a shared interspecies community. Beyond the inclusion of animal, difference theorists see openness to plural ways of listening to non-dominant actors and formalizing their voice in “*the production of meaning, policy and material conditions*” (Meijer, 2013) as an essential democratic project that that helps us develop relationships with the subaltern (Eckersley, 2004; Plec, 2013). Feminist care theory similarly avers the importance of restoring ‘absent referents’ to our shared discourse, inviting the potential for dialogue across species lines (Adams, 1991)

To some, the tools are already largely in place for achieving solidarity as relation with animals through communication—including a ‘special ability’ on the part of humans to

communicate with other forms of life (Deloria Jr, 1991); adequate knowledge of most animal interests and welfare (Smith, 2012); and semiotic analysis for decoding the diverse channels in which animals communicate with humans (Lind, 2012). These all denote ways in which we can become articulate with animals (Bingham, 2006). But others press for a necessary transcendence of manufactured and mediated representations and words toward greater imagination (Carbaugh, 2007) and caution against simply co-opting existing terms from human linguistics (Scott-Phillips, 2015). Instead, we need to learn the ‘grammar of expression’ that is specific to natural creatures, an understanding that is both intellectual and emotional (Scheler, 1970).

### *Discursive Monopoly of Humans*

Within this literature, some contend that the silence heretofore attributed to the biotic community as participants in political dialogue is a reflection of a brand of discursive monopoly on the part of humans (Meijer, 2013). Brown and Dilley (2012) declare that official “scriptings of principles, codes and protocols designed to shape conduct valorise the human ability for language and rational communication tend to overlook the situated, contingent, corporeal and affectual practices through which ethical relations are enacted” (p.39) To the extent animals articulate preferences, these have tended to be essentialized as instinctual biological behavior as opposed to acts of agency (Fox, 2006), denying animals an element of autonomy at a fundamental level. That non-human animals are seemingly incapable of participating in the kind of communicative processes that promote solidarity, moreover, currently presents a major hurdle for animal ethicists that seek to understand animals in terms of our co-citizens and sovereigns. Indeed, these are political concepts that traditionally necessitate capacity to participate in the shaping of terms of interaction or the autonomous authoring of laws (Donaldson and Kymlicka, 2011).

In order to overcome this hurdle, scholars writing in the field of internatural communication call for increased sensitivity to human-animal communication along the following nodes. First, the acknowledgment of its inherently political character, because, such communication in effect challenge traditional species boundaries (Meijer, 2013;2014). Second, the *opening up* of perspective rather than changing it (Lind, 2012). Third, encouraging discursive diversity generally (Carbaugh, 2007). Fourth, re-learning or learning how to listen, against the premise that as adults we have learned to ignore animals' expressions because we have the power to ignore them (Walker, 1988). Indeed, children often form deep, primitive bonds with animals – a connection from which much social energy is expended to condition them out of a natural solidarity bond (Luke, 1992). Since altruistic kinship (Callicott, 1988) or bodily kinship (Glendinning, 2000) are still taken to be latently present, these are human/non-human animal connections that can be re-learned or re-emphasized in modernity, with the necessary training and effort (Bateson and Bateson, 1987; Donovan, 2006)

What, then, is the normative significance of such re-learning and what are the implications of attending to animal expressions? We believe re-learning is crucial in order to ground claims regarding animals' subjective goods in unobjectionably anthropocentric understandings of their life-worlds. Rodd (1992), Shapiro (1990), Donovan (2006) and Carbaugh (2007) are among those that advocate attending to non-verbal expressions of preference. Human/non-human interactions constitute a way forward suggested by scholars in order to both understand and formalize animal political presence (Brown and Dilley, 2012; Peltola and Heikkilä, 2015). On this view, those animals that interact with us through non-verbal gestures enter into an intersubjective relation with us that is politically meaningful (Meijer, 2014). To Donovan (1996), this is an essential channel in grounding an ethic of care than can convert – in

our preferred language – relation into practice by including animals outside of our immediate circle of interaction. Through paying emotional attention and taking seriously what animals are telling us—through mechanisms of kinesthetic empathy (Shapiro, 1990), sensuous empathy (Stein, 1966), corporeal dialogism (Plec, 2013; Peltola and Heikkilä, 2015), affectual and contingent practices (Brown and Dilley, 2012) close observation of body language and repeated interactions with individuals—we can cultivate an understanding of their needs and develop an appropriate ethical response through this communication. The dialogic approach to animal ethics, then, is to Donovan (2006) “...not a matter of behaving like the deer or modeling human ethics on the deer’s behavior; rather it is a matter of incorporating the deer’s position and wishes dialogically in the human ethical-decision-making process.” (p. 136-137)

To this end, two objections may challenge the idea that solidarity can be predicated, at least initially, on these communicatively grounded interrelations with animals. First, a common refrain among ethicists is that emotion and sympathy as cultivated through embodied interactions provide an unstable ground for morality in human as well as non-human cases (Regan, 1995; DeGrazia, 1998; Dobson, 2003; Garner, 2013). Second, in Kant’s perspective, to which the latter critique hails, sympathy and empathy—indeed, one might argue solidarity—are partial and impulsive mechanisms that fail at universalizing obligations to those with whom we have not forged particular proximate relationships with through internatural communication.

The first objection, that solidarity is an unprincipled affair, may be countered by the recognition that there is a cognitive dimension to solidarity that requires strong powers of observation and concentration, as well as faculties of evaluation and judgment (Donovan, 2006). This cognitive dimension ensures that moral sentiment regarding non-humans “...is not, therefore, whimsical and erratic; nor does it entail obliteration of the thinking or feeling self”

(p.91). Indeed, internatural communication and feelings of solidarity with non-human animals entail moments of rational insight (Rehg, 1997). Furthermore, even if solidarity through embodied interactions represents a less rational mechanism than recourse to universal principles of justice, Luke (2007) and Smith (2012) suggest something that is affirmed by ethic-of-care ecofeminists; namely that the animal welfare movement resonates with people not because of abstract theorizing around constructs of justice, but precisely because of empathy and sympathy with the suffering of animals (Adams, 1991; Kelch, 1999; Clement, 2003). Justice, on the other hand, is inadequate for animals precisely because it is *too* rational; animals, for example, lack the cognitive satisfaction dimension of justice (Palmer, 2010).

The second, related objection cannot be given short shrift as to the charge of irrationality. Indeed, this is that the insights we have learned – or relearned – by listening and observing to non-human voices do not necessarily translate into extensions beyond particular proximate relationships with these animal interlocutors. This much is conceded by ethicists (Donovan, 2006; Garner, 2013). Such a concern is legitimate, and stems from a view of morality as something which is “...founded in a series of concrete connection between persons, a direct sense of connection which exists prior to moral beliefs about what is right and wrong” (Blum, 1988). Exploring the possibilities of a relational ethic beyond our domestic animals who are proximate to us, Garner (2013) suggests, is contentious. We need, therefore, a way of extending sentiment into practice that transgresses the proximate and relational to include sovereign (wild) animals who are situated on the peripheries of our interspecies community.

### **Internatural Communication and the Solidarity Relation**

We turn now to theorizing such an extension in light of the relationship between internatural communication and the political philosophy literature on political solidarity. As noted in our introduction, the internatural communication literature does not specifically engage this literature. This idea of solidarity, however, plays a vital role in the political philosophy literature by providing an account of how a stable and cohesive political community is forged (Rehg, 1997; Harvey, 2007; Lenard et al., 2010; Kolers, 2012; Krishnamurthy, 2013). That is, it aims to provide an account of how political community is forged among diverse human populations with different needs, interests, ideological commitments and identities. For most political theorists, solidarity among humans is not simply about proximity of relations. Indeed, it is sometimes defined in terms of a common conception of the good life among national citizens (Sandel, 1997); only then, are citizens willing to make those sacrifices that *justice* demands of them for their co-nationals whom they have never met. But this shared common good conception of solidarity may be criticized on the ground that it does not take into account the pluralism of commitments and values in any modern large-scale national political community (Krishnamurthy, 2013). Moreover, as tied to the nation state, such a conception of solidarity may be criticized for failing to provide an account of solidarity with non-nationals (Lenard et al., 2010; Straehle, 2010). Indeed, it is vital to our argument that membership in a solidaristic community should not be limited by the concept of citizenship. After all, our intention is ultimately to include diverse non-humans in inter-species community of solidarity, where the latter cannot plausibly be said to exercise the distinctively human powers and capabilities of citizenship.

An alternative is to define solidarity instead as a type of *action*, indeed working with others for a common political aim (Kolers, 2012). This has the considerable virtue of detaching

solidarity from nationality. So, anti-globalization activists in New York might work towards the common aim of resisting corporate globalization with fellow activists they have never met in Cochabamba. Here, solidarity between non-nationals need not entail any strong sense of reciprocity between those working together in solidarity. Working together for a common political aim need not entail that the activists in Cochabamba should be aware of the efforts made by the activists in New York (Rippe, 1998; Harvey, 2007). In this respect, the transnational solidarity community of activists may be motivated in rather a one-sided way. It is sufficient for the development of such a community that the New York activists should identify a condition – being a victim of corporate globalization – that makes those who suffer it worthy of one’s moral concern (Arnsperger and Varoufakis, 2003). But this still does not allow us to conceive of solidarity with wild sovereign animals insofar as it is implausible to suppose that they work towards common political aims with us.

Nonetheless, the one-sidedness of the relationship in this latter definition of political solidarity provides a conceptual clue in regard to its emphasis on the role of moral deference to the victims of injustice (Thomas, 1993). Here, the communicative dimension to political solidarity consists in an obligation of those more fortunate persons who have identified a condition of suffering to listen attentively to the stories and experiences of the latter as various types of minorities suffering discrimination. Such an emphasis on deferentially listening to the stories of victims not only reinforces feelings of empathy and compassion. But it also checks against well-intentioned misinterpretations of their needs and interests by the more fortunate partners in the solidarity relation. In this respect, moral deference may avoid the potential for paternalism, whereby the fortunate take it upon themselves to decide the needs and interests of the unfortunate.

As Harvey (2007) correctly notes, however, the concept of moral deference as tied to linguistic communication does not apply to non-linguistic internatural communication. At any rate, it does not apply if deference to non-human animals is taken to mean ‘listening to their stories,’ as communicated to us through articulate speech. This necessarily raises a concern about unchecked paternalism in our empathetic relations to non-humans. After all, the risks of well-intentioned misinterpretations are surely that much more urgent absent articulate speech and any possibility of an articulate ‘yes’ or ‘no’ response from non-human animals, either accepting or rejecting interpretations of their needs and interests (Eckersley, 1999). But legitimate concerns about paternalism should not be seen as limiting the scope of empathetic solidarity relationships to fully articulate people. Indeed, Harvey (2007) observes still duties of “protective aid” (p. 29) concerning those who are capable of communicating to us their suffering, even when they are not capable of articulate speech. An appropriate moral deference can be shown to them, provided that this protective mode of solidarity can be shown to be morally sound.

Based on this brief discussion of some of the key features of political solidarity, we contend that a connection to animals and internatural communication can be established fairly easily. Indeed, as we have just shown, political solidarity does not require a common conception of the good life, proximity, or any strong sense of reciprocity between those participating in the solidarity relation. On this view, it is sufficient for solidarity transcending the ‘borders’ of human/non-human animal communities that human should identify non-human animals as *being in a condition of suffering, as the victims of injustices worthy of moral consideration*, whether domestic or wild. To be sure, non-human animals do clearly suffer mistreatment and even terror at our hands (Harvey, 2007), or they are subjected to arbitrary policy decisions by us, imposing unfair terms of cooperation in the human/non-human political community (Donaldson and

Kymlicka, 2011). Moreover, their suffering at our hands and interference with their subjective good can be communicated to us *without* articulate speech provided we are empathetically attentive to what they communicate non-linguistically. Finally, such communication may lead us to the conclusion that we have variable duties of protective aid as the normative foundation of the human/non-human solidarity relation. Such duties may differ depending on the different kinds of relationships we forge with different animals, as domestic, liminal, or wild, such that their contents requires interpretation.

Consequently, we claim that a human/non-human solidarity relationship is entirely feasible. But this leaves open the question of what duties of protective aid based on our interpretations of the needs and interests of non-human animals are indeed morally sound, and not expressions of objectionable paternalism and anthropocentrism. In other words, is the conversion of solidarity to a practice a necessarily human enterprise with unchecked assumptions that cannot be challenged by the animals represented? Answering this question requires us to move from solidarity as a relation that appeals to care and empathetic understanding to solidarity as a practice of justice that instead appeals to rigorous argumentation and testing. To this extent, we now shift our discussion from solidarity in the context of internatural communication to solidarity in the context of discourse ethics. This can be taken as the operationalization of solidarity to determine specific duties and interventions. Indeed, discourse ethics offers just such a conception of solidarity as justice (Habermas, 1990a). But, as signaled in the introduction, a solidarity practice of publicly deliberating universalizable claims to justice will of necessity appeal to human proxy representation. We consider this necessary connection between the solidarity practice and such representation in the next section, before further discussing the

possibilities of mitigating objectionable paternalism and anthropocentrism in the final section, where we make a suggestion about appropriate representative institutions to facilitate this end.

### **Discourse Ethics, Discursive Representation, and the Solidarity Practice**

We began by floating a distinction between solidarity as relation and practice. This was a distinction between a relation of caring and compassion for non-humans based on non-linguistic communication and a linguistically-based political practice of public deliberation and decision-making. There is no strict equivalent to this non-linguistic/linguistic distinction in discourse ethics. Instead, it recognizes only a Habermasian distinction between solidarity in the concrete lifeworld situations of particular communities of speakers and a political practice that is inclusive of all affected speakers guided by the universalization principle (Rehg, 1997). Here, no sustained attempt has been made within discourse ethics to conceive of any particular concrete lifeworld relation of solidarity with voiceless non-human animals (Mendieta, 2011). In this regard, discourse theorists have been roundly criticized by animal rights theorists and environmental ethicists for objectionable anthropocentrism (Whitworth, 2001). Nonetheless, Habermas (1991) does acknowledge that we have a moral intuition that animals communicate moral claims to us in virtue of their suffering, rejecting Kant's subordination of our duties to animals to our duties to other human beings. Indeed, he asserts that we have "an unmistakable sense that the avoidance of cruelty towards all creatures capable of suffering is a [universal] moral duty that is not simply recommended on prudential considerations of the good life" (106).

We argue that this insight into a duty to protect all vulnerable creates "for their own sake," as a matter of justice or right, may become the basis for converting the moral claims communicated to us by voiceless non-humans into a universal political practice of solidarity. To

be sure, some theorists such as Rippe (1998) deny that solidarity ever rises to the level of universalizable justice claims. But discourse ethics takes the contrary view that those insights derived from the identification of injustices, and the development of feelings of care and concern for the suffering of others, in concrete lifeworld relations are the basis of universal solidarity practice (Habermas, 1990a). Here, such a practice entails that all universalizable moral claims should be submitted to the reflection and assessment of those who are affected by them and purportedly placed under a duty of justice. In discourse ethics, the philosophical import of submitting my claim to public scrutiny by all affected is that it “cannot remain solely in the confines of my own conscience” (Rehg, 1997, p. 107). In other words, any claim I might submit purporting an injustice and violation of right must be rigorously defended in open public communication and argumentation (Habermas, 1990b).

What does this now tell us about the possibility of a human/non-human solidarity practice? Converting insights from the solidarity relation with non-humans, I can submit moral claims regarding the suffering of non-humans according to the universalization principle defining the critical solidarity practice of discourse ethics (Goodin, 1996). But I must necessarily do this as the proxy representative of those non-human animals with whom I have established a non-linguistic solidarity relation. Here, it is important to acknowledge that the idea of representation is not typically associated with solidarity. Eckersley (1999) notes this absence in Habermas’ discourse ethic, which addresses conditions for deliberation for solidarity, but not the issue of representation. This is hardly surprising given the extent to which solidarity is parsed in terms of sentiment and empathy. But neither is there any particular gulf between solidarity and representation as evident from support for welfare programs based on electoral representation (Straehle, 2010). We stress, however, that the link to representation is essential to what we are

calling the critical-deliberative solidarity practice concerned with evaluating claims that must obviously be articulated *by us* in open public discourse as proxies for non-human representing their needs and interests.

But it is one thing to say that a solidarity practice requires human representations of non-humans in a political discourse and quite another to say that this kind of representation is any less vulnerable to the problem of paternalistic misinterpretation, as considered above. If it is not, then the solidarity practice will simply reduce to paternalism and anthropocentrism by humans unilaterally deciding welfare in policy. In other words, it will fail from the universal standpoint of right and justice. That said, however, environmental ethics scholars have indeed attended to the question of politically representing non-human animals, offering some insights into what this might entail. Perhaps the most obvious objection to animal representation in a political solidarity practice of public deliberation is that it is of necessity non-electoral (Eckersley, 1999). Non-human animals can neither electorally authorize nor subsequently repudiate the interpretations of their needs and interests submitted for public deliberation, in a human/non-human political practice, by their human representatives. But, in this regard, Smith (2012) challenges the idea that only authorized electoral representation matters as to how representatives can further the interests of their constituency.

She shows using the example of a black congressman who feels accountable to black people who did not vote for him that his mandate is less bounded than one might anticipate. Indeed, the notion that the political community in environmental contexts is likewise unbounded by electoral constituencies is a refrain also adopted by Dobson (2003). Despite the lack of a direct electoral relationship between humans and non-human animals, Smith contends that there exists a check on the validity of animal representation in the public sphere. In this regard, she

draws from Saward (2006) in that such representation must resonate with the relevant audience by building from existing terms and understandings. Here, the audience in question must be able to either accept or reject the claim to be representative. So, for instance, those Black Americans who did not vote for the Black congressman who purports to represent them can still voice their approval or disapproval of his claim to represent them in any number of established public-media channels. But, in the case of humans purporting to discursively represent non-humans, the relevant audience cannot be of that of non-human animals. After all, the notion of resonance with articulate claims submitted for public deliberation is entirely moot with respect to non-humans with whom communication is decidedly non-linguistic. Instead, the relevant audience will consist of those human participants in a discourse to whom these claims are submitted, according to the universalization principle.

This means that humans who purport to represent non-humans cannot simply conjure claims out of the air, as Saward (2006) puts it. Their claims to discursively represent non-humans will be subject to public scrutiny and rational evaluation. But still this appeal to critical deliberation among a relevant audience that is *not itself* the subject of discursive representation in open public deliberation might seem unsatisfying. Here, the risks of well-intentioned misinterpretation by the relevant audience of human public deliberators remains ever-present. We acknowledge that this is indeed so. But why, then, should it be supposed that discourse ethics makes any significant difference with respect to mitigating objectionable paternalism and anthropocentrism, when it comes to discursively representing non-human animals and reaching morally-sound policy decisions? In the final section, we engage some recent reflections by environmental ethicists on the analogy between non-human animals and marginal case humans. In particular, we focus on the generalizability of the problem of developing and communicating

one's good from these two cases. But we also consider the need to create appropriate representative institutions that may help to mitigate the potential for misinterpretation endemic to all claims purporting to represent the good of others, human and non-human. In this regard, we make a suggestion regarding non-electoral mini-publics (Fishkin and Luskin, 2000) as providing an appropriate kind of institutional fora in which to discursively represent the good on non-human animals.

### **Mitigating Paternalism and Anthropocentrism, Cultivating Institutions**

Environmental ethicists rightly draw attention to the often arbitrary dividing line between human and non-human animals, when it comes to representing voice and political participation (Eckersley, 1994; Smith, 2012). Indeed, the most common way of challenging this arbitrary divide is by considering the analogue case of duties to so-called marginal humans, such as the severely cognitively disabled (Eckersley, 1999; Wong, 2010). To be sure, scholars observe clear differences in approximating the goods of these two diverse groups, such as having some model of a rational human being to 'fall back on in building out counterfactuals' (Vogel, 1997, p.163) for marginal case humans. By contrast, non-human animals are complete creations that are not unfortunately lacking of characteristics common to their species (Kittay, 2008). Nonetheless, the two cases are broadly analogous in that it is inappropriate to treat both marginal case humans and non-human animals as fully competent communicative partners in deliberation and decision-making (Eckersley, 1994; Dobson, 2003; Matarrese, 2010; Smith, 2012). Here, the analogy is fairly intuitive given an obvious lack of linguistic competence among severely cognitively disabled humans and non-human animals alike to publicly communicate their own good in higher-order processes of political deliberation and argumentation (Wong, 2010).

But difficulties with respect to developing and communicating one's good are by no means limited to these two categories. Stressing the generalizability of these difficulties to all rational humans, Smith (2012) argues that human and non-human representation are not categorically different. After all, generally speaking, humans "often don't know what they want, what is good for them, and often want conflicting things" (p. 104). Moreover, there will always be a problem concerning who can speak for whom and under what conditions (Pitkin, 1972). This might be taken to suggest that when all objections are considered no one "can ever stand in for anyone else" (Eckersley, 1999, p.30). But, while endemic to all representative acts, such difficulties can be managed provided an appropriate backdrop of institutions, in which representative claims may be contested and evaluated. On this view, humans are not able to meaningfully express their political agency until the right kinds of representative institutions, and the heuristic of a social contract, are in place (Smith, 2012).

Consequently, Smith contends the greatest divide between the political agency of humans and non-human animals is the fact that no appropriate institutional backdrop has been cultivated for the purpose of contesting and evaluating claims to represent the latter (Eckersley, 1999). In short, humans need a "socially sustaining environment" in order to cultivate our political autonomy through representation by others (Smith, 2010, p.50). So why, she asks, is it not conceivable that we can create meaningful political agency for animals as well, with the right kind of representation and framework of institutions? Here, Francis and Silvers (2007) follow a similar line of reasoning to Smith, in which they aim to dissolve the sharp divide between those with political agency and those without. Indeed, they challenge the claim that to be politically autonomous, one must have conceived of one's good subjectively, arguing that the "insularly independent" idealization of the process of autonomy is currently misleading even for the case of

fully rational humans. Namely, to differing degrees, "...we all formulate our conceptions of the good interactively" (p.331). That is, we all do this insofar as social scripts and socially constituted identities are co-constructed by others with whom we interact in society.

Given this stress on intersubjectivity in the determination of goods, Francis and Silvers contend the "difference between the majority of people and the minority [...] is the extent of dependency, not the fact of it" (2005, p. 234). Indeed, they argue the liberal preoccupation with absolute independence in regard to the formulation of one's subjective good represents a stoic-mastership view of the self. But such stoic mastership does not hold true for most people who, after all, rely on parents, guidance counsellors or coaches in formulating these goods and making decisions (Francis and Silvers, 2007; Rostbøll, 2008). Here, comparatively "few people self-determine without relying on anyone or anything else" (p.319). Hence, rejecting liberal stoicism, they embrace metaphysical accounts of self that consider extensions, trustees, proxies and surrogates as legitimate parts of an individual's cognitive space, whether human or non-human (Rubenstein, 2007). In less extreme cases where agents are only partially voiceless, such as a person suffering from Alzheimer's disease, we would surely see reliance on the help of a notebook as a legitimate auxiliary, proxy, aid or indeed part of his or her cognitive space.

Indeed, with the insights afforded by such communication, human proxies may in this way arrive at a closer approximation of the point of view of non-human animals to be represented discursively. The rational justifiability of their claims helps to dispel concerns about objectionable paternalism and anthropocentrism; at least, it may do so if an appropriate account can now be given of the necessary institutional backdrop for converting the insights garnered from the solidarity relation into a suitably critical solidarity practice. Here, institutions of electoral representation are clearly inappropriate, but as we have already noted legitimate

representation is not dependent on electoral authorization (Smith, 2012). What ultimately matters is that any claims purporting to be representative of others should always be open to public contestation and defended through rigorous argumentation based on scientifically reliable information (Pettit, 1999). It thus follows that it is not essential to legitimate representation that the represented themselves should participate directly in deliberation and argumentation. After all, to insist on the direct or unmediated participation of all who are concerned by public decision-making would contradict the very purpose of representation (Manin, 1997). Instead, it is the rational defensibility of publicly contestable decision-outcomes resulting from an open deliberative process that makes all the difference for legitimacy (Habermas, 1984).

But this, of course, still leaves the question of cultivating an appropriate set of institutions for contesting and evaluating discursive representative claims concerning what we owe to non-human animals. Here, we contend that the emphasis on publicly defensible argumentation rather than electoral authorization, in a representation process, is well captured in the political science literature on critical deliberative mini-publics (Fishkin and Luskin, 2000). While we certainly do not want to say that mini-publics are the only resource for appropriately representing non-human animals, we believe they suggest a way forward. Not only do mini-publics provide appropriate institutional fora bringing the insights of internatural communication to a wider audience of citizens who may indeed come to see themselves as bound to non-humans in a larger interspecies political community or zoopolis. But also they provide an opportunity for citizens to test the validity of the ways in which the interests and rights of different non-humans are discursively represented as being owed particular kinds of moral consideration as co-members of this integrated community. This may happen insofar as the power to initiate a critical deliberative mini-public (Böker and Elstub, 2015) on what is owed to diverse non-human populations, with

whom we are all politically interrelated, is granted to human proxy representatives claiming to possess sufficient insight to speak for these populations who cannot speak for themselves at the level of a universal discourse. So, for example, animal rights and environmental NGOs claiming access to such insight, and with the Aarhus Convention, the de facto ability to ‘speak for nature,’ might exercise their power as concerned citizens to convene a mini-public tasked with deliberating what is properly owed to domestic, liminal, or wild animals with whom humans interact in diverse ways.

While they use the mini-public process to bring their insights to a larger audience of citizens, concerned NGOs can only achieve legitimacy for their discursive representations of those who cannot speak for themselves in a universal discourse by opening these representations up to rigorous deliberative testing. That is, legitimacy is achieved through a process of critical testing and evaluation by randomly selected citizens who have been provided with the time and information necessary to reach a well-considered deliberative jury decision regarding how the rights and interests of various categories of animals are represented to them by the NGOs. In this process, citizens are invited *both* to reflect on the empathetic basis of internatural communication *and* reach rationally-defensible judgments about what this tells us we owe to different animals. Indeed, the subsequent dissemination of the deliberative jury verdict to the mass public – by way of traditional newspapers, radio, television, blogosphere, and the like – invites a similar process of reflection at the intersection of empathetic communication, or care, and universal justice. To this extent, such increasingly broad and inclusive processes of critical reflection, at the intersection of care and justice, motivate a solidaristic basis for understanding that human and non-human alike are members of a common political community, across species lines.

All in all, the critical mini-public process offers a response to Smith (2012) emphasis on the need cultivate the proper institutional backdrops for representing the ‘voiceless.’ Here, the ‘burden of proof’ is placed on the NGOs claiming to represent the interests of different animals and have the legal standing to do so in a meaningful way in policy-making, according to the Aarhus Convention. Indeed, the mini-public process functions as a kind of filter for insights into our relationships and obligations concerning diverse, ensuring that those NGOs purporting to speak for the animals are not simply “conjuring claims out of thin air” as Saward (2006) put it. In this respect, we take it as incontrovertible that the notion of ‘speaking on behalf of the environment’ is a sweeping claim that could license misguided policy recommendations, if it is not suitably checked or contested by rational scrutiny in some way. To be sure, critical mini-public deliberations provide no absolute guarantee that outcomes will not still misrepresent the needs and interests of diverse non-humans. Nonetheless, we contend these kinds of broad and inclusive deliberations can go some considerable distance towards mitigating such risks.

Finally, we stress that mini-publics play a central mediating role in the overall argument of our paper. To our best knowledge, internatural communication has not been linked to the growing literature on our relationships to diverse animals as members of a common political community. But this marks a serious deficit in the existing literature. If such communication aims at empathetic understanding and care as a matter of relearning to pay attention to what non-human animals are telling us about their condition, then what we relearn by ‘listening’ to the animals will have obvious implications for justice. What animals tell us, if we indeed listen may well require us to fundamentally rethink the boundaries of memberships and justice in our diverse kinds of relationships to them. It is insufficient to ‘just listen’ but then not consider the further implications of what we ‘hear’ for shared political membership and justice. To this

extent, we believe the international communication literature should look beyond its familiar alliances in environmental philosophy and ethics to political philosophy.

## **Conclusion**

In this paper, we took solidarity as a concept that could bridge the gap between an ethic of care and justice often presented as incommensurable. Solidarity entails care and compassion as catalysts for rationally-defensible moral obligations toward vulnerable others who are otherwise voiceless in political processes. We premised our concept of membership of a human/animal solidaristic community on a division between a pre-political relation of solidarity through internatural communication, corresponding to care, and a more generalizable institutionalization of those insights gained here through proxy representation. In this regard, we contended critical deliberative mini-publics could provide an appropriate institutional backdrop for testing the discursive representation of non-human animals by human proxies. All in all, we believe our conception of interspecies solidarity combines the literature on internatural communication with political philosophy in an original and important way.

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