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Right to Place: A Political Theory of Animal Rights in Harmony with Environmental and Ecological Principles

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Article abstract

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RIGHT TO PLACE: A POLITICAL THEORY OF ANIMAL RIGHTS IN HARMONY WITH ENVIRONMENTAL AND ECOLOGICAL PRINCIPLES

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ABSTRACT:

The focus of this paper is on the "right to place" as a political theory of wild animal rights. Out of the debate between terrestrial cosmopolitans inspired by Kant and Arendt and rooted cosmopolitan animal right theorists, the right to place emerges from the fold of rooted cosmopolitanism in tandem with environmental and ecological principles. Contrary to terrestrial cosmopolitans—who favour extending citizenship rights to wild animals and advocate at the same time large-scale humanitarian interventions and unrestricted geographical mobility—I argue that the well-being of wild animals is best served by the right to place theory on account of its sovereignty model. The right to place theory advocates human non-interference in wildlife communities, opposing even humanitarian interventions, which carry the risk of unintended consequences. The right to place theory, with its emphasis on territorial sovereignty, bases its opposition to unrestricted geographical mobility on two considerations: (a) the non-generalist nature of many species and (b) the potential for abuse via human encroachment. In a broader context, the advantage of the right to place theory lies in its implicit environmental demands: human population control and sustainable lifestyles.

RÉSUMÉ :

Le présent article porte principalement sur le « droit territorial » en tant que théorie politique des droits des animaux sauvages. Issu du débat entre théoriciens cosmopolitistes du droit animal, soit terrestres inspirés par Kant et Arendt, soit enracinés, le droit territorial trouve ses sources dans le cosmopolitisme enraciné qui va de concert avec certains principes environnementaux et écologiques. Contrairement aux cosmopolitistes terrestres, qui préconisent d'étendre les droits de citoyenneté aux animaux sauvages tout en défendant les interventions humanitaires à grande échelle et la mobilité géographique illimitée, j'estime que la théorie du droit territorial est davantage en mesure d'assurer le bien-être des animaux sauvages, grâce à son modèle basé sur la souveraineté. La théorie du droit territorial préconise la non-ingérence dans les communautés fauniques, allant jusqu'à s'opposer aux interventions humanitaires, qui risquent de provoquer des conséquences non désirées. Cette théorie, en mettant l'accent sur la souveraineté territoriale, base son opposition à la mobilité géographique illimitée sur deux considérations : (a) le caractère non généraliste de bon nombre d'espèces, et (b) le risque de mauvais traitements par empiètement humain. Dans un contexte plus large, l'intérêt de la théorie du droit territorial réside dans ses exigences environnementales implicites : le contrôle de la population humaine et l'adoption de modes de vie durables.

INTRODUCTION

Is it desirable to have different relational principles with animals based on their wild or domesticated status? Sue Donaldson and Will Kymlicka answer in the affirmative in *Zoopolis: A Political Theory of Animals Rights* (2011) and in "A Defense of Animal Citizens and Sovereigns" (2013). Their argument for animal rights is based on relational obligations involving a "group-differentiated citizenship" whereby animals are classified into three categories: citizens (domesticated animals), denizens (animals living on the outskirts of our communities, such as raccoons) and sovereign animals (wild animals). According to this model wild animals are to have territorial sovereignty and to live free from human interference, whereas domesticated animals are to have access to various rights such as shelter, food provision, and health care.

A number of authors object to the above classification from a cosmopolitan perspective. Their central argument is that denying citizenship status (and hence the benefits that come with it) to wild animals is morally arbitrary. According to these authors, the interests of all animals should matter equally. Their supporting argument is that wild animals, on account of their "sovereign" status, risk acquiring the label of outsiders, which, from the viewpoint of an Arendtian conception of citizenship rights, carries risks of stigmatization and disregard. In place of group-differentiated citizenship, these authors propose common status and rights, including norms of Kantian-like universal hospitality (free mobility) and universal benevolence (including duties of humanitarian intervention).

In the context of the debate on group-differentiated citizenship this paper will argue that what cosmopolitans perceive as unfair disadvantages facing wild animals under the sovereignty model are in fact benefits. In making this argument, this paper will draw upon recent work in environmental and ecological studies.

Prior to delving into this discussion, I would like to point out that Donaldson and Kymlicka are not the first authors to explore animal theories from the perspective of political theory.[1] They are however the first to explore a theory of animal rights based on a group-differentiated citizenship approach. *Zoopolis* is receiving a substantial amount of interest.[2] From the ensuing debates emerge two visions of political theory animal rights: terrestrial cosmopolitanism and the right to place theory. Terrestrial cosmopolitanism is based on the notion of universal mobility and hospitality. The right to place is based on the notion of an "equal right, individual or collective, to possess a particular place."[3]

An inquisitive reader might be tempted to ask: "Given that the term "rooted cosmopolitanism"[4] already exists, why do we need a new term, "right to place"? First of all, I would like to point out that it is Donaldson and Kymlicka (2013) who actually embraced this term within the context of animal rights. Given the fact that Kymlicka (2012) is thoroughly familiar with the term "rooted cosmopolitanism,"[5] it is highly unlikely that he would have chosen to adopt a new term when an established one would have sufficed. This implies that the term

"rooted cosmopolitanism" did not suffice for the purposes of developing a political theory of animal rights. Perhaps, when faced with the demands of terrestrial cosmopolitanism, rooted cosmopolitanism (being more of a moral view) had somewhat less "political bite" than the right to place theory. This is not the same as discrediting rooted cosmopolitanism. On the contrary. One could defend rooted cosmopolitanism by asserting that one of its features is that it paves the way for establishing something like a "right to place," which, in turn, has enough force to deter otherwise plausible cosmopolitan claims to unrestricted freedom of movement in the case of animal right theories.[6]

The disagreement between the two camps divides into two key practical disagreements: (a) the right to exclude (mobility rights vs. territorial sovereignty) and (b) the duty to intervene (humanitarian interventions). For right to place theorists, unlimited mobility carries serious risks, especially for indigenous populations. To avoid misunderstandings it should be pointed out that, with some exceptions (migratory birds, etc.), the territorial mobility of animals is the result of anthropic interference and not the result of their own efforts or capacities. Human-enabled animal migrations—be they intentional or accidental (e.g., stowaways)—have been catastrophic for indigenous animal populations. The negative impacts of alien and invasive species are well-documented in the ecological literature and as such there is no need for further elaboration here.[7]

In the case of human mobility into wildlife territory, however, more could be said. Human encroachment takes place as a result of human overpopulation and technological innovations (e.g., roads, bridges) and it leads to human-wildlife conflicts.

Human-wildlife conflicts reveal the Achilles heel of the Kantian notion of hospitality as espoused by terrestrial cosmopolitans. It not only contradicts but also precludes Kant's principle of hospitality in the realm of human-wild animals interactions. This arises from the fact that terrestrial cosmopolitans invoke Kant's principle of universal hospitality when in fact Kant only endorsed peaceful visitation rights and *not* settlement rights. Universal-mobility-rights-becoming-settlement-rights are especially inapplicable in the case of wild animals because they settle and become established in new territories (the case of hippopotamus in Columbia)[8] and eradicate Native species (the case of Burmese pythons in the case of Florida's Everglades).[9]

TERRESTRIAL COSMOPOLITANISM AND WILD ANIMAL RIGHTS

What follows is a brief literature review for those not familiar with the debate between terrestrial cosmopolitans and right to place theorists. In his article "Perpetual Strangers: Animals and the Cosmopolitan Right" (2013), Stephen Cooke objects to Donaldson and Kymlicka's (2011) group-differentiated citizenship proposal by arguing that if wild animals (sovereigns) are not given the same rights as domesticated animals (citizens) they (wild animals) will be left in an inherently vulnerable position. Cooke's argument is heavily influenced by Hannah

Arendt's *Origins of Totalitarianism*, where one encounters the argument that people without citizenship run the risk of marginalization because political rights are usually enforced via the mechanism of nation-states. Those without the protection of a state run the risk of being pushed outside the "sphere of moral concern" which is usually to be found within the boundaries of nation-states.

According to Cooke a better alternative would be the adoption of a cosmopolitan approach based on Kant's "right of universal hospitality." In particular, Cooke suggests a *ius cosmopoliticum* (cosmopolitan right) whereby animals that conduct themselves peaceably should not face hostile treatment from humans. According to this "non-speciesist" hospitality duty, we should not harm animals straying into our livable spaces in search of either food or shelter—with the exception of dangerous predatory animals.

While this is fine for harmless animals such as chipmunks and deer, it would be highly problematic in the case of predatory animals such as wolves and bears, who would not hesitate to attack if threatened. Apart from that, and given our evolutionary fears, few humans would be willing to tolerate predatory animals within their "livable spaces" even if such animals did not engage in hostile behaviour. Under such circumstances the "defence principle" would risk being misinterpreted or abused leading to a *carte blanche* to kill any and all wild predatory animals found wandering in human settlements. To be sure, this is the *de facto* policy of many human societies.

A historical perspective reveals that Kant's ethics of hospitality, as articulated in *Perpetual Peace,* is central to cosmopolitan animal right theorists and as such it is worth quoting at length. It reads as follows:

> We are speaking here, as in the previous articles, not of philanthropy, but of right; and in this sphere hospitality signifies the claim of a stranger entering foreign territory to be treated by its owner without hostility. The latter may send him away again, if this can be done without causing his death; but, so long as he conducts himself peaceably, he must not be treated as an enemy. It is not a right to be treated as a guest to which the stranger can claim… but he has a right of visitation. This right to present themselves to society belongs to all mankind in virtue of our common right of possession on the surface of the earth on which, as it is a globe, we cannot be infinitely scattered, and must in the end reconcile ourselves to existence side by side: at the same time, originally no one individual had more right than another to live in any one particular spot.[10]

In the above passage one discerns two distinct assertions: (1) hospitality ethics[11] and (2) universal mobility. The assertion of universal mobility comes across in Kant's statement that "originally no one individual had more right than another to live in any one particular spot."

Alasdair Cochrane in "*Cosmozoopolis*: The Case Against Group-Differentiated Animal Rights" (2013),[12] takes as a given the notion that the right of domesticated animals to live within the space of human society is derived "from their interest in a safe and secure environment conducive to their well-being. [13] This, in turn, leads him to the conclusion that "since *all* animals have a basic interest in a safe and secure environment" there is a *prima facie* case for recognizing that all animals have a right to the type of residency that ensures their safety.[14] Needless to say, Cochrane is critical of a group-differentiated theory of animal rights. His objection, similar to Cooke, stems from the belief that it denies to 'outsiders' (wild and liminal animals) their just entitlements while unfairly privileging the rights of 'insiders' (domesticated animals). A more ideal theory of animal rights, according to this author, would be one centred around a cosmopolitan model where the rights of *all* animal would be "better determined" because it would mean the attachment of rights to individual animals "according to their capacities and interests, as opposed to their membership in different groups."[15] In addition Cochrane advocates humanitarian interventions for a wide variety of natural disasters ranging in scope from predatory behaviour to territorial rivalry.

Oscar Horta, in "Zoopolis, Intervention, and the State of Nature" (2013), is likewise in favour of humanitarian interventions in wild animal communities. Horta's advocacy for humanitarian interventions arises out of his concern for wild animals at the *individual* level.[16] For example, given the fact that the majority of animals are r-strategists,[17] an accurate portrait of life for animals living in the wild, according to Horta, would be a "humanitarian catastrophe" resembling that of failed states.[18] Consequently, this Hobbesian-like state of nature lies behind his objections to Donaldson and Kymlicka's defence of limited intervention. He argues that if autonomy and flourishing form the basis of Donaldson and Kymlicka' decision to assign sovereignty to communities of wild animals, then that is counterintuitive given the fact that one of the prerequisites to autonomy and flourishing is survival: an impossibility for countless wild animals without the benefit of humanitarian interventions.

On the question of whether or not "excessive risk avoidance" is bound to impoverish the quality of life for wild animals, Horta invokes the concept of benevolent paternalistic intervention. Hence, and in reply to Donaldson and Kymlicka's analogy that sheltering children from risky activities impoverishes their quality of life, Horta responds by using his own analogy of children playing in waters filled with crocodiles. While the children might enjoy that activity we nonetheless remove them for their own safety.

RIGHT TO PLACE AND WILD ANIMALS' RIGHTS

While Donaldson and Kymlicka (2013) reply to various points raised by their critics, for the purpose of this paper only two will be examined: 1) the nature and scope of sovereignty for wild animals and 2) the humanitarian intervention in wildlife communities. On the specific topic of universal territorial mobility (read:

Kantian hospitality ethics) Donaldson and Kymlicka find the premise "that there are very strong individual rights to mobility, and only very weak collective rights to territory" problematic.[19] Such a view, according to them, implies that human and nonhuman animals alike possess an inherent right to global movement, which in turn implies that there are no inherent claims—individual or otherwise—to territorial possession.

Such a view is termed "terrestrial cosmopolitanism" by Avery Kolers in "Borders and Territories: Terrestrial Cosmopolitanism vs. a Right to Place" (2012). Terrestrial cosmopolitans, according to Kolers, assume the "antecedent common ownership of the entire world" which is not "a common ownership thesis, but rather the thesis that, antecedently or presumptively, no one has any special claim to be, or be sovereign, or control territory, anywhere in particular." Kolers is critical of terrestrial cosmopolitanism and he goes as far as to claim that the "ideal of equality, understood as universal equal access to the entire world… [is] a sham."[20] A better alternative for this author would be the so-called "right to place" view, which is defined as an "equal right, individual or collective, to possess a particular place."[21] As to be expected, the right to place theory is seen by Kolers preferable to terrestrial cosmopolitanism because with the former people have at least a "claim to a place of their own."[22]

Donaldson and Kymlicka (2013) identify themselves as right to place theorists and suggest that between them and terrestrial cosmopolitans lies a dividing line that happens to be one of the fundamental dividing lines in contemporary political philosophy.[23] They note that this division is not about whether or not we are obligated by principles of justice to consider the interests of non-members outside our territorial boundaries (that is taken as a given) but rather "*what those interests are*."[24] According to them, one the one hand

> we have interests as individuals in unhindered mobility, including the right to move out of our existing community and move into the territory of another community—an interest that can only be satisfied if we prevent communities from restricting in-migration. On the other hand, we have interests as members of bounded communities in being able to effectively govern ourselves and pursue our shared way of life on our territory—an interest that can only be satisfied if bounded communities are able to regulate entry into their territory.[25]

For terrestrial cosmopolitans, the interest in individual mobility takes precedence over the interest in collective autonomy. Donaldson and Kymlicka object to this due to its potential for abuse. According to them, if the case for terrestrial cosmopolitanism is dubious in the case of human communities, it is entirely improbable in the case of non-human animals because if terrestrial cosmopolitanism were an "accomplice of injustice in the human case, it is an absolute catastrophe for most animals."[26] In the specific case of human communities, Donaldson and Kymlicka reference the European invasion and colonization of the Americas (although they could have easily added Africa)[27] as an example of

terrestrial cosmopolitanism gone terribly wrong. While they acknowledge that terrestrial cosmopolitanism does not ignore the interests of indigenous populations, they are of the mind that it does not protect them either. Simply put: "Without recognition of an antecedent right to place, these interests are all-too-easily trumped by the interests of larger or stronger groups seeking new territories for their pleasure or profit."[28]

According to the terrestrial cosmopolitan paradigm, an individual wild animal would have universal mobility and the freedom to move to a different geographical location including into human communities. At the collective level, however, wild animals would lose their right to keep outsiders—including human settlers—out of their territorial boundaries. However, the scenario of allowing wild animals entry into human communities and humans entry into wildlife communities is seen by Donaldson and Kymlicka as an inherently unfair trade-off. While Donaldson and Kymlicka are correct in their evaluation—wild animals do avoid human communities —more could be said in support of their position in lieu of recent ecological and environmental studies. What follows is such an undertaking.

HUMAN-WILDLIFE CONFLICTS

Unlike domesticated animals, which are dependent on humans for their survival, or liminal animals, which manage an independent co-existence, wild animals are neither dependent nor capable of co-existence with humans. When compulsion or events beyond their control force an encounter, they are either harmed or killed. Known as human-wildlife conflicts in the environmental literature, they are occurring with alarming frequency in places like Africa, South America, and India.[29] In the specific case of Assam, India, one eyebrow-raising report speaks of

> pythons entering bathrooms and bedrooms, sambar deers [sic] running through courtyards, clouded leopards sneaking into backyards at night and carrying off livestock or pets. Pangolins, jungle cats, civet cats, foxes and wild boars repeatedly stray onto the lanes and bylanes of Guwahati, the capital. Monkeys running amok in kitchens is a routine occurrence in hillside areas. Outside of the city, elephants, tigers, one-horned rhinos and gaur, the Indian bison, are occasionally spotted.[30]

Not surprisingly, wilds animals suffer disproportionately during these encounters. The same report bears witness to various outcomes of human contact with leopards: leopards die from tranquilizer overdoses, are butchered by locals, taken to zoos or released back into the wild (where, one presumes, it would be a matter of time before the next unfortunate encounter). According to the same testimony, human overpopulation and urbanization are to blame. Population "swelled from 14 million in 1971 to 31 million in 2011," while "frenzied urbanisation gobbled up 30 percent of the state's forestland" in Assam.[31]

To a large degree human-wildlife conflicts make a mockery of terrestrial cosmopolitan animal rights. A case in point is Cooke (2013) who, as we saw above, implied that cosmopolitan hospitality rights become null and void if wild animals are not peaceful. On the basis of a hierarchy of moral values, there can be little doubt that Cooke is correct. When one is faced with the dilemma of whether to save a human life or to save a non-human life, the hierarchy of moral values dictates that we favour our own. This speciesist favouritism stems from our membership in the human species.

The above is also known as the "Burning House Dilemma." It involves the hypothetical scenario of a burning house with two rooms—one containing a human and the other a dog—but only enough time to save one. Whom would you choose to rescue? As Steven Best insightfully points out, this question is often asked of Animal Right Advocates (ARA) with the intent of finding inconsistencies in their values. Any answer would be a losing proposition, for if "you answer that you would save the human being, your interlocutor glibly and gleefully derides you as a hypocrite. If you answer you would save the dog, you are vilified as a miscreant and deviant misanthrope with warped values."[32]

A similar ethical dilemma, I would argue, is to be found in human-wildlife conflicts cases which are often the result of human population growth and encroachment into wildlife habitat. Once a situation reaches a critical level—such as the one seen in India's Assam province—we find ourselves trapped in an ethical dilemma. Whom do we favour, humans or wild animals?

This ethical trap can be avoided via holistic, preventative policies that respect the collective territorial rights of wild animals. These policies would also resolve Cooke's objection that his argument should not be misinterpreted as stemming from species membership or hierarchical valuing of life, but should be understood on the principle of self-defence. As he puts it, "when an innocent is threatened by an attacker, they have the right to defend themselves, even if that attacker is innocent."[33] True enough. However, I would still argue that in the *specific* case of human encroachment into wildlife territory the argument of self-defence becomes null and void. A thief suing a homeowner for bodily injury is a laughable concept.[34] The same holds in cases where wild animals enter into human settlements. Therefore, the principle of self-defence is not applicable to cases of wild animals intruding into human settlements as a result of human-caused habitat loss (e.g., logging, dam-building, farming).

If I may be allowed a short digression, I would like to point out that the Anthropocene Era has been anything but kind to nonhuman animals. To quote Edward Wilson, the founder of sociobiology, the "human species came into being at the time of greatest biological diversity in the history of the earth" but as we expand and modify the natural environment, we are "reducing biological diversity to its lowest level since the end of the Mesozoic era, 65 million years ago."[35] Adding validation to Wilson's argument is the latest report by the WWF stating that, as a result of anthropic activities, wildlife populations have been reduced

by half in the last 40 years.[36] Worse, world population is growing at a faster rate than previously thought: 11 billion by 2100 according to the findings of the latest United Nations study.[37]

Yet all is not lost. Edward Wilson calls for half of our planet to be set aside as permanently protected areas for wildlife. This idea has been circulating among conservationists for some time but is now slowly gaining momentum in the wider community.[38] Furthermore, human population control is no longer a taboo in political philosophy. Emerging literature such as Sarah Conly's *One Child: Do We Have a Right to More?* (forthcoming) questions the (liberal) opposition to human population regulation. The right to have a family and children, according to her, does not entail *prima facie* the right to have as many children as one wishes. If uncontrolled population growth is detrimental to our collective well-being, placing limits on individuals and their reproductive rights is justifiable.

Moreover, the economic growth models are not the sacrosanct principles that they once were. Degrowth or *décroissance*—to use its original term as coined by French radical economists—is an emerging socioeconomic and political movement that challenges many prevalent consumerist and capitalist ideas from the perspective of ecological economics.[39] Critical works that support either the movement or some of its main premises are emerging. This body of literature includes works that argue that there are environmental limits to economic growth[40] and that our biosphere is unable to sustain the present-day global system of production.[41] There are scathing critiques of neo-classical economics,[42] arguing that economic degrowth is already here due to dwindling oil supplies,[43] and unless there is a controlled process of decreasing consumption we will soon be faced with an ecological disaster,[44] and an impending human catastrophe as our demands surpass the earth's natural resources.[45] Empirical evidence suggesting that past human societies have collapsed as a result of unsustainable practices adds an aura of urgency to this issue.[46] The notion that developed countries can continue consuming finite resources with environmental impunity is simply no longer acceptable.[47]

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I will now return to the topic of cosmopolitan animal right theorists to say a few words in their defence. Their Kantian-derived ethics of hospitality and their motivations are admirable. That being said, in *Perpetual Peace* Kant excludes hospitality as a right of residence (*Gastrecht*) and he limits it to the right of visitation (*Besuchsrecht*).[48] Was Kant's reluctance to admit to, or call for, a universal right of entry in some ways reflective of his experience with colonialism?[49] Whatever the case might be, while Kant allowed for hospitality, he also held that 'visitors' "should be allowed to stay *until* conditions for return" to their homeland were acceptable.[50] Hence, in the case of terrestrial cosmopolitans who advocate mobility rights for wild animals, Kant's premises are simply not met.

To begin, 'mobility rights' for invasive species, are catastrophic for indigenous wild animals. Examples abound but that of the Burmese Python who is decimating native alligators in the Florida Everglades, is sufficient. Provided that the new territory is compatible to their old one, alien species go on to thrive and breed thereby marginalizing or driving to extinction native species. Again, examples abound, but the proliferation of the Small Indian Mongoose, which has become established in the islands of Mauritius, Fiji, and the West Indies is a case in point.[51] Secondly, mobility that leads into territorial entry occurs mostly, if not always, as a result of anthropogenic activities. Whether such introductions are intentional or accidental is beside the point; utimately humans are responsible for the resulting harm to the indigenous wild life populations.

Consequently, I would argue, the removal of invasive species is the sole exception in which human interventions in wild animal communities are justified. That being said, and at the risk of misunderstanding, such interventions should not be occasions for the slaughter of 'alien' species. (On this point I find myself in agreement with cosmopolitan animal right theorists, who emphasize the inviolability of individual rights.) Unfortunately however, and all too often, environmentalists sacrifice this principle for the health of ecological regions. To recall the case of Burmese Pythons in Florida, an open hunting season was recently declared by that state's wildlife department, complete with financial rewards for their annihilation.[52] Worse yet, there is a growing movement in the hunting community (with the blessing of many ecologists and environmentalists) which not only allows but encourages and praises the hunting of invasive species as the "ultimate guilt-free diet."[53] This movement is problematic at many levels but especially insofar as the hunting of invasive species leads to the same animals altering "their behaviour in ways that make future encounters with predators less likely."[54] Put differently, they make capture and repatriation—the only option that would satisfy the tenets of environmentalists and animal right advocates alike—far more difficult.

HUMANITARIAN INTERVENTION IN WILD ANIMAL COMMUNITIES

Humanitarian intervention is another contested topic, especially in the arena of health care and safety rights. Whereas Donaldson and Kymlicka limit those rights to domesticated animals, terrestrial cosmopolitans want them extended to wild animal populations. Donaldson and Kymlicka resist such calls and defend their exclusion on the basis that protection from predation and natural food cycles will disrupt wild animals' way of life and impose radical restrictions on their freedom and autonomy.[55] They are of the mind that humanitarian interventions will require nothing less than "turning nature into a zoo, in which each species would have its own safe habitat and secure food supply at the price of having its mobility, reproduction and socialization tightly policed by human managers.[56] Their sentiment, similar to that of Nassim Nicholas Taleb, who argues, "Don't talk about 'progress' in terms of longevity, safety or comfort before comparing zoo animals to those in the wilderness,"[57] speaks of the dangers associated with well-meaning but ultimately misguided animal right policies that harm the same wild animals they seek to help.

That said, what if one made the counter-argument that the zoo-ification (for lack of a more appropriate word) of wild animals would be a small price to pay if that meant that wild animals could live long-lasting, pain-free lives? Even if *zoo-ification* were deemed both feasible and desirable, would it ensure the well-being of wild animals? I would argue that it would not. To begin, there is the law of unintended consequences,[58] which, at the risk of oversimplification, holds that intervention in complex systems leads to unforeseen consequences.[59] Ecosystems are extremely complex systems with intricate interspecies relationships that have evolved over the course of millennia. Given the Byzantine nature of those symbiotic interactions, the risk of negative unintended consequences from interventions is high. As a safeguard, those advocating humanitarian interventions should be required to demonstrate that those interventions will not have any detrimental effects and, barring that, they should abide by the precautionary principle.[60] This principle has received extensive coverage in the literature and, as such there is no need for further development. However, there is a small but significant exception involving human interference in the diet of wild captive animals, which, if terrestrial cosmopolitans have their way, would expand into mass humanitarian interventions for animals in distress.

The precautionary principle can be traced back to the Latin *primum non nocere* (first, do no harm), which is itself traced back to the Hippocratic Oath which reads: "διαιτήμασί τε χρήσομαι ἐπ᾽ ὠφελείῃ καμνόντων κατὰ δύναμιν καὶ κρίσιν ἐμὴν, ἐπὶ δηλήσει δὲ καὶ ἀδικίῃ εἴρξειν" This has been interpreted as "I will apply dietetic measures for the benefit of the sick according to my ability and judgment; I will keep them from harm and injustice"[61] and "I will follow that system of regimen which, according to my ability and judgment, I consider for the benefit of my patients, and abstain from whatever is deleterious and mischievous."[62] Granted that interpretations vary, the general gist of the above passage is something along the lines of "I will use diets for the good of the patients, and I will exclude diets which harm the patients" and/or "I will use those dietary regimens which will benefit my patients according to my greatest ability and judgment, and I will do no harm or injustice to them."[63]

The relevance of the Hippocratic Oath to humanitarian interventions lies on the stress it puts on regimen or διαιτήματα, as Hippocrates puts it.[64] Human-provided 'diet' and 'regimen' for wild animals include things like: type, amount, temperature, and texture of food alongside with feeding frequency. Examples abound, but for the sake of our argument a single one should suffice. At the San Diego Wild Animal Park, a study involving a feeding experiment comparing commercial and carcass diets was carried out with 15 cheetahs. The study concluded that the cheetahs that were fed entire carcasses fared better, both psychologically and physically, than their counterparts, which were fed the 'traditional' commercial diet consisting of preprocessed horsemeat. The fact that the commercial diet was nutritionally balanced (i.e., contained added vitamins) further highlighted the study's findings.[65] In the specific case of oral health, it was discovered that the cheetahs that were fed processed foods did not incur sufficient 'wear and tear' on their teeth. Consequently, insufficient wear and tear

on the teeth is said to lead to "focal palatine erosion, a disorder that occurs when an underused molar chips away at the upper palate, eventually boring a hole through the bone, which can then become infected."[66]

In another study, this one involving lions, it was discovered that feeding following "gorge and fast" patterns was superior to that following frequent, daily patterns, both in terms of nutrition and behaviour effects.[67] (Not surprisingly, the frequent, daily feeding pattern of carnivores was and, in some zoos, still is the status quo.) The working hypothesis behind "gorge-and-fast" regimens is that they are beneficial because they mimic the feeding patterns found in nature, in which carnivores have evolved.[68]

The above two examples illustrate some of the perils to be found in well-meaning interventions. The same concerns are applicable to natural predation. While there is nothing wrong with aiding an individual wild animal—imagine yourself intervening to save a chipmunk from a hawk while on a hike[69]—the same type of intervention at the collective level would have deleterious effects for the entire ecosystem. Also, we should not forget that "removing predators has a cascade of effects on other populations, down to the plant life."[70]

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By the same token, *reintroducing* predatory animals into an ecosystem would have beneficial effects. This is something that is best illustrated using the example of Yellowstone National Park's grey wolves which were reintroduced in 1995/1996 after a 70 year absence. Since their return, wolves have been hunting elks, which in turn has allowed for the rejuvenation of aspens and willows, which in turn made possible the return of beavers.[71] As a matter of fact, the ongoing heated debate regarding rewilding efforts in UK is centred not on ecological concerns, but on agricultural, hunting, and fishing ones. To wit, farmers, hunters, and fishermen object to the reintroduction of wolves, bears, and lynxes on account of egoistical reasons.[72]

One possible objection to the above could be made from the perspective of scientific progress. Namely, "now we know what interventions to make when we intervene." A counterargument would be to state that there are simply no limits to the ways in which we are "outsmarted" by nature; sometimes the negative downsides are simply too great for justification.[73]

Ironically enough, as the final editing touches were put on this paper, I became aware of new scientific studies which debunk earlier studies hailing the ecological benefits of reintroducing wolves into the Yellowstone National Park.[74] Apparently after

> humans exterminated wolves nearly a century ago, elk grew so abundant that they all but eliminated willow shrubs. Without willows to eat, beavers declined. Without beaver dams, fast-flowing streams cut

> deeper into the terrain. The water table dropped below the reach of willow roots. Now it's too late for even high levels of wolf predation to restore the willows.[75]

In other words, earlier studies began (correctly) reporting ecological improvements, but (mistakenly) assumed that those improvements were going to continue until the system was completely restored. (In all fairness to them, they did not have the benefits of the hydrological studies.) While some willows began regenerating and some beavers began returning to the park, reestablishment will not be possible: changes to the fluvial system make full restoration of the riparian ecosystem an impossibility.[76]

Following the initial disappointment, not only for Yellowstone but also for countless other places where rewilding efforts are under way, these studies should serve as a further warning against interventions into complex systems—with nature being one of the most complex.[77] This sentiment is echoed by the authors of the recent Yellowstone study, who claim that we know very little about the consequences of restorations simply because we do not know enough about the (negative) feedback that reinforces the effects of removing predatory animals from an ecosystem.[78] The same study should also serve to highlight the importance of granting wild animals a sovereign status and a right to place consisting of an "equal right, individual or collective, to possess a particular place."[79]

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On a related note, there is the ethics of wildlife research (e.g., tagging, marking, etc.). According to Donaldson and Kymlicka's (2013) sovereignty model, it is not clear if such research should cease to exist. In an ideal scenario it should. Be that as it may, at the present time wildlife research is being guided by the Three Rs (Replacement, Reduction, Refinement)—a concept that was originally conceived and applied to laboratory-based research. This concept, however, is highly problematic, given the fact that it prioritizes data collection over the welfare of individual animals.[80] What is needed is the articulation of a new concept that does not sacrifice the welfare of animals for the sake of scientific knowledge—even if such knowledge is solely for the goal of species conservation. The only attempt (that I am aware) of formulating such a moral theory is that by Curzer et al. (2013), where the so-called Nine R theory is articulated. While not perfect, it's nonetheless a vast improvement over the current Three Rs guideline system.

CONCLUSION

While advocates of terrestrial cosmopolitanism are motivated by benevolent considerations, a better option for the well-being of wild animals would be a right to place theory. Such a theory is a preferable alternative not only because it protects wild animals against human encroachment, but also because it is better suited to the majority of wild animals, who are specialists (as opposed to generalists) and thus dependent on small ecological niches for their survival.

This is something that is best illustrated using the example of the Spanish hogfish (Belize barrier reef) and the swift fox (short grass prairie of Saskatchewan). As Donaldson and Kymlicka point out, the "right to universal mobility and a universal commons is meaningless" because the lives of such "specialist animal species is dependent on very specific ecological niches."[81] That is to say, the principle of ecological niches makes a mockery out of the "individual mobility rights" as advocated by terrestrial cosmopolitans.

With regards to humanitarian interventions in wild animal communities, we lack sufficient knowledge to intervene without the risk of unintended consequences. Furthermore, even if we were to obtain ecological and biological omnipotence via ongoing scientific research, the fact remains that predatory and carnivorous animals cannot become vegetarians. Even if such a thing were possible, it would not be ecologically or environmentally desirable: the cycle of predation is a crucial element in the proper functioning of the biosphere even though, as Horta (2013) would claim, it is 'unfair' to r-strategist species.

If any humanitarian interventions are to be made, they should be made in the protection of indigenous wild animals against alien species and predatory, domesticated animals (e.g., cats). In the case of alien species—considering that this is a man-made problem— they should be repatriated.[82] When one takes into account the fact that domesticated animals, such as house cats, are responsible for the deaths of approximately 20.7 billion mammals (e.g., mice, rabbits),[83] 1.4-3.7 billion bird deaths in the USA, 100-350 million bird deaths in Canada,[84] and are implicit in the extinction of several bird species, human intervention is not only desirable but ethically and morally dictated. In both cases, however, it is imperative that intervention occur within the framework of an animal-friendly and environmentally friendly" paradigm. To quote Seyla Benhabib, we have "moral obligations" toward all animals including domesticated ones "and they have moral claims upon us."[85] We should not be killing Burmese pythons—the official policy of Florida Fish and Wildlife Conservation Commission—any more than we should be killing our house cats.

As I write this, an authorial confession weighs on my mind: I dislike snakes. No doubt my dislike stems from an evolutionary fear. Snakes have been responsible for many deaths in human history and, in the case of hunter-gatherer societies such as the Agta (Philippines), pythons are still responsible for one in 20 human deaths.[86] However, taking a cue from Charles Blattberg, who writes that when it comes to politics, "one does not have actually to *like* the person or persons one is conversing with, only to recognize that there are good reasons for caring about them."[87] I argue that the same applies to animals. We do not have to like any of these animals in order to care for them. Again, this is not to advocate a paternalistic management system in which we take responsibility for protecting and feeding wild animals, thereby turning "wilderness into a zoo."[88] On the contrary. The billions that are now being spend on duplicating natural habitats in zoos[89] and cryobanks—whether the Smithsonian's Global Genome Initiative[90] or China's National Genebank—would be better spend in preserving existing wildlife habitats.

If the concept of caring for wild animals is unpalatable to the average person on intrinsic grounds, there is—in the face of the spreading Ebola epidemic—an argument to be made on instrumental grounds. The Ebola virus has, at the time of this writing, the potential of becoming a global epidemic[91] with immense financial,[92] social, and health costs. The Zaire ebolavirus, one of five known species of Ebola virus,[93] exists in three species of fruit bats that are only found deep in the Gabon and Congo rainforests.[94] In other words, Ebola's natural reservoirs, similar to other unknown, deadly viruses, are found in wild animals inhabiting inaccessible forests. Ebola is transmitted via the eating of bushmeat—namely, of bats and other 'accidental' secondary hosts such as primates, rodents, and duikers.[95] The destruction of virgin rainforests (through logging, mining, agriculture, human settlements) in combination with the exploitation of wild animals (in poaching for food, traditional medicine and ceremonies, zoos, medical research, and private exotic animal trade) increases the probability of deadly viruses being transmitted to humans.[96] A right to place theory would protect these animals, their habitat, and ultimately humanity,[97] for it is the only political theory that entails territorial sovereignty.

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NOTES

[1] E.g., Garner (2005) and (2013).

[2] At the time of this writing, the list included Horta (2013) and (2014); Clare Palmer, (2013); Svärd, Nurse, and Ryland (2013); Cooke, (2013); and Cochrane (2013), not to mention Donaldson and Kymlicka's replies to Horta and Cochrane in their article Donaldson & Kymlicka (2013a) and to Svärd, Nurse, and Ryland in (2013b).

[3] Kolers as cited by Donaldson & Kymlicka, 2013, p. 146.

[4] There appears to be some confusion surrounding the identity of the scholar who coined the term "rooted cosmopolitanism." Some claim it was Kwame Anthony Appiah (Darieva, 2013, p. 26; Freedman, 2005), while others claim it was Mitchell Cohen (Webner, 2012, p. 154; Tarrow, 2005). That being said, Alan Ryan suggests that the term predates Appiah and Cohen alike and it can be traced back to Isaiah Berlin in the 1950s who is said to have been defending some form of "rooted cosmopolitanism" in response to Stalinist anti-Semitic denunciations of "rootless cosmopolitanism" (personal correspondence, September 28, 2014). Regardless of its origins, Kymlicka and Walker (2012, p. 1) argue that the term was popularized by Appiah and has now been adopted in "various forms by a range of political theorists and philosophers."

[5] Kymlicka is, along with Walker, the editor of *Rooted Cosmopolitanism*, where one reads the following definition: "Rooted cosmopolitanism attempts to maintain the commitment to moral cosmopolitanism, while revising earlier commitments to a world state or a common global culture, and affirming instead the enduring reality and value of cultural diversity and local or national self-government. Even as rooted cosmopolitanism affirms the legitimacy of national self-government, however, it also entails revising our traditional understanding of 'nationhood.' For many rooted cosmopolitans, the nation can no longer be seen as the locus of unqualified sovereignty, exclusive loyalty, or blind patriotism. People's attachment to their ethnic cultures and national states must be constrained by moral cosmopolitan commitments to human rights, global justice, and international law. Rooted cosmopolitanism, in short, attempts to redefine our traditional understandings of both cosmopolitanism and nationhood" (2012, p. 3).

[6] With thanks to Avery Kolers for this clarification (personal correspondence, September 30, 2014).

[7] For a comprehensive review see Pimentel (2011).

[8] See Kremer (2014).

[9] See Childs (2011).

[10] Kant, 1972, pp. 137–138.

[11] The first assertion, that of hospitality ethics, holds that if a stranger does not pose a danger, then he or she is not to be treated with hostility—with or without any claims to hospitality. It should be noted that this type of hospitality ethics is closely related to the ancient Greek view of hospitality as embodied in the concept of φιλοξενία (philoxenia) Philoxenia was central to the divine figure of Zeus Xenios whereby hospitality was not only a sacred duty, but the harming of a stranger a divine digression (Newlands and Smith, 2010, pp. 30-32). Hence, from a comparative perspective, Kant's hospitality ethics are weaker than their classical counterpart.

[12] Cochrane is of the mind that what is unique about *Zoopolis* is not so much the synthesis of animal ethics and political theory, but the articulation of a specific position in political theory—namely, that of "group membership" and the "relational position." Consequently, this author states that the appropriate question of concern should not be whether a political theory of an-

imals makes sense but rather "whether a political theory which gives such important weight to the relational and group-based distinctions of animals makes sense" (Cochrane, 2013, pp. 127-141, 128, 130).

[13] *Ibid.*, p. 132.

[14] *Ibid.*

[15] *Ibid.*, p. 139.

[16] *Ibid.*, p. 114, my emphasis. Of course Horta does not deny Donaldson and Kymlicka's argument that wild animal communities are 'competent' insofar that they continue the existence of their species through time; rather, as already mentioned, he is troubled at the death of countless animals at the individual level.

[17] The ecological 'r/K selection theory' used to describe the evolutionary reproductive strategies of species consists of "r-strategists" which are characterized by short gestation periods, multiple births, little parental investment, early maturity and high mortality rates (see Wilson, 1980, p. 47-49), and "K-selection" which are characterized by few offspring and high parental investment. The same theory is coming under attack and is slowly being replaced by the so-called 'life-history theory,' which seeks to examine the various life events of a species in order to understand biological and behavioural patterns (see Reznick *et al.*, 2002; Stearns, 1977).

[18] Horta, 2013, p. 113.

[19] *Ibid.*, p. 146.

[20] Kolers, 2013, pp. 2-3.

[21] Kolers as cited by Donaldson and Kymlicka, 2013a, p. 146.

[22] Kolers, 2013, p. 13. It should be pointed out that, Kolers attributes the term "right to place" to Imbroscio, 2004.

[23] Kolers, 2012.

[24] Donaldson and Kymlicka, 2013a, p. 146, original emphasis.

[25] *Ibid.*

[26] Donaldson and Kymlicka, 2013a, p. 146.

[27] Jeremy Waldron lists both (2010, pp. 170-171).

[28] Donaldson and Kymlicka, 2013a, p. 147.

[29] Food and Agriculture Organization, 2014; World Wildlife Fund, 2006; Human-Wildlife Conflict Collaboration (HWCC), 2014.

[30] Das, 2013.

[31] *Ibid.*

[32] Best, 2005.

[33] Objection raised over personal communication (July 9, 2014).

[34] Not that that stopped one burglar from doing exactly that (CBS, 2012).

[35] Wilson, 1989, p. 536.

[36] Kottasova, 2014.

[37] Gerland *et al.*, 2014.

[38] Hiss, 2014.

[39] Parker, Fournier and Reedy, 2007, p. 69.

[40] The World Commission on Environment and Development, 1987.

[41] Bonaiuti, 2010.

[42] Barry, 2012.

[43] Heinberg, 2011.

[44] Latouche, 2009.

[45] Costanza, 2006, pp. 397-399.

[46] Diamond, 2005.

[47] Ellwood, 2014. In addition to scholarly works there are numerous other activities surrounding this concept. These include conferences such as the one held in Montreal this past December (CBC Radio, 2013); the *Demagazine* magazine, (http://en.demagazine.eu/), and the platform of philosopher and running candidate for UK's Green Party, Rupert Read, http://rupertsread.blogspot.ca/2012/12/beyond-growthregrowth.html among others.

[48] Derrida, 2010, p. 421.
[49] Mau *et al.*, 2012, p. 28.
[50] *Ibid.*, my emphasis.
[51] Lowe *et al.*, 2000.
[52] Python Challenge, 2013, http://www.pythonchallenge.org/.
[53] Landers, 2012; Discovery News, 2012; Gilli, 2012.
[54] Cote *et al.*, 2014.
[55] *Ibid.*, p. 155. The detrimental effects of human intervention, including the limitations of human knowledge and the perverse consequences of human intervention in nature, are discussed at length in *Zoopolis*'s chapter six, "Wild Animal Sovereignty." More recently, Kymlicka expanded on the same theme during an interview with Adriano Mannino (2014b).
[56] *Ibid*.
[57] Taleb, 2010, p. 7.
[58] For an in-depth discussion of unintended consequences, see Merton, 1949. That being said, and apart from its genesis in sociological circles, the same topic has found fertile ground in the environmental and economic literature.
[59] Taleb, 2012.
[60] The precautionary principle is concerned with the prevention of harm, and according to Article 191 of the Treaty on the Functioning of the European Union, the same principle may be invoked when a process is judged to have a dangerous effect, but whose risks "cannot be determined with sufficient certainty." European Union, "The Precautionary Principle." For the history of the precautionary principle, albeit only from the seventeenth century onwards see UNESCO, 2014.
[61] Edelstein, 1943.
[62] Hippocrates, 1923.
[63] Thanks to Rebecca Futo Kennedy, John Ma and Michael Nafi for their insightful comments regarding the interpretation of this challenging passage.
[64] I would like to thank the anonymous referee who pointing out to me that the Hippocratic Oath has been revoked in the (French) literature to justify animal laboratory testing (Susanne, 1996). On this subject, I would add that one encounters two distinct camps: welfare animal advocates (humane treatment of medical research laboratory animals) and animal right advocates (banning all animal testing). The use of the Hippocratic Oath, it would seem to me, is utilized by welfare animal advocates even if they do not self-identify as such.
[65] Bond and Lindburg, 1990, p. 373.
[66] *Ibid.*, Goldman, 2014.
[67] Altman, Gross and Lowry, 2005, p. 47.
[68] Consequently, were the regular feeding patterns found in zoos the result of anthropocentric (blind) prejudice on our part?
[69] Interestingly enough, a real life non-interventionist drama was recently played out on Twitter. Award-winning filmmaker Dereck Joubert was tweeting the story of two lion cubs in the Selinda reserve that were unable to cross a deep river to join their four siblings and their mothers. Their Twitter followers were urging Joubert to intervene and save the cubs from spending a night alone with potentially catastrophic consequences (i.e., being eaten by hyenas). Joubert kept resisting the various calls for interference. The next morning, the cubs' hunger and fear of being left alone for another night overcame their fear of the deep water and they eventually swam across the river. At that point Joubert replied by saying: "If we had stepped in two cubs would have been abandoned because of our smell, or taken to a zoo." Later the same day Joubert reported that the two cubs were doing fine and their mothers had just killed a buffalo, leading one follower, journalist Alan Mairson, to comment: "The buffalo, though…not really his best day, is it?" (October 8, 2014), https://storify.com/Wildlife-Films/lion-drama-at-great-plains-selinda-reserve
[70] Lovgren quoting Terborgh, 2005.
[71] Ripple and Beschta, 2011, p. 2.

[72] Vaughan, 2014. In addition, note George Monbiot, a leading activist figure in Britain's rewilding efforts. Apart from his regular column in *The Guardian*, see also "A Manifesto for Rewilding the World" (May 27, 2013) at his eponymous website http://www.monbiot.com /2013/05/27 /a-manifesto-for-rewilding-the-world/

[73] With thanks to Avery Kolers for bringing this objection to my attention.

[74] Rather than subjecting the paper to significant editing in lieu of the new findings I thought it best to simply alert the reader to them.

[75] Middleton, 2014.

[76] Marshall *et al.*, 2013.

[77] Taleb, 2012.

[78] Marshall *et al.*, 2013.

[79] Donaldson and Kymlicka, 2013a, p. 148.

[80] Canada, "Three Rs Microsite Research, accessed October 09, 2014, http://3rs.ccac.ca/en/research/wildlife-research.html

[81] Donaldson and Kymlicka, 2013a, p. 148.

[82] Obviously it does not make much sense, practical or otherwise, to attempt to repatriate insects or zebra mussels, but for mammals, birds, and snakes such a project would be feasible.

[83] Loss *et al.*, 2013.

[84] Blancher, 2013.

[85] Benhabib, 2014, p. 700.

[86] Dunn, 2012.

[87] Blattberg, 2012, p. 116.

[88] Kymlicka, 2014.

[89] Bamat, 2014; Canada's Economic Action Plan, 2012. As a side note it is assumed—perhaps naively on my part—that those improvements are taken in order to ameliorate the living conditions of captive wild animals and not to enrich the aesthetic experiences of human visitors.

[90] Smithsonian Institution, 2014; Stone, 2014.

[91] Boseley, 2014.

[92] Martin, 2014; Titcomb 2014; World Bank 2014.

[93] Food and Agriculture Organization of the United Nations, 2014.

[94] Leroy *et al.*, 2005.

[95] Rizkalla *et al.*, 2007.

[96] Wolfe *et al.*, 2005.

[97] On Ebola and its dehumanizing effects, see Hale, 2014.

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