

**Neither Wild nor Domesticated: Positioning Liminal  
Animals through Labour Rights**

**By**

**Daphne Debora Zahra Brouwer**

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**Queen's University  
Kingston, Ontario, Canada**

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Abstract      *Animal rights have become a mainstream part of philosophy since the 1970s, but liminal animals are still ignored by most animal studies scholars. Sue Donaldson and Will Kymlicka address the rights of liminal animals in Zoopolis assigning denizenship to them as they are considered to be neither wild (sovereignty) nor domesticated (citizenship). The problem with their approach is that they address the possibility for liminal animals to become citizens without explaining how this can happen. Combining Kendra Coulter's care work approach with Karl Marx's definition of production labour I argue that liminal animals are entitled to labour rights under certain circumstances. The strength of acknowledging that liminal animals can acquire labour rights is that their contribution to a community becomes formally acknowledged and protected, which I argue to be a possibility for a liminal animal to become a citizen.*

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## Introduction

All life is inseparable from that of others. Whether one lives in the countryside or in the city, other living beings surround us. It is only since the last century that this inseparable dimension of the life of humans and animals has become of interest to the academic world. Although philosophers and biologists prior to the 20<sup>th</sup> century studied animals, it is only since the 1970s that it became mainstream for Western philosophers to take animals more seriously as beings with rights. Steps have since been made setting up frameworks for animals detailing the requirements for receiving rights and what these rights would entail. One of the main arguments that was made by scholars in the beginning period of animal studies is that those animals who are sentient have the right not to suffer.<sup>1</sup> More recently, scholars have started to argue in favour of animals as possible members of our communities, expanding from basic rights to more specific rights such as labour rights, and the right to representation.<sup>2</sup> The scholars of this recent group that are most influential on this paper are Clare Palmer and Sue Donaldson and Will Kymlicka. Whereas the former (Palmer) argues for a relational approach<sup>3</sup>, the latter (Donaldson and Kymlicka) argue that a citizenship framework should be introduced to assign rights to animals. While this is a great development for animals, most of the works published

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<sup>1</sup> Peter Singer, *Animal Liberation* (New York: HarperCollins Publishers, 2009); Gary Francione, *Animals, Property & The Law* (Philadelphia: Temple University Press, 1995). Carol J. Adams, *The sexual politics of meat: a feminist-vegetarian critical theory* (New York: Continuum, 1990).

<sup>2</sup> Martha Nussbaum, *Frontiers of justice: disability, nationality, species membership* (Cambridge: Belknap Press of Harvard University Press, 2006); Alasdair Cochrane, "Labour Rights for Animals," in *The Political Turn in Animal Ethics*, ed. Robert Garner and Siobhan O'Sullivan (New York: Rowman & Littlefield International, 2016), 15 – 31; Sue Donaldson, and Will Kymlicka, *Zoopolis: A Political Theory of Animal Rights* (Oxford: Oxford University Press, 2013).

<sup>3</sup> The relational approach follows the belief that one has duties to certain animals because of the relationship of dependence and vulnerability humans voluntarily form with these animals. See Clare Palmer, *Animal Ethics in Context*, (New York: Columbia University Press, 2010).

discuss either wild or domesticated animals.<sup>4</sup> Rarely is there a focus on those that fall in between. Think for example about the urban fox, the squirrels living in the backyard, the coyotes that survive and thrive in cities. What all these animals, henceforth referred to as *liminal animals*, have in common is that they are neither fully wild nor fully domesticated. A result of this liminality is that liminal animals neither belong in or out of the human community, while at the same time they play a largely overlooked role within it. It is this in-between status of liminal animals that is recognized by Donaldson and Kymlicka, who argue that liminal animals are denizens, being neither fully citizens nor sovereigns.<sup>5</sup> Although Donaldson and Kymlicka recognize the possibility for liminal animals to become citizens, there are no requirements or guidelines set up to indicate how this would work.<sup>6</sup> It is for this reason that liminal animals and their role in a community must be studied in more detail.

### ***Clarifications***

To prevent confusion some definitions that will be repeatedly used need to be clarified before continuing with the layout of the argument presented in this paper.<sup>7</sup>

**Animal:** When the term animal or animals is used, it is not done in any way to differentiate them as lesser beings from humans. Some scholars prefer to use the terms *human animals* and or *non-human animals*, but the choice is explicitly made not to do this in this paper. Humans and animals are different beings living in the same world, and while distinctions can be found between the two groups, I do not believe that they

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<sup>4</sup> It should be noted that Donaldson and Kymlicka do introduce the concept of liminal animal, but they do not discuss the labour performed by liminal animals and the labour rights that may be assigned to liminal animals based on their labour and role in the community.

<sup>5</sup> Donaldson and Kymlicka, *Zoopolis*, 214.

<sup>6</sup> Donaldson and Kymlicka, *Zoopolis*, 243.

<sup>7</sup> Labour itself is one of the definitions not described in the introduction as it will be discussed in detail in the second chapter.

are inherently different when it comes to the entitlement of rights. Using terms such as *non-human animals* or *human animals* seems to purposely focus on the differences that exist, and this is something that I want to prevent in this paper.

**Species:** While some of the arguments in this paper may apply to members of species in general, such as beavers or pigeons, the individual animal can make a lot of difference for the argument. Therefore, when reading this paper, it is important that the reader reminds themselves that every individual setting has the possibility of a different outcome, even when species are referenced to as a general group.

**Sentience:** Throughout the argument the assumption will be made that those animals discussed for labour rights are sentient and that sentience is a requirement for holding rights. If there is no general consensus on the sentience of a species more information will be provided. The main reason for this choice is, as described above, that basic rights for animals have been discussed in great detail and that the general consensus is that an animal need to be sentient in order to hold rights.

**Community:** A unified and interacting body of individuals living in the same place sharing a set of social values and responsibilities. Communities exist on a small scale such as the gay community in Montreal, but the communities referred to in this paper are those on a larger scale such as the rural or urban community. To prevent the possibility of conflicting responsibilities and rights the term community is always used within the borders of a nation-state and its society.

**Membership:** Membership must not be confused with citizenship, a difference which is important to the setting of the argument of liminal animals receiving labour rights.

Membership is considered being a part of a community through residing within that community for enough time to have built up a bond with that community. Citizenship, on the other hand, is considered to be the political binding of a member to the community. The difference between citizenship and membership is thus that citizenship has stronger responsibilities and rights attached to it than membership. A human example would be that of a temporary resident who can become a member of a community, and through that holds certain rights and responsibilities from/to the community, without becoming a citizen. After becoming a member of the community, a permanent resident, the former temporary resident can become a citizen. So, membership is a requirement for becoming a citizen, but citizenship is not a requirement for becoming a member.

### ***Labour Rights and Liminal Animals***

A wide range of rights could be discussed and applied to liminal animals, but the choice is specifically made to look into labour rights for a number of reasons. First of all, basic animal rights have already been discussed in great detail (see above), and it therefore seems to be fair to argue that these rights also apply to liminal animals. Another reason to focus on labour rights is that it seems to be the case that most interactions between humans and liminal animals derive from work that is performed by liminal animals.<sup>8</sup> While the influence of humans on liminal animals is undeniable, by leaving out food or building in areas where wild animals reside, the goal of this paper is not to illustrate the role of the human but rather the contributions of the individual liminal animal to the community and what rights may encompass these activities. So, rather than analyzing what rights liminal animals are entitled to in general, the argument provided in this paper follows the reasoning that a member of a community has a certain

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<sup>8</sup> Think about foraging, building of nests and other forms of housing, and/or raising families.

responsibility<sup>9</sup> towards the community for earning a non-basic right such as labour rights. An example would be that all humans have the right not to be tortured, but not all humans have the right to receive social protection from Sweden. Regardless of whether one is a Swedish citizen, the Swedish government is not allowed to torture you. However, there are certain requirements, such as being a citizen or a permanent resident, that need to be in place for one to receive social protection from the Swedish government. In addition to this, it seems to be that labour plays a detrimental role in the life of any living being as well as the continuation of a state. Being interwoven through modern day existence, labour provides a strong starting point for researching the rights liminal animals may qualify for.

It is through the lens of labour that the role of liminal animals in communities will be discussed. The goal of this analysis is to provide a framework that demonstrates that liminal animals perform labour that is sufficient for the receipt of labour rights, which subsequently can lead to the possibility for the liminal animal to become a citizen. This possibility of labour rights is an extension of Donaldson and Kymlicka's citizenship framework, expanding their rights for liminal animals and their gap between denizenship and citizenship.

### ***Methodology***

This research paper will be based on analytical political philosophy which means that an argument-based and issue-oriented approach will be used.<sup>10</sup> As animal rights will be analyzed through a political theory lens an argument will be formulated with the goal to appeal to people with a variety of viewpoints.<sup>11</sup> To achieve this solution the method used will be that of

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<sup>9</sup> What these responsibilities entail will be discussed in more detail in the first and second chapter.

<sup>10</sup> Christian List and Laura Valentini, "The Methodology of Political Theory," in *The Oxford Handbook of Philosophical Methodology*, ed. Herman Cappelen, Tamar Szabó Gendler and John Hawthorne (Oxford: Oxford University Press, 2016), 525.

<sup>11</sup> List and Valentini, "The Methodology of Political Theory," 527.

reflective equilibrium. The method of reflective equilibrium requires one to reach a “mutual fit” between the theory used and our personal beliefs.<sup>12</sup> What this means is that a theory will be chosen as a starting point, which will be inspired by initial intuitive beliefs, and then the implications of that theory will be considered and it will be asked whether the implications of the theory are in line with my intuitive judgements.<sup>13</sup> If the implications of the theory and judgements align, no further actions need to be taken. Most likely there will be some complications and this will mean that I will have to reassess both the chosen initial theory and my personal judgements. The options that are then left is either to revise the original theory or to make the decision to overrule my personal beliefs if it is the case that the initial theory is a better fit to analyze reality.

Although the reflective equilibrium method will be applied to the research paper as the main methodology, so called “intuition pumps” will be used to sharpen or clarify personal beliefs.<sup>14</sup> Intuition pumps are thought experiments and real-world cases (for example, in this case references will be made to scenarios wherein humans are considered to be liminal) that prompt strong normative or evaluative judgements. By using the judgements that come out of the intuition pumps it will be possible to test the initial theory and to decide whether adaptations need to be made to the theory or that personal beliefs need to be altered.

### ***Outline***

In line with the methodology applied to the paper the first chapter will provide a brief overview of the origins of modern animal studies followed by an in-depth analysis of the theories chosen to be the starting point of the paper: relational theory by Clare Palmer and the citizenship theory by Donaldson and Kymlicka. As the relational theory is used as a stepping stone to the

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<sup>12</sup> List and Valentini, “The Methodology of Political Theory,” 541.

<sup>13</sup> List and Valentini, “The Methodology of Political Theory,” 541.

<sup>14</sup> List and Valentini, “The Methodology of Political Theory,” 542.

citizenship theory the latter will receive more attention. Besides analyzing the citizenship theory, the first chapter will also provide critique on the theory indicating that there is a gap in the theory that does not provide liminal animals with a framework that reflects their contributions to a community.

To address the gap that is found in the citizenship theory, the second chapter will introduce the concept of labour with a detailed focus on Karl Marx and Kendra Coulter. Whereas Marx is considered to be one of the founding fathers of current labour theories, Coulter provides an expansion to modern labour models by including care work in relation to animals to the labour spectrum. Working through both definitions of labour the last section of the second chapter establishes the requirements that should be set up for a liminal animal to be able to receive labour rights. What is important about this section is that it not only offers a new definition of animal labour, but it also sets out requirements for the receipt of rights for liminal animals that can be applied in a more general setting.

To test the newly formulated argument that liminal animals should receive labour rights under specific circumstances the last chapter will look into cases wherein liminal animals perform labour. Not only will the labour be analysed for the consideration of labour rights, but whether liminal animals contribute to a community through their labour will be discussed. If this is the case, an argument can possibly be made in the future that liminal animals contribute more to a community than initially claimed by Donaldson and Kymlicka and so should be reconsidered for the possibility of citizenship. The last section of the third chapter will provide a starting point for what labour rights for liminal animals should entail and how this differentiates liminal animals recognized as workers having the right to receive labour rights from those who do not.

## **Chapter One: Situating within the Animal Rights Debate**

To understand the argument that liminal animals should be granted labour rights, it is necessary to have some knowledge of animal studies. Although pre-modern Western philosophers have focused on animals and their rights, due to limited space, a focus is placed on the contemporary field of animal studies. After a brief overview of the rise of animal studies, a more detailed summary will be given on the work of Palmer and Donaldson and Kymlicka. The reason for choosing these works is that they provide a fundamental aspect to the construction of animal rights that is still ignored by many animal studies scholars: a relational approach. Following this specific order, it will become clear how the different arguments discussed build on each other, as well as how they each develop the field of animal studies in a new direction. It is this new direction that opens the possibility of a discussion on liminal animals and what rights they are entitled to, especially labour rights.

### ***The Beginning of Contemporary Animal Studies***

The initial academic debate on animals is a major departure from the implementation of animal rights in the human world, which is the rising topic of today. It is generally agreed in academia that Peter Singer, with the publication of his work *Animal Liberation* in 1975, marks the beginning of the philosophical discipline of Animal Studies.<sup>15</sup> It is during this period in time that a debate began on whether animals should have any rights, and if so, why. The other main character within this debate who argues in favour of rights for animals is Tom Regan, who published his work a decade after Singer as a response to why he believes animals should be granted rights.

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<sup>15</sup> Kari Weil, *Thinking Animals: Why Animal Studies Now?* (New York: Columbia University Press, 2012), 3.

Singer's main argument is that "there can be no moral justification for regarding the pain (or pleasure) that animals feel as less important than the same amount of pain (or pleasure) felt by humans."<sup>16</sup> However, animals do suffer pain caused by humans, which oftentimes is unrecognized by humans as sufficient for the right not to be hurt or the right not to be killed. The reason for this, according to Singer, is speciesism. Following the idea of speciesism, as applied by Singer,<sup>17</sup> and those who practice it, the interests of humans should be favoured over the interests of non-humans, and therefore the pain that is inflicted on animals can be neglected.<sup>18</sup>

In 1983 Tom Regan, considered to be the other founding father of the philosophical discipline of animal studies, published his work in a response to Singer.<sup>19</sup> In order to understand Regan's critique of Singer, it is important to have a clear understanding of the concept of utilitarianism and how Singer applies it in his work. Within philosophy, utilitarianism holds that something is morally good when it leads to the greatest possible balances of good consequences, or to the least possible balances of negative consequences.<sup>20</sup> So in the case of animal testing, as studied by Singer, it is morally good, according to utilitarianism, if it leads to the greatest balances of positive results, such as a cure for cancer.

Regan's problem with Singer is also based on Singer's use of utilitarianism because he argues that the utilitarian theory is better suited for opposing the suffering of animals than reforming the current perspective of human animals on animals.<sup>21</sup> In order to tackle this flaw

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<sup>16</sup> Singer, *Animal Liberation*, 15.

<sup>17</sup> There is also the concept of *generalized* speciesism, which does not only relate to human animals, but to all living beings.

<sup>18</sup> Tom L. Beauchamp et al., *The Human Use of Animals: Case Studies in Ethical Choice* (Oxford: Oxford University Press), 8.; Singer, *Animal Liberation*, 9.

<sup>19</sup> Paul Waldau, *Animal Studies: An Introduction* (Oxford: Oxford University Press, 2013), 156.

<sup>20</sup> Beauchamp et al., *The Human Use of Animals*, 19.

<sup>21</sup> Tom Regan, "Animals, Treatment of," in *Encyclopedia of Ethics*, ed. L.C. Becker and C.B. Becker (New York: Garland Publishing, 1992), 43.

in Singer's work, Regan develops a theory that builds on Kant's philosophy, but expands the argument to animals. Like Kant, Regan argues that individuals are ends in themselves, but contrary to Kant, Regan believes that animals also qualify as individuals.<sup>22</sup> The term that Regan uses for describing an individual is the "subject-of-a-life," and within *The Case for Animal Rights* he sets out the criteria for when one qualifies for being a subject-of-a-life.<sup>23</sup> One of the necessities for an individual to be subjects-of-a-life is to have beliefs and desires, something, Regan argues, is proven to be present among year-old mammals.<sup>24</sup> Once individuals satisfy the criteria for being a subject-of-a-life, Regan claims that they have "inherent value," and that they are therefore not to be viewed or treated as mere receptacles<sup>25</sup>. Rather, the way that animals should be treated by human animals is based on the respect principle, which states that all individuals that have inherent value, as Regan argues is the case for both animals and humans, should be treated in ways that respect their inherent value.<sup>26</sup> Following the respect principle, it is wrong to kill or harm an animal, and although Regan argues that exceptions can be made, the current treatment of animals by human animals does not reflect animals' rights as a subject-of-a-life.<sup>27</sup>

### ***Palmer Positioning Animal Ethics in Context***

In the past decade, the academic world has moved away from the question whether animals should be granted rights by accepting this as something that has been explained in full detail,

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<sup>22</sup> Beauchamp et al., *The Human Use of Animals*, 25.

<sup>23</sup> Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 1983), 243.

<sup>24</sup> Regan, *The Case for Animal Rights*, 80, 243.

<sup>25</sup> This term relates to a classic problem of utilitarianism according to Regan, whereby individuals have no value on their own, but rather what they contain has value. So, mere receptacles is applied by Regan to argue that utilitarianism views individuals as merely extrinsically valuable because of the good and bad experiences they can house, but are not intrinsically valuable themselves. See Regan, *The Case for Animal Rights*, 243.

<sup>26</sup> Regan, *The Case for Animal Rights*, 244-248.

<sup>27</sup> Regan, *The Case for Animal Rights*, 258, 328-329, 394.

and rather has focused on what specific rights should be granted to animals. Moving away from the discussion on whether animals in general have a right not to be hurt, or not to be killed, Palmer develops a theory regarding assistance to animals in cases in real life. Palmer's argument is based on a relational approach, so rather than looking at the value of the species or the individual animal, it looks at the relation between the individual animal and the human(s) involved in the case. To make clear why Palmer's work is important for the discussion on the rights of liminal animals, the relational approach as applied by Palmer will be explained first, followed by a discussion of how she places liminal animals within this approach.

The basis for the relational approach used by Palmer is influenced by the principle of the laissez-faire intuition (LFI), which is roughly the idea that humans have obligations to assist and care for domesticated animals, but that there are no such obligations toward animals in the wild.<sup>28</sup> To understand Palmer's argument, and to understand where liminal animals fit in this approach, it is important to have more understanding of the LFI, and the three different variations that it has when it comes to positive duties to assist. The three alternatives can be summarized as follow<sup>29</sup>:

1. **Strong LFI:** Humans should neither harm nor assist wild animals, thus not interfere with them at all.
2. **Weak LFI:** Humans should not harm wild animals, and while it may be permissible to assist them, there is no presumptive duty to do so.
3. **No-contact LFI:** Same argument as the weak LFI, but positive duties to assist may be developed in some circumstances.

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<sup>28</sup> Palmer, *Animal Ethics in Context*, 63.

<sup>29</sup> Palmer, *Animal Ethics in Context*, 68.

Palmer continues by illustrating why the Strong and Weak LFI do not hold, and that the No-contact LFI looks to be the most defensible form of LFI.<sup>30</sup> The argument that Palmer gives against the Strong and Weak LFI, and in favour of the No-contact LFI, is that she believes that it is forms of contact, and in particular the creation of vulnerabilities and earlier violations of negative duties, that generate special obligations to assist.<sup>31</sup> Thus, for Palmer it is the relationship of humans to wild animals that can create a duty to assist, if humans have been involved in the wrong-doing to the wild animal, and if this does not cause more harm to the wild animal than non-interference on the long term. How animals that are not wild should be assisted is additionally based on the relationship that humans have to those animals.<sup>32</sup> Thus, humans have a strong responsibility to assist domesticated animals, because they have a strong relationship, and humans are often involved in the wrong-doing to the domesticated animal.

The case of liminal animals, called animals in the “contact zone” by Palmer, is more situation dependent, and therefore some liminal animals require assistance, while others do not.<sup>33</sup> In the last part of her book *Animal Ethics in Context*, Palmer describes multiple situations in which liminal animals play a role, and in which there is the question of whether humans should assist. According to this section, if liminal animals are attacked by other liminal animals there is no duty for humans to assist.<sup>34</sup> However, a human should intervene if a domesticated animal attacks a liminal animal, especially if that domesticated animal lives together with the human.<sup>35</sup> Then there is also the case in which a human can come across a liminal animal in which there is no certainty who has harmed the liminal animal. For example, if you go for a walk and see a squirrel on the side of the road with a broken foot, Palmer argues that there is a

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<sup>30</sup> Palmer, *Animal Ethics in Context*, 90.

<sup>31</sup> Palmer, *Animal Ethics in Context*, 90.

<sup>32</sup> Palmer, *Animal Ethics in Context*, 93, 152.

<sup>33</sup> Palmer, *Animal Ethics in Context*, 86.

<sup>34</sup> Palmer, *Animal Ethics in Context*, 156.

<sup>35</sup> Palmer, *Animal Ethics in Context*, 158.

weak moral reason for assisting the squirrel, because it has most likely been hit by a car, which is an important part of road transportation, from which most of society's members benefit.<sup>36</sup> The last case that Palmer discusses is what duties one has if one walks in a forest and sees a squirrel in pain. In this case there is no obligation to assist because the pain is most probably not caused by a human or something built by and benefiting humans.<sup>37</sup> However, it can be regarded as morally good if someone has a compassionate disposition toward the suffering of the squirrel and therefore decides to assist.<sup>38</sup>

The rights of liminal animals as discussed by Palmer have not gone beyond the scope of assistance, and she therefore does not address what kind of rights liminal animals might have beyond assistance in certain cases of relational obligations. However, it does open the argument that a relational approach can be useful for thinking about animals and their rights. It is Donaldson and Kymlicka who have taken on this task, and who develop a theoretical citizenship framework for domesticated, liminal, and wild animals influenced by the relational approach of Palmer.

### ***Zoopolis and the Rights of Liminal Animals as Denizens***

The citizenship framework, as worked out in *Zoopolis*, recognizes the importance of human-animal relationships, as described by Palmer, but expands the framework by creating three different categories (domestic, liminal, and wild) to which rights, going beyond assistance, are ascribed.<sup>39</sup> While the sections share similar rights (such as the right not to suffer), domesticated animals should be granted citizenship, liminal animals denizenship, and wild animals sovereignty. This does not mean that a species immediately falls within a category, but rather

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<sup>36</sup> Palmer, *Animal Ethics in Context*, 152.

<sup>37</sup> Palmer, *Animal Ethics in Context*, 150.

<sup>38</sup> Palmer, *Animal Ethics in Context*, 150.

<sup>39</sup> Donaldson and Kymlicka, *Zoopolis*, 62 – 69.

that an individual animal can belong to one, and another animal of the same species belong to another.<sup>40</sup> So, Donaldson and Kymlicka base animal rights not only on the human-animal relationship, but also on the individual animal and its interests. By creating these three categories, the citizenship framework is more comprehensible for humans, since they are familiar with the notion of citizenship, as well as with the different relations humans and animals have.

Because of limited space, and because the topic of the paper especially focusses on liminal animals, only the discussion on liminal animals by Donaldson and Kymlicka will be explored in this section. As said before, Donaldson and Kymlicka do not believe that it is possible for liminal animals to be categorized as citizens. Rather, liminal animals are considered to be denizens, with the possibility that liminal animals can become citizens under certain circumstances.<sup>41</sup> Denizenship means that there are more rights and obligations towards liminal animals than towards wild animals, but less than domesticated animals (who are considered to be political equals). The main reason for less obligations towards liminal animals, is because in order to receive citizenship the receiver must be able to fulfill some duties and responsibilities that are intrinsically linked to citizenship. Following this, the argument is that the majority of liminal animals are not capable of fulfilling these rights and responsibilities,<sup>42</sup> and should therefore not be granted citizenship, but rather the weaker form of denizenship.<sup>43</sup>

The problem with the denizenship framework, is that liminal animals are an understudied category, and therefore there is a lack of well-developed theories on what

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<sup>40</sup> Donaldson and Kymlicka, *Zoopolis*, 243.

<sup>41</sup> Donaldson and Kymlicka, *Zoopolis*, 214.

<sup>42</sup> Donaldson and Kymlicka argue that citizenship requires that the citizen holds the responsibility to 1) have a subjective good and communicate it, 2) comply with social norms and cooperate, and 3) participate in co-authoring laws. See Donaldson and Kymlicka, *Zoopolis*, 103.

<sup>43</sup> Donaldson and Kymlicka, *Zoopolis*, 230, 232.

denizenship in the context of animals should constitute.<sup>44</sup> However, there is no doubt that a theory of denizenship is necessary, and Donaldson and Kymlicka make an attempt to develop the beginning of this theory.

One of the biggest problems with denizenship, for Donaldson and Kymlicka, is that it is prone to exploitation.<sup>45</sup> In order to prevent this, Donaldson and Kymlicka come up with three matters that should be considered as fundamental to liminal animals in order not to be exploited.<sup>46</sup>

1. Security of residence: no matter how a liminal animal comes to take up residence, the longer one remains, the stronger her/his right to stay and to be incorporated into the political community becomes. Additionally, the opportunities for the liminal animal to reside elsewhere also diminishes with the passing of time.
2. Reciprocity of denizenship: there is a reciprocal reduction of citizenship benefits and burdens if this desire is expressed by humans and liminal animals. This however does not mean that liminal animals should not be protected by the state from basic threats to their existence. Additionally, there is a possibility that there is an evolving relationship that can lead to the opportunity for a more mutual form of citizenship.<sup>47</sup>
3. Anti-stigma safeguards: states have the responsibility that liminal animals are not made vulnerable by their alternative status of neither being sovereign nor citizen.

With these three rights, Donaldson and Kymlicka accomplish setting up the basic foundations of a framework for liminal animals. However, while the three indicated rights are

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<sup>44</sup> Donaldson and Kymlicka, *Zoopolis*, 215.

<sup>45</sup> Donaldson and Kymlicka, *Zoopolis*, 239.

<sup>46</sup> Donaldson and Kymlicka, *Zoopolis*, 239 – 250.

<sup>47</sup> Donaldson and Kymlicka, *Zoopolis*, 243.

a good starting point, it is important not to exclude the possibility that this framework could and should be expanded. It is therefore that the next part of this chapter will provide the argument that there are important rights of liminal animals that are overlooked by the denizenship model of Donaldson and Kymlicka.

### ***Problematizing the Relational Position of Liminal Animals***

Although the relational approach as argued for by Palmer and expanded on by Donaldson and Kymlicka provides a good starting point for the rights of liminal animals, there are still inherent problems with this framework. The next section will therefore address the main issues with the relational approach as applied thus far, which will open up the argument for labour rights for liminal animals. This does not mean that the relational approach will be completely abandoned but suggests that expansion of the model is necessary to create a better picture of the rights of liminal animals. Since not much has been written about liminal animals thus far, some of the critiques listed below are drawn from the literature on immigrants, the group that is often considered to be liminal amongst human citizens and whose standpoint in society shows useful similarities to liminal animals.

#### The Ideal Citizen and Who Determines When One Fits the Ideal

The first critique that can be given to the relational approach as outlined above is a general problem that is often found in immigrant literature: the ideal citizen problem. This ideal citizen critique claims that relational approaches to citizenship are only compelling in cases where non-citizens succeed in approximating the “ideal citizen.”<sup>48</sup> In other words, the relational approach is strongly biased by those who formulate what conditions should be met in order to

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<sup>48</sup> Antje Ellermann, “The Rule of Law and the Right to Stay: The Moral Claims of Undocumented Migrants,” *Politics & Society* 42, no. 3 (August 2014): 295.

receive citizenship. This is also the case for liminal animals, who need to have a certain relationship with humans in order to receive citizenship,<sup>49</sup> rather than that their being and living within a territory is a sufficient condition for their citizenship. It can be argued, however, that a minimalistic framework of conditions is necessary for receiving citizenship, because there simply are differences between citizens and non-citizens, which need to be indicated to set up what differences determine receiving the full protection by the state as a citizen and who does not.

A critique that follows from the “ideal citizen problem” is the question of who is to set up the conditions for determining whether one is a citizen or not. Within the immigration literature, the current debate revolves around whether the state or the members of a community should determine who is a member and who is not.<sup>50</sup> In particular, anti-deportation campaigns present local communities in contrast with the state, and challenge it on who has the right to judge who is a member.<sup>51</sup> In the case of liminal animals, it also seems that it will be more likely that community members will acknowledge an individual liminal animal as a member before the state would. The main reason for this is that a community is closer to the individual liminal animal and will build stronger ties with it than the state might initially do. However, even if the community member is to determine whether an individual liminal animal should become a citizen, a set of conditions is necessary to prevent differences in citizenship requirements amongst communities, as well as a stigmatizing of animals, because they are often not considered to be eligible for citizenship by humans and are therefore subject to domination.<sup>52</sup>

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<sup>49</sup> Donaldson and Kymlicka, *Zoopolis*, 214.

<sup>50</sup> Peter Nyers, “Abject Cosmopolitanism: The Politics of Protection in the Anti-Deportation Movement,” *Third World Quarterly* 24, no. 6 (December 2003): 1071.

<sup>51</sup> Bridget Anderson, Matthew J. Gibney, and Emanuela Paoletti, “Citizenship, Deportation and the Boundaries of Belonging,” *Citizenship Studies* 15, no.5 (August 2011): 558.

<sup>52</sup> Dinesh Joseph Wadiwel, “Zoopolis: Challenging our Conceptualisation of Political Sovereignty Through Animal Sovereignities,” *Dialogue* 52 (2013): 757; This initially seems to be closely related to the argument made by Donaldson and Kymlicka, that states should provide anti-stigma safeguards. Agreeing that this is a necessity for the liminal animal, anti-

## Cultural Differences

The second critique of the relational approach is that there are cultural differences between nation states, as well as within nation states, that can problematize the rights of liminal animals. By building their framework on existing frameworks for understanding citizenship and sovereignty, Donaldson and Kymlicka utilize an expanded mirror of the existing human world, including radical differences in rights entitlements between citizens and liminal beings in different nation state sovereignties.<sup>53</sup> It can be argued that those differences have contributed to the extreme social and economic inequalities we see in the world today.<sup>54</sup> As these social and economic inequalities apply to animals as well, it is important that the differences in rights between nation states, caused by cultural interpretations, and the consequences of these differences are recognized for both humans and animals.

In addition to the different uses of citizenship rights between nation states, the internal set-up of a nation state can also strongly impact the rights of a citizenship, and consequently the rights of animals. To clarify the demands of liberal justice for vulnerable subjects, Donaldson and Kymlicka theorize what they term the existing “social context” and “our society.”<sup>55</sup> While their justification for this is probably right, the terms used partly conceal the fact that the world “is organized by additional structures that exceed and trouble bounded political communities, and that existing bounded political communities may pose problems for sovereignty.”<sup>56</sup> The problems within nation states become clear once looking at multicultural

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stigma safeguards provided by the state can still reflect a bias of the state towards certain species and therefore influence the citizenship requirements set up by the state or local communities. Therefore, these anti-stigma safeguards should be expanded to the scope that laws and regulations regarding liminal animals should remain neutral from any bias, and that there should be a control organ as a form of checks and balances.

<sup>53</sup> Wadiwel, “Zoopolis: Challenging our Conceptualization,” 757.

<sup>54</sup> Wadiwel, “Zoopolis: Challenging our Conceptualization,” 757

<sup>55</sup> Donaldson and Kymlicka, *Zoopolis*, 97, 100.

<sup>56</sup> Laura Janara, “Situating Zoopolis,” *Dialogue* 52 (2013): 740.

societies, or even at societies that have a cultural minority. It has previously been argued by Kymlicka that national minorities should receive self-government rights, but this will highly problematize the rights of animals in a practical setting according to Cordeiro-Rodrigues.<sup>57</sup> If for example a minority group would be speciesist, and have power over education policies, they can implement a curriculum that could potentially make humans more speciesist towards liminal animals.<sup>58</sup> Donaldson and Kymlicka could argue that the right of liminal animals not to be stigmatized should protect liminal animals against this happening, but this would infringe the self-determination right of the minority group to self-govern.

Alternatively, Donaldson and Kymlicka can argue that the framework of animal rights should be perceived as standing freely from the human political framework. However, while this could tackle the problems raised above, it would create a whole new dimension of issues. First off, separating human and animal political frameworks would once again create the understanding that there are fundamental differences between both categories, whereas it has been the goal of Donaldson and Kymlicka to narrow this thought gap. Additionally, creating separate frameworks could lead to a clash between the two frameworks and the rights described to those that belong within these groups.

The last critique drawing upon cultural differences is that different cultures perceive different animal species or individual animals as different categories than as described by Donaldson and Kymlicka. Arabic cultures often perceive dogs as wild, whereas they are considered to be domesticated by the majority of the Western world. This can lead to problems, especially in those societies that are multicultural and in which people from different cultures

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<sup>57</sup> Luis Cordeiro-Rodrigues, "Tensions between Multicultural Rights and the Rights of Domesticated and Liminal Animals: An Analysis of Will Kymlicka and Sue Donaldson's Philosophy," *Journal for Critical Animal Studies* 13, no. 1 (December 2015): 51.

<sup>58</sup> Cordeiro-Rodrigues, "Tensions Between Multicultural Rights and the Rights of Domesticated and Liminal Animals," 52.

will treat individual animals differently.<sup>59</sup> Particularly the category of liminal animals is vulnerable to this because they are not always clearly defined as either being wild or domesticated, and unless more understanding of the category of liminal is conceptualized amongst communities, this problem will not quickly be solved.

### Margin for Error

The last critique of the relational framework as proposed by Palmer and Donaldson and Kymlicka is that it entails the possibility of the denial of certain rights, such as labour rights, that should be granted when looking at individual cases. Within the immigration debate, the critique that is often given to a more expanded set of conditions for citizenship is that this makes it less efficient, because it binds capacities to an objective measure that can be determined by someone that might have a bias.<sup>60</sup> For example, if those who set up the conditions for citizenship prefer rich Caucasian citizens the risk may be that one of the conditions for citizenship is that the applicant must be Caucasian and/or rich. The bias problem can also be argued for in the case of liminal animals, whereby wrongful biases held by humans can interfere with the conditions for citizenship as it is formulated by humans. However, clear conditions are helpful to establish what rights a liminal animal has, and when she can become a citizen. The best way seems to be a middle way, in which certain rights not covered by Palmer or Donaldson and Kymlicka, such as the right to family and labour rights are analyzed for their plausibility.

This leads to the problem for both Palmer and Donaldson and Kymlicka of not being specific enough about what rights should be granted to liminal animals, and under which

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<sup>59</sup> Glen Elder, Jennifer Wolch, and Jody Emel, “Le Pratique Sauvage: Race, Place, and the Human-Animal Divide,” in *Animal Geographies: Place, Politics, and Identity in the Nature-Culture Borderlands*, ed. Jennifer Wolch and Jody Emel (London: Verso, 1998): 72 – 91.

<sup>60</sup> Joseph Carens, *Immigrants and the Right to Stay* (Boston: The MIT Press, 2010), 25 – 26.

circumstances. Palmer focuses specifically on the provision of assistance, while Donaldson and Kymlicka take a broader stance by declaring that there are three general rights that should be granted to liminal animals besides the universal basic rights granted to animals in general. While it is a good starting point to start with case studies and thought experiments, as Palmer does, this does not demonstrate what other rights liminal animals might be entitled to. Donaldson and Kymlicka acknowledge this problem as well, and expand the rights given to liminal animals. However, like Palmer, they do not look at every scenario and range of rights that can be granted to liminal animals, even if they are not citizens. The rights that are set up by Donaldson and Kymlicka seem to presume that liminal animals do not contribute much to society,<sup>61</sup> or at least not enough to receive more rights (right for security of residence, reciprocity of denizenship, and anti-stigma safeguards) than described in *Zoopolis*.<sup>62</sup> However, when looking at liminal animals and their position within certain societies, it becomes clear that there is a large grey area in which individual or groups of liminal animals do contribute to society. Especially in the case of labour, an argument can be made about the contribution of liminal animals to society, and therefore their right to receive protection and representation of their performed labour.

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<sup>61</sup> Donaldson and Kymlicka, *Zoopolis*, 242.

<sup>62</sup> Donaldson and Kymlicka, *Zoopolis*, 239 – 250.

## Chapter Two: The Theory Behind Labour

Before assigning labour rights to animals, one first needs to establish whether animals perform labour at all. While many thinkers have contributed to the formulation of labour theories and economics, the starting point for the discussion on labour in this chapter will be Karl Marx. The main reason for this choice is that Marx's work in economics is by many considered to be the blueprint of our current understanding of labour.<sup>63</sup> Because of limited space, and the main focus not being on Marxism but rather on labour as a concept that can be utilized for assigning labour rights to animals, the discussion on Marx will not go into too much theoretical detail but will rather provide an outline of Marx's argument. However, as will be discussed as well, Marx can be, and has been, criticized for positing a putatively exclusively human form of labour that is not, in fact, exclusive to humans.<sup>64</sup> It is in the second part of this chapter that critiques of Marx's theory of labour will be provided. While a range of critique can be given, this section will specifically focus on Marx's description of "production," and its proposed relation between humans and animals. To expand on Marx's notion of labour, and to incorporate all those who perform labour, the last part of this chapter will focus on Kendra Coulter's theory of labour and the notion of care work. The strength of Coulter's work is that she defines labour in a broader sense than Marx by utilizing the arguments made by feminist labour theorists in favour of the incorporation of non-conventional labour for animals.

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<sup>63</sup> Roberto Mangabeira Unger, *Free Trade Reimagined: The World Division of Labor and the Method of Economics* (Princeton: Princeton University Press, 2007); Kendra Coulter, *Animals, Work, and the Promise of Interspecies Solidarity* (Hampshire: Palgrave Macmillan, 2016), 65; David Harvey, *A Companion to Marx's Capital* (London: Verso, 2010), 1 – 14.

<sup>64</sup> Jonathan L. Clark, "Labourers or Lab Tools? Rethinking the Role of Lab Animals in Clinical Trials," in *The Rise of Critical Animal Studies: From the Margins to the Centre*, ed. Nik Taylor and Richard Twine (London: Routledge, 2014), 143.

### ***Karl Marx and Labour Theory***

Before going into detail of labour as described by Karl Marx, it needs to be noted that even though Marx develops his arguments on labour related to capitalism, the focus of this section will be specifically on the labour process itself, regardless of the economic situation the labour is set in. While most of the examples that will be discussed later on regarding liminal animals will be in a capitalist setting, the purpose of this paper is not to demonstrate the exploitation of liminal animals as workers, but rather to indicate that they are workers through the labour they perform and that in a specific setting, which will be discussed later, should be granted certain rights. Additionally, it should be mentioned, that, for Marx, labour is inextricably connected to the organization of both the economy and society, whereby it structures people's social positions and shapes their experiences and understandings.<sup>65</sup> Because of this relation between social position and labour, it is important to understand Marx's definition of labour for further discussion on liminal animals and their position in society, especially because Marx's use of labour offers a connection between the relational approach and labour.

Marx defines labour as purposeful activity aimed at the production of use-values.<sup>66</sup> The production of use-values should be seen as the metabolic interaction between humans and nature, whereby humans appropriate what exists in nature for their own requirements.<sup>67</sup> Although it might seem that Marx believes that humans interact *with* nature, it becomes clear throughout Marx's work that he regards humans as a part of nature.<sup>68</sup> So, even though the goal of the labour process, according to Marx, is to transform external nature, the labourer's internal

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<sup>65</sup> Coulter, *Animals, Work, and the Promise of Interspecies Solidarity*, 65.

<sup>66</sup> Karl Marx, *Capital: Volume I* (New York: Penguin, 1990), 290.

<sup>67</sup> Marx, *Capital: Volume I*, 290.

<sup>68</sup> Clark, "Labourers or Lab Tools?", 143.

nature is also transformed by the process, whereby the labourer's body is not the object, but rather a tool, of his or her labour.<sup>69</sup>

Marx divides the labour process into three main elements: "(1) purposeful activity, that is work itself, (2) the object on which that work is performed, and (3) the instruments of that work".<sup>70</sup> The instruments and objects of labour combined constitute the means of production.<sup>71</sup> The basic framework of the production function is based on the recognition that humans deploy resources to produce goods and services that enhance their well-being, as described above by Marx's labour process.<sup>72</sup> However, as will be useful to keep in mind later, under capitalism, the principal goal in using resources is to produce profit, not necessarily value.<sup>73</sup>

Although Marx does not define an object of labour, he describes an instrument of labour as "a thing, or a complex of things, which the worker interposes between himself and the object of his labour and which serves as a conductor, directing his activity onto that object."<sup>74</sup> The instruments of labour also include "all the objective conditions necessary for carrying on the labour process."<sup>75</sup> Marx specifically states that the instruments of labour do not have to enter directly into the labour process, but that without them it is impossible for labour to take place, or to be completed.<sup>76</sup> An example of an instrument of labour is a canal. Whether something is classified as an instrument, an object, or both is determined, for Marx, not by its nature, but by

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<sup>69</sup> P. Dickens, *Society & Nature; Changing Our Environment, Changing Ourselves* (Malden: Polity, 2004), 258.

<sup>70</sup> Dickens, *Society & Nature*, 284.

<sup>71</sup> Marx, *Capital: Volume I*, 287.

<sup>72</sup> Thomas Dietz and Richard York, "Animals, Capital and Sustainability," *Human Ecology Review* 22, no. 1 (2015): 36.

<sup>73</sup> Dietz and York, "Animals, Capital and Sustainability," 39. Profit derives from a surplus value, whereby the quantity of value a worker can produce a day, minus the exchange value – the wage during that day – formulates the surplus value. This can lead to exploitation and alienated labour.

<sup>74</sup> Marx, *Capital: Volume I*, 285.

<sup>75</sup> Marx, *Capital: Volume I*, 286.

<sup>76</sup> Ibid.

“its specific function in the labour process.”<sup>77</sup> This function is determined by the labourer’s purpose, which forms the “intentional structure” that guides the process.<sup>78</sup> So, some of the things that (or who) become instruments or objects of labour are themselves products of past labour, whereas others are “provided directly by nature and do not represent any combination of natural substances with human labour.”<sup>79</sup>

To illustrate the uniqueness of human labour, Marx uses animals as examples of why not every action should be considered labour in the sense he intends it to be. Marx classifies some animals as objects of labour, while domesticated animals are mainly considered to be instruments of labour.<sup>80</sup> Horses are such an instrument of labour to Marx, who merely describes them as “motors” with a “head of their own,” which makes them the worst “motor” of all.<sup>81</sup> There is also the possibility that the very same animal is used as both the object and instrument in some labour processes. An example of this is cattle feeding, whereby cattle are both objects of labour in the production of meat and instruments of labour in the production of manure.<sup>82</sup>

What is most notable about Marx’s examples is that animals are always classified as part of the means of production, and never as labourers that work alongside or against humans.<sup>83</sup> This brings us to Marx’s main argument of why there is an exclusive form of human labour; unlike nonhuman labourers, human labourers are able to transform nature according to a mental blueprint or plan.<sup>84</sup> So, it is not labour itself that sets humans apart. Rather, Marx acknowledges that at least some animals labour, too.<sup>85</sup> The difference, however, between

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<sup>77</sup> Marx, *Capital: Volume I*, 289.

<sup>78</sup> T. Benton, “Marxism and natural limits: an ecological critique and reconstruction,” *New Left Review* 178 (1989): 66.

<sup>79</sup> Marx, *Capital: Volume I*, 290.

<sup>80</sup> Marx, *Capital: Volume I*, 284, 287.

<sup>81</sup> Coulter, *Animals, Work, and the Promise of Interspecies Solidarity*, 68.

<sup>82</sup> Marx, *Capital: Volume I*, 288.

<sup>83</sup> Clark, “Labourers or Lab Tools?”, 145.

<sup>84</sup> Marx, *Capital: Volume I*, 283.

<sup>85</sup> Clark, “Labourers or Lab Tools?”, 146.

human and animal labour, according to Marx, is that animals labour instinctively, whereas only humans are able to transform nature according to a plan. The human labourer first creates a mental blueprint of the use-value that the labourer wants to create, and then, by making and using instruments, the human labourer transforms some external object into that use-value.<sup>86</sup> It is this form of planning that makes human labour unique for Marx. An example of the difference between human and animal labourers that Marx uses is the bee and the architect:

But what distinguishes the worst architect from the best of bees is that the architect builds the cell in his mind before he constructs it in wax. At the end of every labour process, a result emerges which had already been conceived by the worker at the beginning, hence already existed ideally. Man not only effects a change of form in the materials of nature; he also realizes [*verwirklicht*] his own purpose in those materials.<sup>87</sup>

It would appear that, for Marx, animals can think for themselves when working in a human-constructed context, as in the case of horses as described above, and cause complications. At the same time, the limitations of animals' minds are central to Marx's argument about what makes human labour decidedly different and superior.<sup>88</sup> It is because of this lack of being able to make a mental blueprint, that Marx argues that animals cannot be alienated from the products of their labour in the same ways as humans (one of his main critiques against capitalism).<sup>89</sup> Continuing, Marx claims that eating, drinking, and procreating are sufficient for animal beings,

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<sup>86</sup> Ibid.

<sup>87</sup> Marx, *Capital: Volume I*, 284.

<sup>88</sup> Coulter, *Animals, Work, and the Promise of Interspecies Solidarity*, 68.

<sup>89</sup> Mark Bould and China Miéville, *Red Planets: Marxism and Science Fiction* (Middletown: Wesleyan University Press, 2009), 123; Marx argued that capitalism impoverishes the human psyche and degrades all social relations among people, reducing people valued solely as labour-power.

whereas human-beings require more than that and should therefore be protected from capitalism.<sup>90</sup>

Animal studies scholars have particularly criticized Marx's differentiation between animal and human labour. The next section will assess the critiques of Marx's use of animal labour in order to provide a better understanding of contemporary ideas of animal labour, and an opening for the labour rights of liminal animals and the concept of care work as discussed by Kendra Coulter.

### ***Critiques of Marx's Definition of Labour and its Exclusion of Animals***

There are two main critiques of Marx that are especially useful in the case of liminal animals. The first critique relates to a more general problem with Marx's labour theory: the narrow scope of what is perceived to be labour. The second critique delves into Marx's use of animals and their perceived lack of a blueprint, or any other possibilities to be classified as labourers that are entitled to protection and other rights. Throughout both critiques it becomes clear that there is a necessity to expand the scope of labour not only for humans but also for animals, in order to create a better representation of reality.

#### Expanding the Scope of Labour

The first problem with Marx's labour theory is that his framing of work and workers does not emphasize the breadth of the work that is going on or the people that are involved in the work.<sup>91</sup> For example, Marx does not emphasize those in educational, health, or other kinds of service work. Those who work in rural regions or do unpaid work in homes are not a central or significant focus either, despite the fact that the majority of workers on the planet work in

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<sup>90</sup> Bould and Miéville, *Red Planets*, 122.

<sup>91</sup> Coulter, *Animals, Work, and the Promise of Interspecies Solidarity*, 68.

service or agriculture.<sup>92</sup> Even today, domestic and care work has remained largely invisible in political and labour discourse, despite its monetary value of 10-50% of the world's Gross Domestic Product.<sup>93</sup> The main reason for this seems to be that dominant trends in labour theory have tended to be male-centric as well as human-centric, something to which Marx is no exception.

The main groups that have critiqued Marx for his narrow scope of labour have been those supporting the rights-based approach and feminists.<sup>94</sup> Oftentimes their critiques are intertwined, and they will therefore be discussed in this paragraph as a single critique. Where necessary, any differences will be made clear. The main critique provided by these groups is that Marx does not take into account the networks of relationships and responsibilities that exist within and outside the home, which results in a too-narrow description of labour.<sup>95</sup> To tackle the exclusionary perspective of Marx's description of labour, the rights-based approach, combined with the ethics of care, is often suggested to provide a better reflection of reality. A rights-based approach understands both "work" and "workers" according to narrow, fixed definitions, which are gender blind, and which disregard the nature and context of the work that is being done.<sup>96</sup> This framework understands not only workers, but all people as working and caring citizens, which, critics of Marx have argued, is necessary to better address the needs of women, and indeed all beings, living in networks of care and responsibility.<sup>97</sup>

The aspect of caring is of vital importance as a critique on the narrow scope of Marx's theory of labour. By care is meant paid and unpaid work involving the nurturance of necessarily

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<sup>92</sup> Ibid.

<sup>93</sup> Magdalena Sepúlveda Carmona and Kate Donald, "What does Care have to do with Human Rights? Analysing the Impact on Women's Rights and Gender Equality," *Gender & Development* 22, no. 3 (2014): 442.

<sup>94</sup> Coulter, *Animals, Work, and the Promise of Interspecies Solidarity*, 68 – 70.

<sup>95</sup> Fiona Robinson, "Beyond Labour Rights: The Ethics of Care and Women's Work in the Global Economy," *International Feminist Journal of Politics* 8, no. 3 (September 2006): 330.

<sup>96</sup> Robinson, "Beyond Labour Rights," 322.

<sup>97</sup> Ibid.

dependent others, as well as non-relational social reproductive work that is necessary to ensure the daily maintenance and ongoing reproduction of the labour force.<sup>98</sup> This nurturance is done physically, psychologically, emotionally, or a combination of those.<sup>99</sup> So, within this ethics of care, the assumption is made that all beings exist in networks of relationships, and are therefore fundamentally interdependent.<sup>100</sup> An example that illustrates this point is the life cycle of humans. When a child is born, she is dependent on her parents, who have to provide care to the child. Once the child becomes an adult, she will have to provide care not only for herself, but also for her own children (whether it is through nursing, providing money for food and clothes, or by providing education to the child). At some point the parents of the adult will require care as well, which is provided by the adult either by direct care or through a care-taking system. Eventually the adult will become an elder, and her children will provide her required care. This cycle demonstrates that everyone is both a giver and a receiver of care, and that the ethics of care is not just for women, but for all those who are interdependent.<sup>101</sup>

### Problematizing Animals in Marx's Labour Theory

Not only Marx, but a large majority of labour researchers fail to see that humans are but one of many species in any given space and community, that many of those humans work with animals, that humans depend upon the broader ecological web for subsistence and survival, and that human and animal well-being are inextricably connected.<sup>102</sup> One reason for this is that human-animal relations are often studied without taking into account the structural and

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<sup>98</sup> Ibid.

<sup>99</sup> Kendra Coulter, "Beyond Human to Humane: A Multispecies Analysis of Care Work, Its Repression, and Its Potential," *Studies in Social Justice* 10, no. 2 (2016): 199.

<sup>100</sup> Robinson, "Beyond Labour Rights," 332.

<sup>101</sup> Ibid.

<sup>102</sup> Coulter, *Animals, Work, and the Promise of Interspecies Solidarity*, 11.

contextual factors shaping all lives involved.<sup>103</sup> Another reason is that many researchers often ignore the knowledge that is available on animals, or simply do not acknowledge that there is much that we do not know yet about non-human species.<sup>104</sup> While more information will be provided specifically on liminal animals in the last chapter, some arguments and examples will be provided here to critique Marx's use of animals regarding labour theory.

Let us first make the assumption that labour is how Marx describes it, and consequentially exclude those forms of labour such as educational, health and other service work. And let us take one more step towards agreeing with Marx and say that animals cannot labour with the same plan-based thinking as humans. The argument then could still be that, even though animals do not perform human labour, they nonetheless perform labour.<sup>105</sup> This argument holds when looking at human labour, which most of the time is not intentionally planned by the human being that performs it, and even more, does not differ all that substantially from the conduct of animals.<sup>106</sup> Additionally, just because one form of labour is performed differently, it does not have to place one species above another, something which is implied by Marx's argument on the use of a blueprint ascribed to humans.<sup>107</sup> So, even if there are differences to be found between human and animal labour, animals, nonetheless, do produce use-values and utilize instruments of labour as described by Marx. The argument is not that animals perform completely different labour than humans, but rather that some human

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<sup>103</sup> Richard Twine, "Animals on Drugs: Understanding the Role of Pharmaceutical Companies in the Animal-Industrial Complex," *Journal of Bioethical Inquiry* 11, no.4 (2013).

<sup>104</sup> Examples are scientist ignoring the sentience of animals, or those that dismiss animal behavior by claiming that animals only act out of instinct or desire. An example of this is a slaughterhouse, where flight reactions from animals are often assigned to instinct, rather than thought. Or when calves are separated from their mother, and farmers refuse to acknowledge the relational aspect of grief that both the cow and the calf experience.

<sup>105</sup> Tim Ingold, "The Animal in the Study of Humanity," in *What is an Animal?*, ed. Tim Ingold (London: Routledge, 1988), 94 – 96.

<sup>106</sup> Ingold, "The Animal in the Study of Humanity," 97.

<sup>107</sup> Tim Ingold, *Being Alive, Essays on Movement, Knowledge and Description* (New York: Routledge, 2011), 6.

labour matches with the kind of labour Marx assigns to animals. Following this, one would either have to dismiss human labour, or accept animal labour, whereby the inclusion of animal labour makes intuitively more sense.

A stronger critique of Marx's perception of animals and their form of labour directly attacks Marx's claim about the capacities of animals. Although it could be granted to Marx that less information on animals was available at the time of publishing his arguments, his argument would no longer hold with the knowledge on animals that we now possess.<sup>108</sup> At this point in time, we are far more aware of capacities that animals possess for cognition and for social relations with humans and one another.<sup>109</sup> Cognitive ethology and related fields even suggest that what Marx classifies as an exclusively human form of labour may not be exclusive to humans after all.<sup>110</sup> One of the animals that is a prime candidate for challenging Marx's view of only humans possessing the ability to make a blueprint is the beaver, who has demonstrated on multiple occasions that she does plan.<sup>111</sup> Describing how beavers excavate their burrows, Carol and James Gould note that "[i]magination, an ability to plan, and a ready willingness to learn from experience seem the most realistic combination of cognitive faculties to generate this aspect of the beaver's life".<sup>112</sup> The argument that beavers plan becomes even stronger when looking at a story about a group of beavers that repaired a dam that human vandals had damaged, since it suggests that beavers are able to develop novel solutions to unexpected and unprecedented problems.<sup>113</sup> The idea behind this story is that beavers must have a picture of the goal or the structure of the finished product in their head, since they repair unlikely natural

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<sup>108</sup> Bould and Miéville, *Red Planets*, 122 – 123.

<sup>109</sup> Clark, "Labourers or Lab Tools?", 151.

<sup>110</sup> Ibid.

<sup>111</sup> Irene Cheng, "The Beavers and the Bees," *Cabinet* 23 (2006); Carol Gould and James Gould, *Animal Architects: Building and the Evolution of Intelligence* (New York: Basic Books, 2007), 257.

<sup>112</sup> Gould and Gould, *Animal Architects*, 257.

<sup>113</sup> Donald Griffin, *Animal Minds: From Cognition to Consciousness* (Chicago: The University of Chicago Press, 2001), 111.

damage.<sup>114</sup> It is this ability to repair damage in a flexible way that Gould and Gould describe to be the ability to formulate a plan.<sup>115</sup> In other words, in order to possess the ability to make a blueprint it is required of the animal to have the capability of abstract reasoning and concept formation as these are necessities for formulating a plan.

If one then accepts that at least certain animals labour, it becomes possible to expand the concept of labour theory to include not only animal labour, but also animal labour rights as an important aspect of animals' lives.<sup>116</sup> This argument goes together with the idea that if we take seriously animals' capacity for social relations, then reducing their existence to beings-for-capital is a violation of their species-being as much as reducing humans to labour-power is a violation of humans' species-being.<sup>117</sup> It is this critique of humans being reduced to labour-power that Marx uses against capitalism, whereby he argues that humans are deprived of what distinguishes humans from other species: labour.<sup>118</sup> Considering animals as part of the working class, the exploitation of humans and animals under the capitalist system, as explained by Marx, are now interconnected.<sup>119</sup> However, unlike human workers, animal workers cannot organize to represent their own interests, and it is thus important for them to have their interests protected through labour rights under certain circumstances.<sup>120</sup> The definition of labour, as applied to the case of liminal animals, as well as the conditions for acquiring labour rights will be discussed in more detail in the final section of this chapter. What these labour rights should

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<sup>114</sup> Gould and Gould, *Animal Architects*, 278 – 279.

<sup>115</sup> Ibid.

<sup>116</sup> Clark, “Labourers or Lab Tools?”, 151.

<sup>117</sup> Bould and Miéville, *Red Planets*, 124 – 125; Animals' capacity for social relations has been taken more serious in the past decades and will be discussed in more detail in the next section on Kendra Coulter and animal care work. However, it is important to note here that animals' capacity for social relations includes both relations to other animals as well as to humans, and this capacity allows animals to be a part of the labour force.

<sup>118</sup> Jan Ch. Karlsson and Per Månson, “Concepts of Work in Marx, Durkheim, and Weber,” *Nordic Journal of Working Life Studies* 7, no. 2 (June 2017): 108.

<sup>119</sup> Jason Hribal, “Animals are Part of the Working Class,” *Labor History* 44, no. 4 (November 2003): 450, 453.

<sup>120</sup> Dietz and York, “Animals, Capital and Sustainability,” 45.

look like will be discussed in the final chapter, which explores the scenarios in which liminal animals perform labour, and whether this performed labour is sufficient for the receipt of labour rights, and what these labour rights entail.

These critiques have demonstrated that, even though Marx's writing about animals' work is antiquated, his work and ideas have shaped the scholarly terrain of labour studies and continues to be used until this day. Some interspecies scholars have revised Marx's work in more detail and engaged critically and/or constructively with his explicit writings on animals and labour, while others have taken on his diagnostic tools to incorporate them in their own works.<sup>121</sup> Reconceptualising Marxism does not mean saying that animals are human, or vice versa, but opens up a broader set of ideas for human-animal scholarship, which can be used in a contemporary context as part of assessing the historical, multispecies trajectories of capitalist development and expansion.<sup>122</sup> However, a focus on the three elements of the labour process, as described by Marx, only offers a partial understanding of animals' work and provides more of an entry point than the foundation of animal labour theory. Because of this, the next section will describe Kendra Coulter's theory of animal labour, which is more inclusive and detailed than Marx's, and provides a better representation of what labour animals perform today.

### ***Kendra Coulter and Interspecies Solidarity***

In her work, Kendra Coulter expands on the idea of animals performing labour, proposing a more expansive scholarly approach based on political change and interspecies solidarity. The idea of interspecies solidarity is briefly described by Coulter as a goal, whereby the empathy aspect of solidarity serves the purpose of understanding and legitimizing the experiences of

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<sup>121</sup> Coulter, *Animals, Work, and the Promise of Interspecies Solidarity*, 68 – 70.

<sup>122</sup> Bould and Miéville, *Red Planets*, 130; Agnieszka Kowalczyk, "Mapping Non-Human Resistance in the Age of Biocapital," in *The Rise of Critical Animal Studies: From the Margins to the Centre*, ed. Nik Taylor and Richard Twine (London: Routledge, 2014).

others.<sup>123</sup> This notion of empathy ties, for Coulter, together with care work and emotions, which she argues are complex aspects of animal labour.<sup>124</sup> Building on the notion of empathy, Coulter later describes interspecies solidarity as:

An invitation to broaden how labour as a daily process and a political relationship is understood and approached, by emphasizing empathy, dignity, and reciprocity, and by seeing care as not only a practice or type of work, but also as the lifeblood of society and of [the] earth.<sup>125</sup>

So, the ultimate goal of interspecies solidarity as an idea is to foster better conditions for animals, improve people's work lives, and interweave human and animal well-being.<sup>126</sup> It is through Coulter's framework that labour will eventually be tied back to the theoretical framework proposed by Donaldson and Kymlicka regarding the relational approach and animal rights. The last part of this chapter will thus explore the labour framework of care work and interspecies solidarity as proposed by Coulter, followed by an argument of how this framework can be linked to the larger framework of animal rights as argued for in *Zoopolis*. Combining the two frameworks will provide the foundation for the argument that liminal animals should be granted labour rights, but that it is context specific and stands in relation to what form of labour they perform. This will, however, be discussed in greater detail in the final chapter.

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<sup>123</sup> Coulter, *Animals, Work, and the Promise of Interspecies Solidarity*, 150.

<sup>124</sup> Coulter, *Animals, Work, and the Promise of Interspecies Solidarity*, 33 – 35.

<sup>125</sup> Coulter, "Beyond Human to Humane," 213.

<sup>126</sup> Coulter, *Animals, Work, and the Promise of Interspecies Solidarity*, 3.

### 3 Categories of Animal Labour

To understand Coulter's framework of animal labour, it is important to explain that she works through a feminist political economy lens. One of the main ideas throughout her work is the importance of unpaid work, and how the arguments offered by feminist political economists for people can be applied across species lines.<sup>127</sup> Following the idea of social reproduction, the larger social process of ensuring present and future generations of workers, unpaid work is both a set of tasks and a process.<sup>128</sup> In other words, specific unpaid tasks are continuously required: cooking, cleaning, laundry, shopping, and so on. Additionally, care work is another component of social reproduction. In this paper, care work is understood to be tasks, interactions, labour processes, and occupations involved in taking care of others, physically, psychologically, and emotionally.<sup>129</sup> While social reproductive work can be done for pay, such as having a cleaner, the majority of its work is done without pay in homes. Following this, feminist political economists point out that unpaid social reproductive labour creates a great deal of "value," and provides a massive subsidy to families, economies, societies and corporate interests, by continuously ensuring healthy effective workers.<sup>130</sup> In other words, unpaid social reproductive labour makes all other forms of economic and social activity possible. As such, unpaid social reproductive labour must be made an integral part of economic analysis and the conceptualization of economic activity.<sup>131</sup> Furthermore, studies show that the issue of unpaid reproductive work does not only alter perspectives on economic activity; it is also a matter of

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<sup>127</sup> Coulter, *Animals, Work, and the Promise of Interspecies Solidarity*, 62.

<sup>128</sup> Kate Bezanson, *Gender, the State, and Social Reproduction: Household Insecurity in Neoliberal Times* (Toronto: University of Toronto Press, 2006).

<sup>129</sup> Coulter, "Beyond Human to Humane," 199; In this paper, the definition of care work will be applied both to humans and animals in the same matter, but this does not mean that I deny the differences that can be witnessed between species in how they perform and express care.

<sup>130</sup> Coulter, *Animals, Work, and the Promise of Interspecies Solidarity*, 77.

<sup>131</sup> Sabrina Schmitt, Gerd Mutz and Birgit Erbe, "Care-Ökonomien—Feministische Beiträge zu Care in den Wirtschaftswissenschaften," *Österreichische Zeitschrift für Soziologie* 43, no. 1 (March 2018): 9.

macroeconomic significance, particularly in relation to gender inequality.<sup>132</sup> Coulter expands on this idea of inequality, by arguing that a better understanding of animals' social reproductive labour leads to more knowledge on how animals' work contributes to societies and economies, and what value and rights should be attached to this labour.<sup>133</sup>

Building on the ideas proposed by feminist political economy, Coulter proposes three conceptual categories to create a better understanding of the breadth of animals' work (figure 1). The three categories are: subsistence work, voluntary work and work mandated by humans.

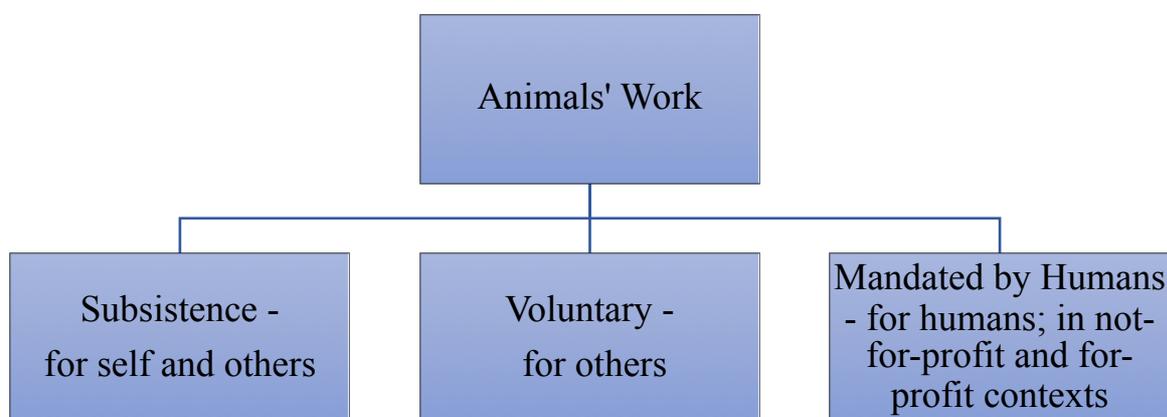


Figure 1.

### 1. Subsistence Work

Subsistence work is that which is done by animals for themselves and often for/with others in order to survive.<sup>134</sup> So, at the heart of it, subsistence work relates to social reproductive labour. The details of subsistence work are context-specific, and are shaped by human behaviour and infrastructure, environmental factors, and animals' position within their multispecies

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<sup>132</sup> Nancy Folbre, "Measuring Care: Gender, Empowerment, and the Care Economy," *Journal of Human Development* 7, no.2 (2006): 183 – 199.

<sup>133</sup> Coulter, *Animals, Work, and the Promise of Interspecies Solidarity*, 77.

<sup>134</sup> Coulter, "Beyond Human to Humane," 202.

community and ecosystem.<sup>135</sup> Subsistence work performed by chimpanzees in Congo will have similarities but also differ from that of the work done by rats in Mumbai, for example. Besides the differences in the labour performed itself, the geographic and influential context will also create distinct forms of subsistence work. This is especially important for liminal animals, who either live in a city and therefore more concrete surrounding that is constant changing by human construction, or in a more rural area where climate changes can play a bigger role in substantial differences in the labour performed by animals from the same species.

Regardless of the differences in subsistence work performed by animals, it will always include some care work, particularly intergenerational care work.<sup>136</sup> The next section, derived from Coulter's work, is specifically about wild animals, but it should be noted that Coulter does not make a differentiation between wild and liminal animals, and while the term *wild* is used by Coulter, the argument applies to liminal animals as well and is therefore used to support the argument of care work performed by liminal animals. According to Coulter, the growing body of cognitive ethology suggests that animals' subsistence work in the wild is not only about basic survival, but also about health, safety, and social and cultural practices.<sup>137</sup> Ways through which cultural practices are provided are for example recreational hunting,<sup>138</sup> ecotourism, conservation flagships and art.<sup>139</sup> An example of cultural practices provided by liminal animals is the semiotics of certain animals as a symbol of a nation. The peacock is the national animal of India, and the beaver is the national animal of Canada. Being used as the symbol of a nation is, however, not sufficient on its own to qualify as a labourer, as the act

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<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Coulter, "Beyond Human to Humane," 203.

<sup>138</sup> This is not a practice that I condemn, based on the basic right of animals to not be killed, but for some cultures hunting is considered to be a cultural activity and therefore it is listed here as a cultural practice provided by wild/liminal animals.

<sup>139</sup> Andy J. Green and Johan Elmberg, "Ecosystem services provided by waterbirds," *Biological Reviews* 89, no. 2014 (2013): 107.

derives often from presence and not from actual performed work. Still, there are cases whereby liminal animals are not only used to symbolize a nation,<sup>140</sup> merely through their presence in that nation, but where the animal performs labour to maintain this symbolism. An example is the peacock dance, which is exploited to attract tourists, whereby the peacock is manipulated and forced to perform the dance, by using the scent of a female peacock, or by spraying water in the air to make the peacock believe that it is raining (peacocks mate during the rainy season).<sup>141</sup>

Liminal animals also provide a kind of social reproduction that is not related directly to reproducing future workers for a capitalist system: ecosocial reproduction. What this means is that wild animals' subsistence and caring work is necessary for the reproduction of ecosystems.<sup>142</sup> It is not only animals that benefit from this ecosocial reproduction. Humans also benefit from certain animals' social and ecosocial reproductive work, as is the case with bees.<sup>143</sup> By collecting nectar to feed their young, bees pollinate over two thirds of all flowering plants, which allows those plants to reproduce. Many of these plants are used by humans for food and other products. Additionally, bees also make honey to serve as food for their hives during the winter, a product frequently consumed by other animals as well. The point is that, even though liminal animals may not directly labour with/for humans, they nonetheless perform labour that produces a use-value for survival and reproduction both for themselves as well as for other species, including humans.

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<sup>140</sup> Surprisingly enough, the majority of animals that are depicted as representing a nation are considered to be either wild or liminal, and seldomly are references made to domesticated animals.

<sup>141</sup> Even though this example is used in the subsistence work section, it would also qualify for the category of "work mandated by humans."

<sup>142</sup> Coulter, *Animals, Work, and the Promise of Interspecies Solidarity*, 64 – 65.

<sup>143</sup> Coulter, "Beyond Human to Humane," 203.

## 2. Voluntary Work

Voluntary work differs from subsistence work through the context in which the work is performed. Whereas subsistence work can be performed outside a human-animal context, the definition refers to that which is usually done for humans in homes.<sup>144</sup> An example of this would be the care and protective work that dogs provide in homes. While the dogs can usually not choose to be in specific homes, they are able to exercise some control over to what extent they provide protection and/or care work. Some dogs tend to protect the house more by barking when someone approaches the door who is not a part of the family, whereas others do not even pay attention to what happens at the door, and rather remain sleeping or doing what they were doing before.

There are also animals who voluntarily assist other animals, even across species lines, particularly those who are physically disabled.<sup>145</sup> One of these stories comes from the Hill family, who came across a newborn squirrel while they were out for a walk. Knowing that the squirrel would not survive long on his own, they brought him home. Their cats had just had a litter and the Hill family took the gamble of slipping the baby squirrel in with the nursing kittens. Right away, the mother started to groom and feed the squirrel just like he was one of her own.<sup>146</sup>

## 3. Mandated by Humans

The last category described by Coulter considers a broad range of formal tasks and occupations that are chosen by people. Animals are able to exercise differing degrees of voluntary, self-initiated and/or self-controlled activity within these occupations, but the “job” itself is assigned

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<sup>144</sup> Coulter, “Beyond Human to Humane,” 202.

<sup>145</sup> Coulter, *Animals, Work, and the Promise of Interspecies Solidarity*, 61.

<sup>146</sup> Although this is a case in which humans initiated the work scenario, by adding the squirrel to the litter of kittens, when doing a quick search online, numerous stories pop up that indicate initiative from animals (domesticated and non-domesticated) themselves as well.

and to some extent coerced by humans.<sup>147</sup> A police dog would, for example, be considered to perform labour that is mandated by humans, as the dog does not choose to become a police dog, and once trained has to obey and perform what is asked of him to do. This does, however, not mean that an animal that performs labour mandated by humans has no autonomy at all. Rather, a police dog can refuse his training, stop eating, or resist the labour requested of him to perform in other ways. However, Coulter argues that this category of labour mandated by human can most clearly demonstrate that animals must be considered workers.<sup>148</sup> It is especially this third category that she therefore continues to unpack and analyze to provide an argument that animals should be considered workers. Another reason that Coulter gives to explain her focus on labour mandated by humans is that formal programs that task animals with providing care are gaining more attention.<sup>149</sup> Because of this, there is an opening to recognize animals as providers of care work, which could possibly initiate a closer step to the goal of interspecies solidarity.

### ***Defining Labour and Setting the Perimeters for Liminal Animals***

Analyzing Kendra Coulter's labour framework is not sufficient on its own to argue that liminal animals should receive labour rights. To accomplish this, it is important to determine in more detail when liminal animals perform labour and in what context this would result in labour rights. While there will be an uncontrollable bias towards the relationships of liminal animals with humans, the argument is not made that only labour performed in scenarios involving humans is sufficient for labour rights. There are also circumstances, which will be explained in more detail below, in which labour is performed that involve other animals that can be sufficient for labour rights. However, it is necessary to establish which forms of labour require

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<sup>147</sup> Coulter, *Animals, Work, and the Promise of Interspecies Solidarity*, 61.

<sup>148</sup> Ibid.

<sup>149</sup> Coulter, "Beyond Human to Humane," 209.

rights and if there is a sufficient need for liminal animals to receive these rights. The problem would be that if a proper framework were not set up, wild animals would receive the same labour rights as liminal animals, something that intuitively is not right. While wild animals also perform labour, it is not within the same proximity to humans as with liminal animals, and therefore the necessity of humans to ascribe labour rights to these animals is minimal. The goal of the next section is therefore to establish when there is a sufficient ground for liminal animals to receive labour rights. The last chapter will then analyze if this argument holds when applying it to cases of liminal animals performing labour, and the differences that occur between the variety of labour performed.

Being not as close in contact to humans, the majority of labour performed by liminal animals is either subsistence or voluntary work, whereby the voluntary work often flows from subsistence work. As with wild animals, the subsistence work performed by liminal animals is often not directly related to humans, and rather focuses on the animal itself, its offspring, or other animals in its surrounding. However, with urbanization taking place all over the world, subsistence work performed by liminal animals will more likely impact humans as liminal animals and humans will start to share more space. While the majority of the labour performed by liminal animals is not mandated by humans, urban planning can impact the labour process and provoke unnatural changes to the performed labour. Since these cases are minimal, the focus of labour performed by liminal animals will mostly exclude work mandated by humans. Rather, when thinking about liminal animals, the initial thought would be that they primarily perform subsistence work, which in some cases can result in voluntary work.<sup>150</sup>

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<sup>150</sup> Think for example about the imaginable event where a duck in a city park becomes familiar with the old lady that feeds him every day, and through that builds up a trusting relationship. Through this, the duck can start to perform voluntary emotional work for the old lady. While the interest of the duck can be mainly to get the piece of bread the old lady feeds him on a regular basis, there will still be a form of bonding that takes place, which can comfort the old lady and a mutual feeling of appreciation of the other can be created. As has been reported over time, these animals often come towards the persons they have created this

Let us then say that liminal animals perform subsistence work. On its own this does not seem to be sufficient to assign labour rights to liminal animals, as the argument would then have to be that wild animals also require labour rights. This would pose a problem not only for the concept of membership, it would also violate the sovereignty that Donaldson and Kymlicka ascribe to wild animals. So, if the argument that liminal animals, and not wild animals, should receive labour rights is to hold, it is important to incorporate a relational approach into Coulter's framework. Because labour rights are intertwined with politics and membership, *Zoopolis* offers the best framework, especially because it also recognizes liminal animals as belonging to a grey area. Combining the two theories will result in an argument whereby liminal animals do not only perform a certain form of labour, either subsistence or voluntary work, but this labour should also indicate a certain relationship between the animal and humans. To illustrate this argument, think of the following example:

*Carlos is a Spanish citizen who works in Spain and is in no way related to India. While Carlos has labour rights in Spain, it would be an infringement on the sovereignty of Spain if India wants to assign their own specific labour rights on Carlos.*

There are, of course, international labour rights that are assigned to every worker across the world, but these all indicate that there is a global relationship between humans<sup>151</sup> (they belong to the same species with the same basic rights).

The previous example demonstrates why labour rights should not be assigned to wild animals, but this does not provide an argument yet why liminal should receive them. One of

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kind of bond with, whereby they demonstrate that they like to remain in their proximity. It is in this case that labour changes from subsistence work to voluntary work.

<sup>151</sup> International labour rights are mandated by the International Labour Organization (ILO), a United Nations (UN) agency. While not all labour rights are protected equally in the world, the ILO strives to pursuing decent work and justice for workers as mandated by the UN.

the arguments that can be given against providing labour rights to liminal animals is that they are not citizens and are therefore not entitled to protection offered by the nation through labour rights. However, this is where the difference arises between liminal and wild animals. Whereas wild animals are considered to have sovereignty, liminal animals belong to a grey zone where they neither belong to the community, nor have their own sovereignty. Let us change the example of Carlos to see what would happen if Carlos was considered a denizen:

*Carlos is still a Spanish citizen, but he has enrolled in a program of study at a university abroad and is currently residing in Canada. Throughout his study Carlos needs to find a job to support himself and he works at the local grocery store. The labour rights from Spain do not protect Carlos in Canada, but to make sure that he cannot be exploited, Canada provides temporary labour rights to Carlos.<sup>152</sup>*

Even though Carlos is not a citizen of Canada, he still receives labour rights for the time that he is residing in the country and contributing to the community through labour. It is exactly this argument of contribution and residency that is important for the case of liminal animals. Most liminal animals do not travel far and remain within the same community. If, for the sake of the argument, we accept that liminal animals perform contributing labour, it seems to be that we should assign labour rights to them for the time in which this is taking place.

The labour scenarios mentioned above focus on care work performed by liminal animals in relation to humans, but this leaves out the cases in which liminal animals perform labour by either caring for their own species, other animals, or perform labour that is not considered care work. As one of the requirements for a liminal animal to receive labour rights

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<sup>152</sup> Some might be inclined to say that this example would also hold for wild animals. The difference is however that if a wild animal would perform labour in a human setting, it would mean that this animal is residing amongst humans and is therefore becoming a liminal animal. This would only reinforce the argument that liminal animals should receive labour rights.

is to perform labour related to the community in which she resides, as otherwise wild animals could receive labour rights as well, it seems to be important to maintain the relational setting as a guideline for determining if liminal animals should receive labour rights if they perform labour in a non-human care setting. Think about it in the case of yourself cleaning a room. If you clean your own room, you do not receive labour rights, but if you clean a hotel room you would. Additionally, if you would clean a friend's room you would still not receive labour rights, but recognition or a social reward such as a glass of lemonade is expected. In other words, the relational setting towards the community as a whole is one of the factors for arguing in favour of the receipt of labour rights.<sup>153</sup>

The necessity to clarify labour that is performed outside the care framework, however, comes from the idea that not all forms of labour, performed within a relational setting to a community, seem intuitively sufficient for receiving labour rights. Regular foraging, for example, does not seem to be a sufficient form of labour for receiving labour rights. This does not mean that a liminal animal does not have the right to forage, it simply means that it is not sufficient to have the act of foraging itself protected by labour rights, such as the right to unionize. It is for these cases of labour, that are not considered care work, that the blueprint argument as provided by Karl Marx seems to offer a solution. As Marx applies his concept of the blueprint, and additionally use-value, on more traditional production processes, it is difficult to expand the blueprint argument to other labour areas, as this would result in rather guess work. Additionally, as is demonstrated in the critiques on Marx provided above, the blueprint argument also does not hold in every human scenario of performed labour and labour rights. However, it seems wrong to completely deny the necessity of a blueprint, as it does acknowledge the distinction between, for example, regular foraging and the process of

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<sup>153</sup> This still does not imply that one has to be a citizen in order to receive the labour rights, rather, one has to be recognized as a member of the community. Difference being that citizens have more responsibilities towards the community, but also receive more rights.

production that requires a particular kind of thinking process.<sup>154</sup> When then analyzing labour that is not considered to be care work performed by liminal animals, the argument becomes that a blueprint is required for those labour processes that involve the more traditional labour processes, but that it is not required for all areas of labour in order to have the labour considered for the receipt of labour rights. A beaver that constructs a dam has proven to have a blueprint and through the labour he performs it could potentially be argued, based on the other conditions that are set, that this individual beaver should receive labour rights. Following this twofold definition of labour, it becomes possible to recognise both the care and production labour performed by liminal animals, as both forms of labour seem intuitively possible for receiving labour rights but are based on different conditions.

So, there are multiple requirements that have been listed for a liminal animal to receive labour rights. Before moving on to the next chapter, in which these requirements will be tested by analyzing some forms of labour that liminal animals perform, it is important to make an overview of the requirements for the receipt of labour rights:

1. The liminal animal must be residing within proximity to the same community for an extended period of time.
2. Labour performed by the liminal animal must either qualify as care work, or if labour does not qualify as such, a mental blueprint is required for the labour to be considered as sufficient to be considered for labour rights.

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<sup>154</sup> In some stretch this argument is related to the discussion on when animals should receive rights in general, as it touches on a higher notion of the sentience argument that is often provided as a requirement of rights.

3. The labour performed by the liminal animal must contribute in some sense to the community as a whole, either to humans, other animals, or both.

Setting up these requirements prevents it from being the case that every action done by a liminal animal can be counted as sufficient for receiving labour rights. Having established these requirements provide us with a starting point of analyzing whether liminal animals must receive labour rights. However, this does not indicate yet what these labour rights are, and whether liminal animals actually labour sufficiently to receive labour rights. For this reason, the final chapter will analyze whether actual liminal animals should receive labour rights, and if so, what these labour rights entail.

### Chapter Three: Applying Theory through Case Studies

Having established the groundwork of determining labour rights for liminal animals, it is important to look at cases in which liminal animals perform labour. Even if the foundation for labour rights seems to hold in theory it needs to be examined if liminal animals will be able to qualify for labour rights when the theory is applied. A choice is made to analyze a wide range of cases for two reasons. First of all, by studying a diverse group of liminal animals and their performed labour, the theory can be applied for both care and production labour. Additionally, while liminal animals in urban settings have received more attention than those in rural areas,<sup>155</sup> some of the cases can be applied to both settings. It should be mentioned, however, that the cases will not be discussed in full detail, and that further research needs to be done to establish what forms of labour liminal animals perform, and in which setting this takes place.

The cases that will be analysed in this chapter involve pigeons, bees, and waste removal. The first two cases focus on a specific liminal animal species and some forms of labour that they perform, whereas the other instances deal with scenarios in which multiple liminal animal species are involved. One case study that is not included is the beaver, as it was already discussed in the previous chapter<sup>156</sup> and the goal of this chapter is to illustrate the diversity of labour performed by liminal animals that may qualify for labour rights. The last part of this chapter will provide a starting point on which labour rights liminal animals may receive. A framework will, however, have to be formulated in greater detail in a different paper to grasp all labour rights that liminal animals can be entitled to. The core of this paper is to

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<sup>155</sup> Marcus Owens and Jennifer Wolch, “Lively Cities: People, Animals, and Urban Ecosystems,” in *The Oxford Handbook of Animal Studies*, ed. Linda Kalof (New York: Oxford University Press, 2017): 542.

<sup>156</sup> For more information on labour performed by beavers, I would like to refer the reader to *Animal Architects* by James and Carol Gould, and “The Beavers and the Bees” by Irene Cheng.

demonstrate that liminal animals are entitled to labour rights per se, not to provide an answer to which labour rights a liminal animal is entitled to.

### *Pigeons*

Pigeons are a part of urban life all over the world. At some tourist destinations, such as Trafalgar Square and Piazza San Marco, there are so many resident pigeons that they have become a part of the attractions and interactions of the location. While humans enjoy feeding pigeons in parks or interact with them at places such as Trafalgar Square and Piazza San Marco, pigeons exemplify the way that attitudes towards liminal animals may harden over time.<sup>157</sup> Though they were formerly regarded as part of the traditional scene of Trafalgar Square, they are now greatly reduced in number and notices warn the public not to feed them out of fear for the spread of diseases. Interestingly enough, even when urban pigeon populations were at their height in London, transmission of diseases through pigeons was rare.<sup>158</sup> Even though the number of pigeons is reduced in some locations, humans still interact with pigeons on a daily basis.

Interactions with pigeons on its own are not sufficient to state that a pigeon performs labour, as there are many motives for interspecies interaction. Instead, first the argument needs to be made that pigeons perform different forms of labour, depending on the setting and those that are involved. Pigeons are one of the liminal animal species that perform both production and care work, which will both be discussed. Although nest building can be considered a form

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<sup>157</sup> Terry O'Connor, "Commensal Species," in *The Oxford Handbook of Animal Studies*, ed. Linda Kalof (New York: Oxford University Press, 2017): 536.

<sup>158</sup> Daniel Haag-Wackernagel, "Parasites from Feral Pigeons as a Health Hazard for Humans," *Annals of Applied Biology* 147, no. 2 (2005): 203 – 210; Daniel Haag-Wackernagel and Holger Moch, "Health Hazards Posed by Feral Pigeons," *Journal of Infection* 48 (2008): 307 – 313; Daniel Haag-Wackernagel, "Human Diseases Caused by Feral Pigeons," *Advances in Vertebrate Pest Management* 4 (2006): 31 – 58.

of care work too, the framework set up by Coulter specifically indicates a more direct form of care. It is because of this that production and care work will be discussed separately.

### Production Labour Pigeons

To establish whether pigeons perform production labour that qualifies for labour rights it is necessary to go back to World War Two, when research was conducted on the capacity of pigeons to form abstract concepts related to the blueprint concept of Marx:

As part of the war effort, B.F. Skinner set out to discover whether pigeons could be taught to peck at images of ships projected on a ground-glass screen in the nose of a bomb – what would be the first ‘smart’ weapon. The lab-reared birds, with no experience whatsoever of ships, caught on quickly, once trained they would peck accurately at photos and movies of ships regardless of angle or distance: they ignored objects that were not ships.<sup>159</sup>

Initially it was believed that the pigeons were subject to elaborate conditioning, but when more tests were taken two decades later it turned out that pigeons are as accurate as young children when it comes to conceptualizing the world.<sup>160</sup> Even when parts of the test were altered to test concepts unnatural to pigeons, the pigeons came up with ways to pass the test and to still provide the correct responses.<sup>161</sup> The result of these tests is that pigeons possess cognitive processes that can order the world and its objects with great efficiency. Even though this does not directly demonstrate that pigeons utilize a blueprint, as described by Marx, when building

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<sup>159</sup> Gould and Gould, *Animal Architects*, 167.

<sup>160</sup> Gould and Gould, *Animal Architects*, 167 – 169.

<sup>161</sup> Ibid; an example of the alterations that were made during the tests was that the researchers switched the objects that pigeons had to choose from to objects that were not common to them. So, instead of a tree, the pigeons had to peck images of a Volkswagen.

nests, or performing other forms of production labour, it does demonstrate that they are capable of having a blueprint as they can formulate and alter concepts required for labour.

If the argument is made that pigeons possess the capacities for a blueprint, there are two other requirements (residing within the community for an extended period of time and a contribution of the labour to the community as a whole or to some members of the community) left for the pigeon to receive labour rights. When a pigeon, for example, builds a nest in a forest, the pigeon is not residing within proximity to a human community and therefore automatically does not qualify for receiving labour rights. If the pigeon, however, builds a nest along a building ledge, under a bridge, or in a barn, there is a closer connection to the community. Pigeons often reuse the same location repeatedly, or remain within the community when moving nest locations, which over time makes them qualify for the requirement of residing within proximity to the same community for an extended period of time.<sup>162</sup> The last requirement of contribution is more difficult to prove, as it depends on what someone qualifies as sufficient contribution for the receipt of rights. Nest building does not contribute to the humans residing in the community, as it does not serve a purpose for humans and is often considered a health hazard due to droppings.<sup>163</sup> However, the construction of a nest does contribute to the wellbeing of the offspring of the pigeon and to the other pigeons in the flock. Pigeons are often found in pairs during the breeding season staying with the same partner throughout their life, but usually pigeons are gregarious, living in flocks of 50 to 500 birds.<sup>164</sup> To protect their offspring, mass nesting is common and dozens of pigeons often share a

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<sup>162</sup> Karen Feya et al., “Urbanisation of the Wood Pigeon (*Columba palumbus*) in Finland,” *Landscape and Urban Planning* 134 (2015): 188 – 194; Shobhit Rao and Vijay Kumar Koli, “Edge Effect of Busy High Traffic Roads on the Nest Site Selection of Birds inside the City Area,” *Transportation Research Part D* 51 (2017): 94 – 101.

<sup>163</sup> Daniel Haag-Wackernagel and Ila Geigenfeind, “Protecting buildings against feral pigeons,” *European Journal of Wildlife Research* 54, no. 4 (October 2008): 715 – 721.

<sup>164</sup> David Gibbs, Eustace Barnes, and John Cox, *Pigeons and Doves: A Guide to the Pigeons and Doves of the World* (Sussex: Pica Press, 2001): 624.

building.<sup>165</sup> Pigeon nest building is therefore essential for protection and breeding, and thus contributes to the wellbeing of the other members of the flock. If this is accepted as sufficient contribution to the community, as the flock members are a part of the community,<sup>166</sup> pigeons performing production labour in the form of nest building qualify for the receipt of labour rights in the scenario described above.

### Care Work Pigeons

Besides building nests on buildings, liminal pigeons are well-known for a form of interaction with humans that is encountered on a daily basis when one lives in a city: feeding. Whether it is when you eat your lunch in a park, or you take a leisurely stroll after work, you will often see someone sitting on a bench surrounded by pigeons cooing for some crumbs. Many people derive pleasure from feeding animals who are not obviously domesticated, and it is our own activities that encourage liminal animals to come and stay within our surrounding.<sup>167</sup> To tie this back to the relational aspect of the receipt of rights, no one individual is responsible for setting up a relation of dependence, but when humans take over wild animal territory and feed liminal animals, a relationship of dependence is established.<sup>168</sup> The creation of a relationship of dependence is however not sufficient for labour rights, and the question remains if pigeons are performing labour if they participate in the feeding process simply because they bring joy

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<sup>165</sup> Ibid.

<sup>166</sup> It is important to highlight that I do not consider membership of a community to be equal to citizenship as there are different rights and responsibilities attached to being a member or a citizen. As indicated in the introduction, one can become a member of a community by residing in a community for a continuing period of time but may not be a citizen. A permanent resident for example is not considered to be a citizen but is a member of the community after residing in this community for a certain time.

<sup>167</sup> O'Connor, "Commensal Species," 537 – 538.

<sup>168</sup> Clare Palmer, "Placing Animals in Urban Environmental Ethics," *Journal of Social Philosophy* 34, no.1 (March 2003): 68 – 74.

to people. A mother watching a child eating his Brussels sprouts can bring her intense joy, but this does not mean that the child is performing labour.

The participation of pigeons in the feeding process cannot be classified as production labour, but the question remains if pigeons are performing any other form of labour due to the frequency of feeding taking place and the consequences that feeding might have for both humans and pigeons involved. Colin Jerolmack has done extensive research on pigeon feeding, arguing that pigeons can play a significant social role within a community and for an individual.<sup>169</sup> To illustrate his argument Jerolmack conceptualized two different forms of feeding: unfocused and focused feeding. Whereas the former indicates a form whereby humans pay little or sporadic attention to the pigeons, the latter describes a ritual in which humans engage in “face-to-face” interactions with the pigeons.<sup>170</sup> It is the focused feeding that is of interest for the case of labour, specifically care work. While one might initially think that pigeons participate in pigeon feeding for the sole purpose of acquiring food, when conducting interviews and observing cases, Jerolmack identified that the interaction with pigeons goes beyond feeding if it is focused feeding, to the point that a relationship between the pigeon and the feeder is established.<sup>171</sup> As other research has proven, pigeons recognize regular feeders and discriminate between the regular and casual feeder by interacting far more elaborately with regular feeders.<sup>172</sup>

Interaction with another species on its own is not sufficient to be classified as care work. Remember that care work is understood to be tasks, interactions, labour processes, and occupations involved in taking care of others, physically, psychologically, and emotionally.

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<sup>169</sup> Colin Jerolmack, *The Global Pigeon* (Chicago: The University of Chicago Press, 2013): 25 – 27.

<sup>170</sup> Jerolmack, *The Global Pigeon*, 27, 31.

<sup>171</sup> Jerolmack, *The Global Pigeon*, 35.

<sup>172</sup> Ahmed Belguermi et al., “Pigeons Discriminate between Human Feeders,” *Animal Cognition* 16, no.6 (2011): 909 – 914.

So, in order for pigeons to receive labour rights for participating in the feeding process, the question that needs to be looked at is whether they actually provide a form of care to the feeder that is substantial enough to require labour rights. As biologists in Madrid and Basel discovered, regular feeders are most frequently “the lonely, the old, disabled – those not accepted in general.”<sup>173</sup> Humans desire casual and delimited forms of co-presence when being in a public space, and it is especially that desire of inclusion that pigeons provide to regular feeders.<sup>174</sup> This form of inclusion can even mitigate feelings of isolation, and foster a sense of connection to the urban social fabric.<sup>175</sup> In other words, pigeon feeding and the interactions and relations that are built between a regular feeder and pigeons can be considered to be a form of care work, as the pigeons provide social inclusion. The fact that pigeons treat regular feeders differently from casual feeders strengthens the argument of care labour being performed, as the pigeons intentionally interact with the regular feeder on a different level than with a casual feeder. The pigeons engaged in this interaction therefore take emotional and social care of the feeder, resulting in the argument that pigeons can provide care work that is sufficient for qualifying for labour rights.

As the cases of pigeon feeding and nest building demonstrates, labour rights will not be assigned to all members of a species. Instead, activities performed by individuals or small groups need to be analyzed in order to establish if one qualifies for the receipt of labour rights. Whereas unfocused pigeon feeding, for example, does not lead to the receipt of labour rights, focused feeding might qualify if it can be established that the pigeons provide emotional and

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<sup>173</sup> Jacqueline Weber, Daniel Haag, and Heinz Durrer, “Interaction between Humans and Pigeons,” *Anthrozoös* 7, no.1 (1994): 58; Courtney Humphries, *Superdove* (New York: Smithsonian Books, 2008).

<sup>174</sup> Jane Jacobs, *The Death and Life of Great American Cities* (New York: Modern Library, 1961): 50; Jerolmack, *The Global Pigeon*, 40.

<sup>175</sup> Elijah Anderson, *The Cosmopolitan Canopy: Race and Civility in Everyday Life* (New York: W.W. Norton & Co, 2011); Mitchell Duneier, *Sidewalk* (New York: Farrar, Straus, & Giroux, 1999).

social care to the regular feeder. Besides an in-depth analysis of feeding and nest building, there are other situations in which pigeons may be working that are not discussed in this section. Tourism, for example, relies for a great extent on pigeons in certain places, such as Venice and London, and even though it is argued that pigeons enable spontaneous interactions and an interactive engagement with the distinct place,<sup>176</sup> more research needs to be done to discover what the impact of the specific interactions and interactive engagements are.

### **Bees**

The Oxford Dictionary defines a busy bee as an industrious person,<sup>177</sup> but how much does this description actually apply to bees themselves? First of all, bees complicate the case of labour rights more than pigeons, as there is no consensus yet on whether bees are sentient beings or not, a criterion for being given rights. Recent publications, however, tend to argue in favour of bees as being sentient beings, and the assumption will therefore be made that bees are indeed sentient and therefore capable of receiving rights when analyzing their case for labour rights.<sup>178</sup>

The second problem that comes with the case study of bees is whether or not to include care work. It could be argued that the aspect of care work takes place through ecosystem services. Bees play an important role for ecosystems by being pivotal vectors in planet pollination.<sup>179</sup> The problem with including ecosystem services as an aspect of care work is that plants could be included for providing care work as well, as some argue that they are sentient

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<sup>176</sup> Jerolmack, *The Global Pigeon*, 53.

<sup>177</sup> *Oxford Dictionaries*, s.v. “busy bee,” accessed July 14, 2018, [https://en.oxforddictionaries.com/definition/busy\\_bee](https://en.oxforddictionaries.com/definition/busy_bee).

<sup>178</sup> Geraldine A. Wright, et al. “Agitated Honeybees Exhibit Pessimistic Cognitive Biases,” *Current Biology* 21, no. 2 (2011): 1070 – 1073; Shimon Edelman, Roy Moyal, and Tomer Fekete, “To Bee or not to Bee?” *Animal Sentience* 9, no.1 (2016): 123 – 131; Colin Klein, and Andrew B. Barron, “Insects have the capacity for subjective experience,” *Animal Sentience* 9, no.1 (2016): 99 – 118.

<sup>179</sup> Richie Nimmo, “The Bio-Politics of Bees: Industrial Farming and Colony Collapse Disorder,” *Humanimalia* 6, no. 2 (2015).

too.<sup>180</sup> Providing labour rights to plants, however, seems to be intuitively wrong,<sup>181</sup> and research has not established yet whether plants are sentient. If it was the case that plants are sentient, attention could be given to their work as care work and the possibility of labour rights.

Additionally, it seems to be the case that the ecosystem services provided by bees originate from production labour. As this chapter intends to provide a starting point on how to utilize the framework for labour rights for liminal animals and not an analysis of all labour performed by a liminal animal, the choice is made to focus specifically on the production labour performed by bees as a contribution to ecosystem services. This does, however, not imply that bees do not perform care work and thus further research into the area of care work and bees will be required.

### Production Labour Bees

The next section accounts only those bees that reside within proximity to the same community for an extended period of time, as wild bees automatically do not meet the requirements for the receipt of labour rights. Additionally, as is discussed in the previous section, the use-values that are produced by bees will be accepted as a contribution to the community as a whole, because of the level of ecosystem services that flow from bees' labour. The question that remains then is if bees possess the capacity of a mental blueprint, as this is required for the labour to be considered as sufficient to be considered for labour rights.

As with pigeons, bees have been subject to tests regarding concept mapping as well.

One of the tests that demonstrated the capacity of a cognitive map was held in the 1980s:

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<sup>180</sup> Paco Calvo Garzón, and Fred Keijzer, "Plants: Adaptive behavior, root-brains, and minimal cognition," *Adaptive Behavior* 19, no. 3 (2011): 155 – 171.

<sup>181</sup> The reason that including ecosystem services seems to be intuitively wrong is because not all that leads to an ecosystem service seems to automatically entail work in the context of the paper. In a way every breath you and I take is a form of ecosystem service, as oxygen is inhaled and carbon dioxide is exhaled. It would seem wrong however that breathing itself should be considered a form of labour that is sufficient for the receipt of labour rights.

Experimenters trained a group of foragers to one location (A), out of sight of the hive, and then after letting them feed there for a couple of days, captured them as they left the hive en route to the food source. The captured bees were then taken to another location (B) out of sight of the food source but well within their home range, and released. The foragers circled up and departed directly for the unseen feeding station from this unexpected location.<sup>182</sup>

What this experiment demonstrates is that bees are capable of coming up with alternative solutions for unexpected problems in their labour processes (in this case collecting nectar). In addition to the cognitive map experiments, bees have also demonstrated to be capable of forming concepts. When tested, bees can select symmetrical patterns they have never seen before simply because they are symmetrical; if trained to pick asymmetrical targets, they will generalize to patterns sharing that conceptual quality.<sup>183</sup> This use of mental maps may make possible a kind of reason-based problem solving that depends on manipulating concepts.<sup>184</sup> It is exactly this ability of abstract reasoning and concept formation that is important to Marx's mental blueprint. Even though more research needs to be done to determine in which ways bees utilize their mental capacities for their labour process, the collection of nectar is one of the few processes whereby it is proven that bees apply a mental blueprint:

Foragers trained to fly an extreme dogleg route around an eight-story building to a feeding station were nevertheless able to indicate by their dances a location very close

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<sup>182</sup> Gould and Gould, *Animal Architects*, 114 – 115.

<sup>183</sup> Gould and Gould, *Animal Architects*, 116 – 117.

<sup>184</sup> *Ibid.*

to the actual site. Recruits stimulated by the dancing flew the true direction by going up and over the building.<sup>185</sup>

As is demonstrated in this experiment, bees possess the capacity to communicate with each other in a way that illustrates that they do not only understand concepts, they can also communicate new concepts, such as buildings, to those who have never experienced the concept before. Based on the information from the first forager bees, new bees formulate a mental plan to get to the nectar. Instead of taking the same route as the first forager bees, the new group of bees takes a faster and different route than the initial foragers based on the information they have of the location.

So, at least certain forms of labour performed by bees qualify as sufficient to be considered for labour rights. Combined with the proximity to which some bees reside to the same community for an extended period of time, and the level of contribution the labour provides to the community it is sufficient to say that there is a ground for assigning labour rights to bees under specific circumstances.

### ***Garbage Removal***

One of the main reasons for wild animals to move into cities and other places with a dense human population is the readily available source of food that comes from human garbage.<sup>186</sup>

While these animals living off human garbage are often considered a nuisance, recent research

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<sup>185</sup> Gould and Gould, *Animal Architects*, 113 – 114; Karl von Frisch, *The dancing bees: an account of the life and senses of the honey bee* (New York: Methuen, 1966); Within this experiment the bee hive had never been near a building and both the foragers and the recruits had never experienced a building or an obstacle of the same measurements as they were raised in a laboratorial setting.

<sup>186</sup> Sean Kheraj, “Epilogue: Why Animals Matter in Urban History, or Why Cities Matter in Animal History,” in *Animal Metropolis: histories of human-animal relations in urban Canada*, ed. Joanna Dean, Christabelle Laura Sethna, and Darcy Ingram (Calgary: University of Calgary Press, 2017): 316.

appears to indicate that these urban scavengers perform the role of waste workers.<sup>187</sup> It has become clear that the world is struggling with a garbage disposal problem and it is undeniable that the waste removal service provided by liminal animals is beneficial to humans as it cleans the streets and reduces the waste of human consumption.<sup>188</sup> However, the main reason for waste removal work performed by liminal animals seems to be a drive for food rather than the active goal of removing garbage and cleaning the earth. Additionally, although the consumption of waste provides benefits for survival for some liminal animals, health risks provide a threat which can outweigh the benefits of waste consumption.<sup>189</sup> Even though waste removal work performed by liminal animals seems to be excluded from production labour because of the lack of a blue print as the drive for the labour performance the question remains if waste removal activities can be considered care work. If so, there is a possibility for those liminal animals that perform waste work to receive labour rights.

### Waste work as Care Work

Having excluded the criteria of production labour for analyzing waste removal by liminal animals as sufficient for labour rights it is important to see if there is sufficient ground to classify waste removal as care work. In this case care work will have to be considered in its wider range, whereby the care provided is rather seen as care to the community than to an individual. Even if care to the community would take place the claim could be made that the benefits for

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<sup>187</sup> Tora Holmberg, “‘Wastable’ Urban Animals,” *Explorations in Space and Society* 42 (December 2016): 10.

<sup>188</sup> Ibid; Claire Eamer, *What a Waste? Where does Garbage Go?* (Toronto: University of Toronto Press, 2017).

<sup>189</sup> Juan C. Torres-Mura, Marina L. Lemus, and Fritz Hertel, “Plastic material in the diet of the turkey vulture (*Cathartes aura*) in the Atacama Desert, Chile,” *The Wilson Journal of Ornithology* 127, no. 1 (March 2015): 134 – 138; “How Littering Kills Animals,” Features, PETA, accessed July 19, 2018, <https://www.peta.org/features/litter-kills-animals/>; Pablo I. Plaza, and Sergio A. Lambertucci, “How are garbage dumps impacting vertebrate demography, health, and conservation?” *Global Ecology and Conservation* 12 (October 2017): 9 – 20.

a community that flow from waste removal may be considered more of a side-effect from the animal's foraging than a purposeful labour that results in care. The line between these two sides is thin and it is therefore important to look carefully at the use of care by Coulter.

As waste removal is performed through the collection of food by some liminal animals the only category of care work that applies is subsistence work. As described above, subsistence work is that which is done by animals for themselves and often for/with others in order to survive in the context of social reproduction. The question that needs to be answered then for the waste removal work performed by the liminal animal to be considered as sufficient for labour rights, is whether the process of waste removal plays an important enough role for the social reproduction of the community. To answer this question a distinction is made between two types of waste removal in which liminal animals partake: the removal of human garbage (1) and the removal of dead animals (2).

#### 1. Removal of human garbage

One of the liminal animals that could be considered to be a waste worker is the rat, as he collects and transforms unwanted remains of human consumption.<sup>190</sup> In order for the rat to receive labour rights it needs to be established that his work contributes to the survival of social reproduction through a care framework. In other words, if garbage is hazardous to the physical

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<sup>190</sup> Holmber, "Wastable Urban Animals," 10; It can be said that rats themselves impose a risk to the health of humans as well, as they can spread diseases through their feces, urine, and/or biting. The right not to be killed, however, would leave to options for humans to prevent the spread of diseases: removal of rats to non-inhabited areas or setting up preventions against the spread of diseases. As it seems to be unreasonable to remove rats to non-inhabited areas (it will be difficult to catch all rats residing amongst humans and even if this can be done there is the question of where they will remain and what will prevent them from returning to human inhabited areas) the most plausible option seems to prevent the spread of diseases by removing rat feces and urine and limiting direct contact with rats. Additionally, it needs to be kept in mind that diseases transmitted through rat bites are rare. G.J. Ordog, S. Balasubramaniam, and J. Wasserberger, "Rat bites: fifty cases," *Annual Emergency Medicine* 14, no. 2 (1985): 126 – 130; J.E. Childs et al., "Epidemiology of rodent bites and prediction of rat infestation in New York City," *American Journal of Epidemiology* 148, no.1 (1998): 78 – 87.

health of the community and care work through subsistence means the work that provides social reproduction then the waste work performed by the rat must remove the hazard created by garbage. Simply collecting and transforming the unwanted remains of human consumption is thus not sufficient for the rat to receive labour rights. Additionally, the collecting and transforming of garbage needs to be taking place over a longer time period to prevent that minor activities can be considered labour. If you take a stroll on the beach and pick up some litter it is not sufficient to say that you are performing care work that suffices for labour rights because you are making a contribution. While acknowledging that you are making a good contribution to the community it seems intuitively to be wrong to grant labour rights to anyone who contributes to the community by performing a minor activity. However, if you would go to the beach every day to clean the beach for multiple hours a day it can be argued that your waste removal labour is sufficient for labour rights.

Research has proven that garbage poses multiple risks and hazards to a community, threatening the health of its members and the environment.<sup>191</sup> By collecting and transforming human garbage, rats decrease the risks and hazards that garbage brings to a community. Unfortunately, not enough information is available on the direct impact of waste removal by rats on the health of members of a community. It seems plausible, however, to argue that if the waste removal performed by rats decreases the risks and hazards posed by garbage more than a minimal threshold, their work should be considered as labour sufficient for the consideration of labour rights.

## 2. Removal of dead animals

The same argument as is made for the case of removal of human garbage can be made for the removal of dead animals: if the waste of dead animals is hazardous to the health of the

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<sup>191</sup> Sarah A. Moore, "Garbage matters: Concepts in new geographies of waste," *Progress in Human Geography* 36, no. 6 (2012): 780 – 799.

members of the community and care work through subsistence means the work that provides social reproduction then the waste work performed by liminal animals removing the waste of dead animals must sufficiently decrease or remove the hazard created by dead animals. While there is not enough information to prove that the removal of human garbage must be considered for the receipt of labour rights, studies in urban corvids demonstrate that crows are not only in the possession of complex cognition that draws on casual reasoning but that they also perform sufficient care labour.<sup>192</sup> As a research in Essex proved recently, without crows and other scavengers such as magpies and badgers, dead animals would be scattered around our environment rotting and causing a hygiene hazard.<sup>193</sup> During the research 98% of the scavenging activity in the urban area was carried out by crows.<sup>194</sup> The research also highlighted the importance of the scavenger role, referring to a case in India where a huge increase in cases of rabies was reported when the natural scavengers were removed.<sup>195</sup> Through the removal of dead animals crows thus not only decrease the hygiene hazard caused by dead animals, they also prevent through their presence that animals that carry spreadable diseases will come to the carcasses. It seems fair to say then that the waste removal labour performed by crows contributes sufficiently enough to the community to be considered for the receipt of labour rights. If it is then the case that the crow resides within proximity to the same community for an extended period of time the crow must be granted labour rights.

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<sup>192</sup> Morten Tønnessen, "Urban corvids: A bird's-eye view of towns and cities," *Explorations in Space and Society* 42 (December 2016): 23 – 26.

<sup>193</sup> Tønnessen, "Urban corvids," 24; University of Exeter, "Scavenger crows provide public service, research shows," phys.org, last modified July 12, 2016, <https://phys.org/news/2016-07-scavenger-crows.html>.

<sup>194</sup> Ibid.

<sup>195</sup> Ibid.

### *A Start on Labour Rights*

Having established that there are liminal animals whose labour qualifies for labour rights it is important to start thinking of what these labour rights would look like. The foundation of the labour rights discussed in this section derive from Alasdair Cochrane but might have been altered to apply to the circumstances of liminal animals. Additionally, while the rights listed below offer a starting point for labour rights for liminal animals, it is just that. More research needs to be done and even the labour rights listed below are not fully developed and open for alteration.

The first labour right that is also the most important labour right is the right to be represented by a labour union. The reason that this right is so fundamental is because it ensures that all other labour rights are properly monitored.<sup>196</sup> This is especially important for animals as they cannot speak and it is hard for them to independently resign.<sup>197</sup> Because animals cannot organize themselves labour unions for animals will be different than those for humans. Rather than the animal directly voting, the animal will be represented by humans that can interpret the interests of the animal.<sup>198</sup> Another reason that the right to be represented by a labour union is so important is to differentiate the rights of working and non-working liminal animals. By ensuring labour rights to liminal animals those activities performed by liminal animals that are considered sufficient for the receipt of labour rights will be differentiated from the activities that are not considered for labour rights. Because of this, those liminal animals that receive labour rights stand closer to the community as the community now has more responsibilities towards the liminal animal that receives labour rights than to the liminal animal who does not.

The second labour right would be the right to healthy and safe working conditions. Although domesticated animals are more directly under the influence of the working conditions

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<sup>196</sup> Cochrane, "Labour Rights for Animals," 27.

<sup>197</sup> Ibid.

<sup>198</sup> Cochrane, "Labour Rights for Animals," 28.

set up by humans, liminal animals' health can be of risk due to many human activities. One of these health risks derives from the use of pesticides and impacts scavengers such as crows. Chemical poisons are often used to control rodent populations on farms and the crows scavenging these areas are of high risk of indirect poisoning by consuming the carcasses of poisoned rodents.<sup>199</sup> Additionally, the plastic waste left behind by humans and consumed by liminal animals is harmful to the health of those that consume it.<sup>200</sup> The labour right to healthy and safe working conditions holds both negative and positive duties of the community to the animal. While negative duties refer to not overworking the animal or using painful means to ensure compliance (holding pigeons against their will), positive duties are providing veterinary care when harm is inflicted by humans and providing safe environments.<sup>201</sup>

The last labour right discussed here is the right to rest and leisure. While Cochrane formulates his labour rights in the context of domesticated animals,<sup>202</sup> this right should be acknowledged for certain groups of working liminal animals as well. Especially those that perform labour in close relation to humans have the right to rest and leisure as they should be able to pursue other interests that matter to them.<sup>203</sup> For those that perform labour through their daily activities the need for rest and leisure might be of less importance as they most likely will not perform their labour on a set time schedule. The other reason for granting liminal animals the right to rest and leisure is tied to recognizing them as members of the community. Animals have historically been regarded as mere resources within the production process and in order

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<sup>199</sup> J. Montaz, M. Jacquot, and M. Coeurdassier, "Scavenging of rodent carcasses following simulated mortality due to field applications of anticoagulant rodenticide," *Ecotoxicology* 23, no. 9 (2014): 1671 – 1680.

<sup>200</sup> E.L. Rulison, L.L. Luiselli, and R.L. Burke, "Relative Impacts of Habitat and Geography on Raccoon Diets," *The American Midland Naturalist* 168, no. 2 (October 2012): 242.

<sup>201</sup> Cochrane, "Labour Rights for Animals," 29.

<sup>202</sup> Cochrane, "Labour Rights for Animals," 16.

<sup>203</sup> Cochrane, "Labour Rights for Animals," 29.

to overturn this it is necessary to recognize that they do not simply exist as instruments but as our co-members.

## **Conclusion**

Liminal animals undeniably play a role in the life of humans. Their position however belongs to a grey area as they are neither domesticated nor wild. Donaldson and Kymlicka are correct when creating these different categories, highlighting the distribution of rights based on one's relation to a community. What is missing in their theory is how a denizen can become a citizen and the goal of this paper was to demonstrate that through labour rights a first step towards citizenship for individual liminal animals can be made. Following the labour rights argument, what differentiates a denizen from a citizen is not only the willingness to have more responsibilities towards the community, but also how much one contributes to a community. Thus, the strength of acknowledging that liminal animals can acquire labour rights is that their contribution to a community becomes formally acknowledged and protected. Even though there is the possibility of overlap between labour rights and the three rights (security of residence, reciprocity of denizenship, and anti-stigma safeguards) set up for liminal animals by Donaldson and Kymlicka, labour rights for liminal animals are important as they create the possibility for a liminal animal to become a citizen. In other words, labour rights create a stronger relationship between the labouring liminal animal and the community than between the non-labouring liminal animal and the community.

Establishing whether liminal animals are entitled to labour rights was the central question in the paper as it is possible that someone labours without being entitled to labour rights. Formulating rights-granting labour as a combination of 1) care and/or production work that 2) contributes to the community carried out by 3) a long-term resident within a community recognizes the importance of the relational aspect of citizenship theories. Applying these requirements to cases of liminal animals performing labour allows for an analysis of their contribution to a community and the possibility for liminal animals to receive labour rights. This is, however, not to argue that liminal animals cannot in other ways contribute to a

community, receive citizenship through different forms of contribution, or that one must receive citizenship once it is established that one acquires labour rights.

The intention of this paper is to open the field of citizenship and liminality in the context of animal studies through labour rights, but more research needs to be done to formulate a concise theoretical framework for liminal animals. If accepting that labour rights create the possibility for a liminal animal to become a citizen it needs to be established what forms of labour liminal animals perform and how this contributes specifically to a community as a whole or to a part of it. Additionally, the labour rights listed in chapter 3 are only a starting point and need to be developed and analysed to form a full labour rights framework for liminal animals. Even if one is not convinced by the labour rights argument there are many other ways in which liminal animals play a role in a community, most of them not receiving much attention from the academic world. So, future research needs to be done on both an individual and a community level to get a better understanding of the role that liminal animals play and which rights they are entitled to.

Too long we have ignored the role of animals in our life. Whether the animal is domesticated, liminal, or wild we live under the same roof, share the same backyard, overcrowd the same city and together form the world the way it is today. It seems to be, however, that people's willingness for ignorance still holds when it comes to the idea of humans being superior, but no matter where we go animals will be there as well. We build relationships with them that we claim to be stronger than with fellow humans, and they contribute to our communities or create their own, but we will not allow them their place as equals in the world. While the first step will be to acknowledge that all life is inseparable from that of others, the second will be to grant animals the rights that they are entitled to. Without this we will forever live inseparable separate lives.

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