

Interspecies Political Scales and the Question of Legitimacy

A Response to “Scale Political”

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Abstract: Sue Donaldson and Will Kymlicka do us a great service in reminding us that when thinking about the relevant scales of our political relations with animals, it is crucial that we are not stymied by limiting ideas of unitary nation-states. We ought to embrace the very different and often overlapping political relations and affinities that humans share with animals. And these in turn invite thinking through what new forms of polity might facilitate human-animal flourishing. But in so doing, we must confront the first question of politics: how can these new forms of polity be rendered legitimate to the individuals subject to them? In this paper, I focus primarily on how such polities might be rendered legitimate to the human members who will be burdened by such new forms of community. This, I argue, invites consideration of the important interplay between the individual and collective scales of our political relations with animals, and the importance of cultivating solidaristic feelings of affiliation and sacrifice between members.

Keywords: *Animals; Politics; Scales; Legitimacy; Individual; Collective; Solidarity*

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In their contribution to this special issue, Sue Donaldson and Will Kymlicka's discussion of the relevant scales for our political relations with nonhuman animals (and indeed, their political relations with each other) is characteristically thoughtful and imaginative.¹ They are surely right that when assessing the appropriate scales for human–animal political communities,² we need to think past ideas of unitary nation-states with absolute sovereignty. The primacy of “states” in political thinking and practice has limited our political imaginations: not just in terms of our consideration of how politics *could be* (thereby excluding non-state based means of political organization); but also in terms of how politics *is* (thereby excluding how politics plays out at more interpersonal, local, regional, supranational, and global scales). So I completely agree with Donaldson and Kymlicka that the appropriate scale for interspecies politics must move beyond the unitary nation-state to entail overlapping communities, shared sovereignty, and individuals with multiple memberships and communal affiliations.³

The particular proposal of Donaldson and Kymlicka entails moving towards two different, but overlapping, scales of political community: society-based polities defined by shared social membership; and place-based polities defined by shared residency in a territory. When it comes to society-based polities, Donaldson and Kymlicka see these as comprising groups of wild animals who form their own social groups separate from humans, as well as mixed human–animal groups, where the animals have been domesticated to live alongside humans. When it comes to place-based polities, they see these as encompassing communities of wild animals, and of wild animals and humans, who share geography and habitat. Acknowledging, respecting, and facilitating these two types of political scale, with the appropriate rights, responsibilities, and forms of negotiation for each, they argue, is what is required for human–animal communal flourishing.

1 Donaldson and Kymlicka, “Scale Political”.

2 For the rest of the paper I will use the terms “human–animal” and “interspecies” interchangeably to refer to groups comprised of humans and animals. And, for ease of reading, I will usually use the term “animal” when I really mean “sentient (phenomenally conscious) nonhuman animals”.

3 For my own proposals that reflect these commitments, see Cochrane, *Sentientist Politics*.

These proposals raise a number of important questions to think through. In this short piece I want to focus on the specific question of *legitimacy*, and its relevant scale. While this focus emerges from Donaldson and Kymlicka's own proposals, it is vital for any consideration of the political dimension of human–animal relations. Put simply, how are these (or any) new forms of interspecies polity to gain acceptance from the members who comprise them? In this paper, I bracket off questions regarding acceptance by animal members, important as they are, simply because that issue raises its own complicated questions that merit separate dedicated treatment.⁴ This allows focus on the difficult question of how human members can come to accept these new forms of authority. I first begin by outlining why answering this question is both so challenging and important, and why it invites careful consideration of the interplay between both the collective and the individual scale when thinking about our political relations with animals and their legitimacy. In the second section, I argue that legitimacy requires individuals to develop solidaristic feelings of affinity and sacrifice for the animal members of their polities, and tentatively propose some means by which these might be cultivated.

Legitimacy and the Collective and Individual Scales

In their discussion of politics within discrete animal communities (those where humans are absent), Donaldson and Kymlicka endorse the idea from Bernard Williams that the first problem of politics is creating peace and order (as opposed to more lofty utopian aims like securing justice).⁵ This requires individuals within a polity to “somehow accept” its power and authority over them—thus rendering it legitimate. Donaldson and Kymlicka make interesting claims about how some animals do seem to show such deference within particular groups by willingly accepting certain group norms and procedures, such as dogs adhering to norms around play. I myself am much more sceptical about the successful establishment of peace

4 For some relevant thoughts on the question of animals' interest in political membership, see Cochrane, *Should Animals Have Political Rights?*, 73–79.

5 Williams, *In the Beginning*.

and order in animal communities given the levels of harm and violence that are routine within them.⁶ And I am also sceptical that animals' acquiescence to any group norms has the sort of intentionality (or possibility for it) with regard to authority that lives up to Williams's own understanding of how political legitimacy can be conferred.⁷ Nonetheless, these are not the issues that I want to focus on in this article. For what interests me more is this account of how legitimacy is conferred. In particular, I want to ask how legitimacy might be established in the new forms of polity envisioned by Donaldson and Kymlicka. How can these new forms of authority be rendered acceptable to the individuals subject to them; and, in particular, to the human inhabitants of them?

One reason to believe that such legitimacy will be challenging to secure comes down to the fact that these new forms of polity (both societal and place-based) entail considerable burdens. After all, doing politics with animals and sharing sovereignty with them means that humans will inevitably have to give something up. For example, and rather obviously, when it comes to new societal-based polities, human members will have to recognize domesticated animals not as commodities to be used, exploited and, of course, eaten, but as fellow members. If such polities are to be legitimate, and the first problem of politics resolved, the vast majority of humans must accept radically new forms of authority and restrictions over them. And the burdens of new place-based polities seem just as considerable, and perhaps even more ethically fraught. This is because moving to new forms of polity in which sovereignty is shared means restricting the rights of certain existing communities to that territory and, also, asking groups to share the resources of that territory. One important worry is that these burdens will fall hardest on those communities—like rural, coastal, and Indigenous communities—who live closest to and depend most upon the land and its resources. Furthermore, moving to regard animals as fellow members of these place-based polities will be especially burdensome for those communities who currently regard those animals as material resources.

6 See Cochrane, "Cosmozoopolis"; and Horta, "Zoopolis".

7 See Pepper, "Political Agency"; and Hinchcliffe, "Animals and the Limits of Citizenship".

For example, those groups who depend on using and killing animals in hunting, fishing, or for modes of transport for their sustenance and livelihoods will be asked to accept radically new forms of authority and limitations on practices central to their current ways of life. Once again, we are confronted with the question of whether individuals within these kinds of community will be able to “somehow accept” these new polities and their authority: in other words, can these new polities be rendered legitimate, thus resolving the first problem of politics?

It is certainly worth remembering that remarkable changes in the make-up of our communities, and understandings of co-membership, have happened in the past and will of course happen again. Donaldson and Kymlicka point to important ways in which some Indigenous groups already seemingly recognize certain animals as fellow members of their communities; indeed, their proposals are explicitly inspired by such accounts. Nonetheless, it is important to note that the type of animal membership that Donaldson and Kymlicka endorse entails far more in the way of burdens (i.e. limits on harms to animals) than any of those groups currently take, or have ever taken, on. So, again, we are led to ask: how might the first problem of politics be resolved for reformed interspecies political communities?

This question, in my view, invites some consideration of the “individual scale” when it comes to our political relations with animals and their legitimacy. To explain, it is useful to set this claim in the context of what has sometimes been called a recent “political turn” within animal ethics.⁸ While what that turn amounts to has been cashed out somewhat differently by different authors, many agree that animal ethics in the past decades has increasingly considered the political dimension of our relationship with animals. This has involved less focus on traditional questions relating to the moral value of individual animals and our personal duties towards them, and more on our collective relations with them. We can say with some justification,

8 See Cochrane et al., “Animal Ethics”; Milligan, “Political Turn”; Ahlhaus and Niesen, “What Is Animal Politics?”

then, that one feature of thinking about animals at this political scale has been a shift away from considerations of individuals (the value of individual animals and the duties of individual humans) and towards the collective (the place of different animals within our societies and the collective structures and practices humans have instigated that affect their lives).

This emphasis on the collective is absolutely vital in order to help us understand our political (and ethical) relationships with animals, and how they might be improved. After all, and rather obviously, the most serious injustices faced by animals in contemporary societies are not caused by cruel individuals, but by structural processes and collective practices. In order to remedy such harms, it is quite clear that a simple focus on why individual animals are of value, and what we as individuals should buy or consume, is insufficient: we also urgently need to reflect on and transform how we as communities relate to animals, and the proper place of animals within these communities.

I want to argue here that recognizing the importance of the “collective scale” when considering our political relations with animals should not lead to the abandonment of the individual one. For firstly, and somewhat mundanely, it is individuals who comprise the collective institutions, structures, and practices which make up the political realm. Ultimately, then, it is individuals who will have to implement reforms to, or undertake the dismantling of, these institutions, structures, and practices. For these reasons, then, any call to transform our polities in ways that make them more benign for animals, requires some account of the obligations of individual moral agents, which will likely also be grounded in reasons relating to the moral value of individual animals. For this and related reasons, the political turn has been claimed to be a *supplement* to animal ethics, as opposed to a *departure* from it.⁹

But the additional point I want to make in this paper is that the individual scale is crucial to our political relations with animals in another way: to render any new form of interspecies polity legitimate.

9 Cochrane et al., “Animal Ethics and the Political.”

For in order to secure such legitimacy—to ensure that these new polities are peaceable and ordered—we need individuals to come to accept their authority.

Solidarity with Animals

So how might individuals come to see themselves as embedded within these new wider interspecies communities and accept the considerable burdens they impose upon them?¹⁰ While these burdens pose a serious challenge to securing and maintaining these political communities, overcoming them should by no means be regarded as impossible. Fundamentally, these new polities require particular attitudinal and motivational transformations on the part of their human members. New forms of what we might deem interspecies solidarity are required, whereby individuals regard animals not as resources, nor as alien others who live outside of society in “nature”, but as fellow members of our discrete communities whose fates are bound up with our own.¹¹ And relatedly, such solidarity must be undergirded by the right type of *ethos*, where the individual moral agents within these communities are prepared to make sacrifices on behalf of other members, including taking on the aforementioned burdens that are entailed by recognizing animals as fellow members.

There is hope that such shifts can be achieved by the fact that new and remarkable solidarities have been achieved in the past. For example, many polities throughout human history have had social norms which have regarded it as normal and right for certain humans living within those territories to be treated as mere resources, slaves, or without morally relevant interests. And yet, this has gradually been usurped by solidarities that have extended to other humans. Often, such extensions have been to all within a bounded territory; but sometimes they have extended across borders on the basis of nationality, class, religion, political activism, or other ties. It is clear, then, that radical transitions and expansions of our social and political solidarities are perfectly possible.

10 The rest of this section draws on ideas found in Cochrane, *Sentientist Politics*, 120–26.

11 See Cochrane and Cojocar, *Solidarity with Animals*.

But perhaps shifts towards interspecies solidarities are qualitatively different to other transitions that have happened in the past. Two reasons might be given for such a difference. For one, previous shifts in attitude and concern for women, the propertyless, Indigenous groups, and other marginalized groups of humans, did not emerge solely or primarily because of the increasingly benign attitudes of others. Instead, individuals from these groups fostered those changes in societal norms themselves, by fighting to overturn existing practices and the structures that sustained them. These human groups challenged and altered existing norms in ways that are unavailable to animals. As such, perhaps such shifts, and the conferral of legitimacy that arise from them, are far more unlikely in the case of animals. Secondly, it might be questioned whether any individual changes in attitude towards animals could properly be regarded as solidaristic. For some, solidarity is a concept which requires all members to reciprocate feelings of concern and sacrifice; and it is this shared “give and take” which makes individuals willing to take on burdens for others.¹² But such attitudes and behaviours are clearly impossible in respect of the vast majority of non-human animals: they can neither acknowledge others as members, nor intentionally make sacrifices on their behalf. Given this lack of reciprocity, we might justifiably question whether individual human members will be willing to take on the burdens required by these new forms of interspecies polity.

Neither of these problems should be overstated. It is true that animals cannot themselves demand recognition of their membership of certain polities and thus themselves agitate for shifts towards interspecies solidarity. To be clear, this is not to deny that animals are agents who can affect politics, nor to deny that they can resist actions and practices that they are subject to. It is simply to point out that they lack the requisite understanding of political membership to demand it for themselves. But there are plenty of examples of humans who have also had to rely on the activism and goodwill of others—children and the seriously disabled being the most obvious—in

¹² Wilde, “Concept of Solidarity”.

order to be successfully incorporated into membership of our polities. And while these groups obviously still face injustices, most of us in contemporary societies acknowledge such individuals as uncontroversial fellow full members. There seems no obvious reason why we cannot make the same move with regard to animals. And a related point can be made with regards to reciprocity. Most contemporary accounts recognize that solidaristic feelings of shared identity, affinity, and sacrifice can exist amongst individuals even in the absence of reciprocity.¹³ Once again, this is shown by existing solidaristic feelings and practices that obtain between humans that are based on class, religion, political activism, and so on: many of these individuals have never met, let alone interacted.

In light of these reasons, we should conclude that it is certainly possible to resolve the first problem of politics when it comes to any new and more just forms of interspecies polities: human individuals *can* take up the burdens demanded by recognizing animal others as fellow members. And yet, this fact alone still does not tell us much in terms of how such forms of interspecies solidarity and ethos might be cultivated. While such transformations might be possible, how can individuals actually be motivated to develop these new forms of affinity and sacrifice for nonhuman animals? This is too large a question for me to answer fully here. Even more importantly, it requires the input of those with expertise in psychology, history, anthropology, and more, which I do not possess. Nonetheless, given the main claims of the paper, and the fact that similar questions to this have received some attention amongst political theorists, it would be remiss not to offer a few general points.

In the first place, solidaristic feelings of identity and sacrifice are not things that attach inevitably to any kind of “natural” political community; instead, and like those communities themselves, such feelings are things that emerge and are constructed. This means that solidarity is something that can be cultivated. This is most starkly illustrated by the solidarity that exists between individual

13 See Kolers, *A Moral Theory of Solidarity*.

members of national communities. Nation states, and the affinities that undergird them, are neither natural nor inevitable, but were instead created through various forms of nation-building. National solidarities were constructed through different means, including the creation of national myths, the adoption of national symbols, the promotion of national languages, the centralization of national media, and so on.¹⁴ While some of the methods used to create these solidarities involved historical injustices (such as forcibly eradicating certain myths, symbols, languages, etc., that were not part of the cultivated nationality), such harms are not intrinsic to the process of establishing such affinities. Take, for example, the promotion of particular cultural festivities; there is no need for such activities to entail injustice when conducted appropriately. In this light, and drawing on historical lessons in a reflective way, we need to think about the possible methods and strategies that could promote the kinds of solidarity that will allow individual members to accept the authority of the interspecies polities of which they are members.

When reflecting upon these methods, the importance of the interplay between the individual and collective scales will once again be important. On the one hand, the agents of the solidaristic affinities will be both individuals and structures; and, on the other, the recipients of these methods will be individuals and structures. So, for example, when it comes to consideration of who will be the agents of change, it is certainly reasonable to think that animal activists should play an important role in leading the efforts to promote these feelings of identity and sacrifice. After all, activists are individuals (and groups) who both have an existing interest, as well as tried and tested tools, in asking the rest of society to recognize the value of other animals and to make sacrifices on their behalf. But, crucially, we need to broaden our understandings of who activists are and, more importantly, who they should be. Activists are not a settled group of actors separate from the rest of society. Instead, there are strong reasons to believe that *all* individual moral agents have

14 See Kymlicka, *Politics in the Vernacular*, 229.

a duty to become political activists. John Rawls argued that one of our basic duties as moral agents is to create and maintain just institutions where they do not exist.¹⁵ Given that our existing polities are manifestly unjust — failing as they do to acknowledge the membership of other species — we may conclude that we all have a duty to agitate for new forms of political community. And to do that requires fulfilling a derivative duty to try and inculcate feelings of affiliation and sacrifice amongst fellow members.

But activists and individual moral agents should not be the only agents of interspecies solidarity: institutions also have a vital role. This is because institutions, structures, and laws are vital engines for promoting solidaristic affinities: they are not simple reflections of societal norms, but also shape and modify them.¹⁶

When it comes to the appropriate scale of where, and to whom, these efforts should be targeted, the answer is the same: individuals and collective structures. Providing information and educating individuals about the capacities and contributions of other animals will always play an important role. Many still hold naïve and false views about the differences between humans and animals, and an important step in getting people to regard animals as fellow members who they are willing to make sacrifices for will be to break down dubious species-based distinctions, and for them to acknowledge the shared characteristics between us. But it would be wrong to see this task as simply a case of providing new information to — and inculcating completely novel affiliations for — animal others. For as a number of eco-feminist scholars have persuasively pointed out, any lack of concern for or connection with animals should not be thought of as normal or natural.¹⁷ Instead, they argue that our inclination to identify with animals has been suppressed by certain features of modern life. Such suppression can be seen most clearly, perhaps, with the example of modern animal agriculture, where animals are raised, confined, and slaughtered out of

15 Rawls, *A Theory of Justice*, 293–94.

16 See for example, Ulaş, “Global Community”; and Carens, “Egalitarian Ethos”.

17 Luke, “Justice, Caring, and Animal Liberation.”

sight from the individuals who consume them. But perhaps even more important are the ways in which certain everyday conventions and practices prop up artificial distinctions between humans and other animals. One clear example of this is in our language conventions, such as the unhelpful catch-all term “animal” or the common practice of referring to animals as “it” rather than “he” or “she”. All of this suggests that another important strategy in fostering solidaristic affinities is to challenge and seek to alter some of these conventions to help individuals “relearn” or “reawaken” their connections with other animals.

But this demands a focus on creating laws and reforming institutions to allow this reawakening to happen, so that animal membership, and sacrifices on their behalf, are “more imaginatively present” in the minds of members.¹⁸ This means that animal campaigners may have to get more “political” in terms of their objectives and consequently their methods. To put it better, activists will increasingly need to see that the improved treatment of animals requires fundamental transformations of politics, as well as attitudinal and behavioural changes amongst members. There is no doubt that asking current members of political communities to agitate for radical political change is a huge challenge. It is a difficult task precisely because it requires us to imagine living in political communities very different to our own. Steve Cooke has rightly pointed out that this challenge is so significant that individuals often tend not to regard such communities as serious possibilities, and indeed that may be a reason why they fail or refuse to pursue them.¹⁹ Cooke thus argues that another important strategy in moving towards more just polities is to use tools to broaden the “moral imagination” of members. This entails using and promoting the arts to encourage such reflective and imaginative thinking, facilitating progressive alternative ideologies to question established norms, and robustly protecting freedoms of thought, expression, and lifestyle.

¹⁸ See Ekeli, “Giving a Voice to Posterity”, 440.

¹⁹ Cooke, “Imagined Utopias”.

Conclusion

In thinking about the relevant scale of our political relations with animals, it is crucial that we are not stymied by limited and limiting ideas of unitary nation-states. Donaldson and Kymlicka do us a great service in showing the importance of thinking in ways that accept the different and often overlapping political relations and affinities that humans share with animals. And these in turn invite thinking through what new forms of polity might facilitate human–animal flourishing. But in so doing, we must also confront the first question of politics: how can these new forms of polity be rendered legitimate to the individuals subject to them? In this piece, I have focused primarily on how such polities might be rendered legitimate to the human members who might be burdened by such new forms of community. This, I have argued, invites consideration of the important interplay between the individual and collective scales of our political relations with animals, and the importance of cultivating solidaristic feelings of affiliation and sacrifice between members.

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