

Zooinclusivity: A New Approach to Help the Transition towards a More-Than-Human World (and Law)

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Abstract:

I have recently developed a new notion I call “zooinclusivity.” Simply put, it is the idea that animals should be included in the way we plan cities, decide what to eat individually and collectively, organise gardens and university campuses, teach in primary, secondary and higher education, rewild areas, etc. It is essentially a sentientist approach, but it spans, to some extent, animal and environmental issues as it tackles such questions as biodiversity and conservation.

How can the notion of zooinclusivity help reconsider relationships to the nonhuman world, and revise practices and behaviours at the individual, collective and political levels? I would like to argue that implementing a deep cultural change, a zooinclusive change, and addressing the question of acceptability of practices is a necessary step to take alongside developing rights as political and social tools, in order to make the world more sustainable, and a better place for animals.

Indeed, how can we undo the anthropocentric structure of our social, ethical, political and legal systems without rethinking our relationship to the nonhuman world generally, and without addressing the social cost of change as well as other mechanisms which prevent the inclusion of nonhumans into the moral and political sphere? To rethink this relationship effectively, I suggest the notion of zooinclusivity - a notion that is, as I will strive to show, different from animal welfare, veganism, or animal rights - to help the transition towards a more-than-human world.

I. Introduction

Animal law and environmental law are driven by different motives: sentientism or zoocentrism for the former and anthropocentrism, biocentrism or ecocentrism for the latter. These motives are, at worst, contradictory and, at best, loosely related. On the other hand, animal law and environmental law have important commonalities. These include considering how to go about legally valuing nonhumans and how to respond to the harm caused by agribusiness to animals, the environment, and the climate through animal suffering, carbon emissions, and air, soil, and water pollution. They face similar challenges which make them natural allies. To confront these challenges, legal frameworks must evolve to ensure that environmental problems are managed and to ensure that nonhuman beings and ecosystems are present under the law and that their protection is prioritized. Yet, as this article argues, a cultural change is needed, alongside a legal evolution, to reach these goals and for environmental law

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to be more inclusive of nonhuman animals. To this end, I propose a new concept which I call ‘zooinclusivity.’ As I will show, this concept has important applications at the level of urban politics. The zooinclusive approach identifies small-scale and large-scale actions one can undertake to move beyond anthropocentrism.

Material in this article is adapted from a book that was published in French and is reprinted with permission: *Considérer les Animaux. Une Approche Zooinclusive*.² As a French scholar with a PhD in Anglophone studies, I chose to focus on the Western world and Europe, with many examples drawn from France, particularly, and some from the United Kingdom. My approach is influenced by animal studies, critical theory, and social psychology. Although I am not a specialist of this latter field, it sheds new light to tackle interspecies and environmental justice. Indeed, it exposes the powerful mechanisms that prevent attitudinal changes (e.g., the fact that people by and large want stronger protection for the environment and nonhuman animals) from turning into new practices (e.g., the fact that the same people will still consume meat from factory-farmed animals). These mechanisms should not be ignored by animal advocates nor by environmentalists who strive to improve animal law and/or environmental law.

This article first provides a case study illustrating some of the commonalities and tensions between environmental law and animal law. Second, it brings zooinclusivity into play and shows how this framework could help develop synergies between approaches in the two areas of law. To do so, it argues that theorizing a new notion is necessary, before defining zooinclusivity, and showing how it distinguishes itself from other approaches. Finally, it presents an application of zooinclusivity in the domain of urban politics.

II. Commonalities and Tensions Between Environmental Law and Animal Law

This section describes some commonalities and tensions between environmental law and animal law.³

From the animal perspective, a key tension is the anthropocentric drive behind environmental law, especially international environmental law.⁴ I will illustrate this by looking to the 1992 Rio Declaration as a case study. While the Rio Declaration cannot stand in for all of environmental law, it is an apt illustration of the anthropocentric narrative of this branch of law.

² (Presses Universitaires de France 2023).

³ The literature on the tensions and commonalities between animal ethics and environmental ethics is rich. Some authors focus on the differences while others emphasise commonalities. John Baird Callicott, for one, first argued that animal rights and environmental ethics were irreconcilable in ‘Animal Liberation: A triangular Affair’ in 1980. He later regretted having, in his own words, ‘driven such a wedge between animal ethics and environmental ethics’ and published ‘Animal Liberation and Environmental Ethics: Back Together Again’. John Baird Callicott, ‘Animal Liberation: A Triangular Affair’ (1980) 2(4) *Environmental Ethics* 311; John Baird Callicott, ‘Animal Liberation and Environmental Ethics: Back Together Again’ (1988) 4(3) *Between the Species* 163.

⁴ See, among an abundant literature, Alexander Gillespie, *International Environmental Law, Policy and Ethics* (Clarendon Press Oxford 1997); Klaus Bosselmann, ‘Losing the Forest for the Trees: Environmental Reductionism in the Law’ (2010) 2(8) *Sustainability* 2424; Anna Grear, ‘The Vulnerable Living Order: Human Rights and the Environment in a Critical and Philosophical Perspective’ (2011) 2(1) *Journal of Human Rights and the Environment* 23.

The Rio Declaration enshrines the central principles of contemporary international environmental law.⁵ These principles were intended to guide its 175 signatory countries towards sustainable development. It states that the only way to have long-term economic progress is to link it with environmental protection. The first principle of the Rio Declaration reads as follows: ‘Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature’. The Rio Declaration is resolutely anthropocentric: it promotes human health and productive life. The Rio Declaration includes present and future human generations (Principle 3) and right to public awareness, participation, and information (Principle 10). It emphasizes the vital role played by women (Principle 20), the young (Principle 21), and Indigenous communities (22). It explicitly states: ‘The environment and natural resources of people under oppression, domination and occupation shall be protected.’ (Principle 23) The Rio Declaration presents peace as being interdependent with environmental protection. The Rio Declaration embodies many humanist principles.

The Rio Declaration does not include a single word about the rights or protection of nonhuman animals. In Chapter 14 of Agenda 21, the program of action adopted at the same time as the Rio Declaration, ‘pests’ are mentioned in connection to food loss and the word ‘animal’ is used in connection to ‘better use and equitable distribution of information on plant and animal genetic resources’.⁶ Chapter 16, which deals with the management of biotechnology, mentions the word ‘animal’ in the following context: ‘Highlights need for internationally agreed principles on risk assessment and management of all aspects of biotechnology, to: improve productivity and the nutritional quality and shelf-life of food and animal feed products’. Finally, in Chapter 32, governments are asked to collaborate with national and international research centers and nongovernmental organizations to ‘support research on equipment that makes optimal use of human labour and animal power’.

In the Rio Declaration and Agenda 21, animals are treated as resources (e.g., humans eat them or use them for work) or as pests, in other words, animals who, not only, are not useful to humans, but compete with humans for food. These two perceptions of other animals are instrumental and anthropocentric. They reflect a vision of animal interests as ‘peripheral to environmental concerns within the global goal of sustainable development’.⁷

While animal law lies at the micro (individual) perspective, environmental law may lie at the micro or macro (social, political, economic) level, as Thomas G. Kelch has shown.⁸ This reflects the traditional, and well-known, opposition between, on the one hand, animal ethics which value sentient individuals (i.e., the criterion for inclusion in the moral community is generally sentience) and, on the other hand, environmental ethics which value living entities or the sustainability of ecosystems.⁹ Typically, animal ethicists will strive to defend individual

⁵ Report of the United Nations Conference on Environmental and Development (Rio de Janeiro, 3–14 June 1992) A/CONF.151/26/Rev.1 vol I.

⁶ *idem*, p. 9.

⁷ Patricia Birnie, Alan Boyle and Catherine Redgwell, *International Law and the Environment* (Oxford 2009) 600.

⁸ Thomas Kelch, ‘CITES, Globalization, and the Future of Animal Law’ in Randal Abate (ed), *What Can Animal Law Learn from Environmental Law?* (Environmental Law Institute 2015) 269.

⁹ See for instance Sabrina Tremblay-Huet, ‘Should Environmental Law Learn from Animal Law? Compassion as a Guiding Principle for International Environmental Law Instead of Sustainable Development’ (September 2018) H-S 1 *Revue Québécoise de Droit International* 125.

animals,¹⁰ while environmental ethicists will seek to defend individual living beings, groups, or systems (species, biodiversity, ecosystems, even the Earth).¹¹

Another difference is that not all environmental issues relate to animals. On the values they rely on, animal ethics and environmental ethics are also opposed in that the former generally sees unnecessary pain – and sometimes death – as bad, whereas the latter sees them as being part of ‘nature’.¹²

Be that as it may, principles are important, but they are not everything. Goals and the strategies implemented to reach them are also crucial. When considering how best to articulate environmental law and animal law, it is paramount to take into account motives.

Randall Abate defends the idea that, if something is good or bad for humans, people are going to care more and that this is an important argument for animal legal experts to consider.¹³ Here, environmental law can provide an example for them to emulate. Thus, Abate argues that the environmental movement was able to really take off, not by leading a crusade to protect rivers as such, but because polluting rivers had a profound impact on human health.¹⁴ I agree that this is an effective way of achieving progress in the short-term because a larger audience may be willing to make changes if these improve the world for humans. Another argument in favor of this approach is that, provided that the law *actually* changes, the reason which led to this change in the first place is not that important. One can argue, however, that different approaches are necessary and can be complementary when it comes to articulating environmental and animal concerns. Indeed, there might not be just one correct way of moving forward, but several concurrent approaches.

III. Zoonclusivity As a New Tool to Help the Transition

This section introduces the concept of zoonclusivity to bring together approaches from animal law and environmental law. It considers in turn why it is necessary to develop a new concept. It then defines the concept and distinguishes it from other approaches, and specifically animal welfare, ethical veganism, antispeciesism and critical animal studies.

¹⁰ Tom Regan, *The Case for Animal Rights* (The University of California Press 1983); Peter Singer, *Animal Liberation* (2nd edn, Avon Books 1990). For an overview of animal ethics, see also Scott Wilson, ‘Animals and Ethics’ (*Internet Encyclopedia of Philosophy*) <<https://iep.utm.edu/animals-and-ethics/>> accessed 9 May 2024.

¹¹ Aldo Leopold, *A Sand County Almanac: And Sketches Here and There* (Special Commemorative ed, Oxford University Press 1949/1989); Paul Taylor, *Respect for Nature: A Theory of Environmental Ethics* (Princeton University Press 1986). For an overview of environmental ethics, see also Alasdair Cochrane, ‘Environmental Ethics’ (*Internet Encyclopedia of Philosophy*) <<https://iep.utm.edu/envi-eth/>> accessed 11 May 2024.

¹² See for instance Oscar Horta ‘Consent for Wild Animal Suffering and Environmental Ethics: What Are the Limits of the Disagreement?’ (2018) 13(1) *Les ateliers de l'éthique / The Ethics Forum* 85; Andrew Brennan and Norva YS Lo, ‘Environmental Ethics’ (2021) *The Stanford Encyclopedia of Philosophy* (Summer edn, 2024) <<https://plato.stanford.edu/entries/ethics-environmental/>> accessed 12 May 2024.

¹³ Randall Abate (ed), *What Can Animal Law Learn from Environmental Law?* (Environmental Law Institute 2015).

¹⁴ Randall Abate et al, ‘Animal Law and Environmental Law: Exploring the Connections and Synergies’ (2016) 46 *Environmental Law Reporter* <<https://commons.law.famu.edu/cgi/viewcontent.cgi?article=1252&context=faculty-research>> accessed 7 February 2024.

Why Develop A New Concept?

As an animal studies scholar, I was asked to support and provide an academic perspective on three projects. The first was educational, the second artistic, and the third was a political project (I was asked by a city councilor to act as the guarantor for the drafting of the *Charte des animaux dans la ville* (charter for animals in the city), city of Rennes, France).

As I pondered these requests, I developed the concept of zoonclusivity. Heuristically, this was mainly because I was not fully comfortable with the other notions available (see section 3.3 below). I felt that I needed something more flexible and global at the same time.

This article aims to clarify this approach. It shows that zoonclusivity can help reconsider relationships to the nonhuman world and revise practices and behaviors at the individual, collective, and political levels. In doing so, zoonclusivity can support a deep cultural change while addressing the question of acceptability of practices. This is a necessary step, I argue, to take alongside the development of rights as political tools to make practices and industries more sustainable and the world a better place for animals.

Defining Zoonclusivity

Seeking to go beyond the black or white approach which sometimes characterizes human-animal relations, and typically opposes carnists to vegans, zoonclusivity offers another path. It is aimed at those who want to consider animals, but who do not know how to go about it. It has a pragmatic ambition. It is not a new ethical theory, although it is strongly inspired by theories in moral and political philosophy, notably Peter Singer's animal liberation,¹⁵ Tom Regan's animal rights,¹⁶ and Sue Donaldson and Will Kymlicka's *zoopolis*.¹⁷ Rather than trying to advance new arguments for why animals' interests matter, zoonclusivity explores the ways these interests can be considered at a practical level.

Zoonclusivity draws on Sue Donaldson and Will Kymlicka's *zoopolis*, which integrates nonhuman animals into political reflection and considers the variety of human-animal relationships both at the personal level (which is characterized by close relationships) and at the ecosystemic level (which is defined by more distant relationships).¹⁸ The starting point of their zoopolitics is the obligations which arise from the way nonhuman individuals live in human societies and their institutions, in different contexts, as domesticated, liminal, or wild animals: domesticated animals should be treated as citizens, wild animals should be granted sovereignty, and liminal animals should be considered as denizens.¹⁹

Zoonclusivity is also inspired by the idea, already theorized by many philosophers, that other animals are sentient beings who live their lives in the first person, have their own interests, and should count morally. This is exemplified in the Montreal Declaration on Animal Exploitation, which was signed by over 550 moral and political philosophers belonging to different philosophical traditions. They agree on the 'need for a profound transformation of our

¹⁵ Peter Singer, *Animal Liberation* (2nd edn, Avon Books 1990).

¹⁶ Tom Regan, *The Case for Animal Rights* (The University of California Press 1983).

¹⁷ Sue Donaldson and Will Kymlicka, *Zoopolis: A Political Theory of Animals Rights* (Oxford University Press 2011).

¹⁸ *ibid.*

¹⁹ *idem*, 54.

relationships with other animals. [They] condemn the practices that involve treating animals as objects or commodities'.²⁰

Zooinclusivity is an umbrella concept which involves human beings and other animals by emphasizing the notion of inclusivity. In other words, it invites one to consider other animals: to think of them especially with regard to doing better by them, and to regard or treat them in an attentive or kindly way, in other words to respect them. It is based on the idea that relationships between humans and other animals can greatly improve. It concerns the way we think about animals and the way we talk about them; the way we integrate them into our daily lives, the creation of guidelines, procedures; the way we think about urban development; how we eat individually and collectively; how laws are made and implemented; how research is conducted; how and what teachers, lecturers and professors teach. It suggests that, in all these situations, we be attentive to other animal species, to the variety of environments, situations, relationships, and contexts.

The zooinclusive approach offers a way to answer the nagging question which never fails to arise when one tackles current relations between humans and other animals: how to explain the value-action gap? In other words, why is there such an inconsistency between the positive attitudes people express towards nonhuman animals, and their behavioral patterns? By commodifying their bodies, by disregarding their experiences, many of our actions actually cause animals harm and their early death on a massive scale. Finding ways to overcome the value-action gap, to make people's actions more consistent with their values (or the values they claim to have), is therefore of great importance.

Inclusivity is a disposition, a value that affects progressive practices and discourses.²¹ It is based on social transformation. The *Collins English Dictionary* defines it thus: 'the fact or policy of not excluding members or participants on the grounds of gender, race, class, sexuality, disability, etc.'²² This model rejects the exclusion of disadvantaged individuals who present what is perceived as a difference or deficiency and seek to improve their participation in society. It applies to human groups, due to disability (e.g., in schools, at work, and in the town or city), gender (e.g., to reverse the under-representation of women in certain job sectors), age (i.e., creating spaces and communities that embrace people of all ages), and so forth, thereby ensuring equal access to resources as well as opportunities to everyone. It involves including everyone regardless of their differences and vulnerabilities.

It seemed fruitful to borrow this concept and apply it to nonhuman animals. They have, until now, constituted a blind spot in inclusive thinking. I suggest extending the idea of inclusivity to nonhumans, so that all sentient individuals' interests be equally considered. I am taking the liberty of borrowing this term with the greatest respect for the causes which inclusivity pertains to within the framework of human relationships. I am well aware that it does not mean the same thing for members of human societies as it does for other animals. Surely, the latter do not feel ostracized or alienated as humans may feel when they are excluded from the human social order. Extending inclusivity to all members of the kingdom Animalia therefore differs from defining the term in the strictly human sense. However, some actions, cultures, beliefs, ways of thinking,

²⁰ Montreal Declaration on Animal Exploitation <<https://greea.ca/en/montreal-declaration-on-animal-exploitation/>> accessed 7 February 2024.

²¹ Éric Dugas, 'Débat: Pourquoi Passer de l'Inclusion à l'Inclusivité' (26 January 2022) *The Conversation* <<https://theconversation.com/debat-pourquoi-passer-de-linclusion-a-linclusivite-175373>> accessed 11 May 2024.

²² 'Inclusivity' (*Collins Dictionary* 2024) <<https://www.collinsdictionary.com/dictionary/english/inclusivity>> accessed 9 May 2024.

and political choices consider nonhuman animals, their singularities, agency, and experiences, whereas others do not despite having a deep impact on animals. Some practices are zoonclusive and some are not. Western cultural, political, and legal systems traditionally know only one relevant distinction in the animal kingdom: *Homo sapiens* versus the rest.²³ This distinction is the foundation of much of human sovereignty over the nonhuman world. This generates an enormous amount of violence: the fishing of aquatic animals by the trillions,²⁴ slaughter for tens of billions of terrestrial animals,²⁵ the control of wild animals, the commodification of individuals,²⁶ and genetic modifications,²⁷ among others.

However, ideas change. The expectations of Europeans concerning the protection of vertebrate animals are growing:

84% of Europeans believe that the welfare of farmed animals should be better protected in their country than it is now ... Almost three quarters of respondents (74%) support better protection of the welfare of pet animals in their country and 90% of Europeans consider that farming and breeding practices should meet basic ethical requirements.²⁸

If attitudes are indeed evolving, behaviors are slower and more difficult to change. The reasons are linked to humanistic culture,²⁹ legal and political systems, the power of lobbies,³⁰ norms, and social psychology.³¹ There is a persistent paradox in the Western worldview between, on the one hand, growing aspirations to change human-nonhuman relationships and, on the other, practices which remain largely ingrained in a culture where animals do not matter or matter marginally.

Embracing zoonclusivity would be beneficial to developing animal rights. Indeed, a more zoonclusive society would be more prone to the legal dereification of animals. Considering that one's actions and practices should reflect a perception of animals as sentient beings would,

²³ See for instance Aristotle, *The Politics* (Carnes Lord tr, University of Chicago Press 1984); René Descartes, *Discours de la méthode* (comments Étienne Gilson, Vrin 1987); Emmanuel Kant, *Practical Philosophy* (Mary Gregor ed, Cambridge University Press 1996).

²⁴ Alison Mood, Phil Brooke, 'Estimating Global Numbers of Fishes Caught from the Wild Annually from 2000 to 2019' (2024) 33 *Animal Welfare* <<https://www.cambridge.org/core/journals/animal-welfare/article/estimating-global-numbers-of-fishes-caught-from-the-wild-annually-from-2000-to-2019/83F1B933E8691F3A552636620E8C7A01>> accessed 11 May 2024.

²⁵ Max Roser, 'How Many Animals Get Slaughtered Every Day?' (*Our World in Data*, 2023) <<https://ourworldindata.org/how-many-animals-get-slaughtered-every-day>> accessed 11 May 2024.

²⁶ Rhoda Wilkie, *Livestock/Deadstock: Working with Farm Animals from Birth to Slaughter* (Temple University Press 2010) 115–28, 176–77; Lori Gruen, *Ethics and Animals* (Cambridge University Press 2011).

²⁷ Flavio Forabosco et al, 'Genetically Modified Farm Animals and Fish in Agriculture: A Review' (2013) 153 *Livestock Science* 1.

²⁸ European Union, 'Attitudes of Europeans Towards Animal Welfare' (2023) <<https://europa.eu/eurobarometer/surveys/detail/2996>> accessed 26 June 2024. Conducted between 2 and 26 March 2023 on 26,376 respondents, from the 27 EU Member States and from different social and demographic groups.

²⁹ Patrice Rouget, *La violence de l'Humanisme: Pourquoi nous Faut-il Persécuter les Autres Animaux?* (Calmann-Lévy 2014).

³⁰ Caroline Orset and Marco Monnier, 'How Do Lobbies and NGOs Try to Influence Dietary Behaviour?' (2020) 101 *Review of Agricultural, Food and Environmental Studies* 47.

³¹ Lucius Caviola, Jim Everett, and Nadira Faber, 'The Moral Standing of Animals: Towards a Psychology of Speciesism' (2019) 116 *Journal of Personality and Social Psychology* 1011; Romain Espinosa, *Comment Sauver les Animaux? Une Économie de la Condition Animale* (Presses Universitaires de France 2021); Steindl, Christina, Eva Jonas, Sandra Sittenthaler, Eva Traut-Mattausch, and Jeff Greenberg, 'Understanding Psychological Reactance: New Developments and Findings' (2015) 223 *Zeitschrift für Psychologie* 205; Daniel Kahneman, *Thinking, Fast and Slow* (Farrar, Straus and Giroux 2011).

hopefully, change the traditional understanding of the law whereby human beings, corporations, firms, and government agencies have legal personhood, but nonhuman animals do not. In other words, by helping values and actions correlate, zoonclusivity could support removing nonhuman animals from the category of insentient property.³² As Margot Michel argues several European systems have taken the first steps towards this dereification but changes are very slow.³³

Developing zoonclusivity would also co-benefit environmental issues. At the individual scale, planting the right mix of flowers to attract insects in your garden, or planting a tree to provide shelter for birds and mammals, as well as nectars for bees, would be more zoonclusive and increase biodiversity. A more biodiverse environment means a better ability for ecosystems to function properly. A healthier and more productive ecosystem improves the quality of the soil, water, and air. So, a more zoonclusive garden is good for nonhuman animals, the environment, and humans – in spite of the diverging conceptual bases of animal and environmental ethics.

There are many other examples of animal and environmental co-benefits of zoonclusivity at the individual, collective, or institutional levels. These include towns and cities endorsing the Plant Based Treaty,³⁴ individuals and groups rewilding areas,³⁵ teachers and educators ‘teaching the animal’ at school,³⁶ firefighters, police forces, and animal NGOs providing assistance to animals in natural disasters,³⁷ animal studies being taught at university,³⁸ and municipal employees using non-lethal methods to regulate liminal animal populations.³⁹

Zoonclusivity Compared to Animal Welfare, Ethical Veganism, Antispeciesism, and Critical Animal Studies

Zoonclusivity is different from ‘animal welfare’, a scientific concept which refers to the state an individual is in and their ability to cope with their environment.⁴⁰ ‘Animal welfare’ incorporates the individual’s feelings and health together with the functioning of various physiological, behavioral, and other adaptive mechanisms. ‘Animal welfare’ is a useful

³² Among a vast body of literature on the legal status of animals as property see Gary Francione, *Animals, Property and the Law* (Temple University Press 1995); Cass Sunstein and Martha Nussbaum (eds), *Animal Rights: Current Debates and New Directions* (Oxford University Press 2005); Florence Burgat, *Être le Bien d’un Autre* (Rivages Poche 2018); Macarena Montes Franceschini, ‘Traditional Conceptions of the Legal Person and Nonhuman Animals’ (28 September 2022), 12 *Animals* 2590.

³³ Margot Michel, ‘Moving Away from Thinghood in Law. Animals as a New Legal Category’ (2023) *Journal of Animal Law, Ethics and One Health* <<https://leoh.ch/article/view/4295/3113>> accessed 11 May 2024.

³⁴ Plant Based Treaty <<https://plantbasedtreaty.org/>> accessed 7 February 2024.

³⁵ Rewilding has its benefits and risks for individual animals. For a discussion of the ethical questions it raises, see for instance Carl-Gustaf Thulin and Röcklinsberg Helena, ‘Ethical Considerations for Wildlife Reintroductions and Rewilding’ (2020) 7 *Frontiers in Veterinary Science*.

³⁶ Margo DeMello, *Teaching the Animal: Human-Animal Studies across the Disciplines* (Lantern 2010).

³⁷ See Animal Ethics, ‘Animals in Natural Disasters’ <<https://www.animal-ethics.org/animals-natural-disasters/>> accessed 12 May 2024.

³⁸ Margo DeMello, *Animals and Society: An Introduction to Human-Animal Studies* (Columbia University Press 2012); Paul Waldau, *Animal Studies: An Introduction* (Oxford University Press 2013); Émilie Dardenne, *Introduction aux Études Animales* (2nd ed, Presses universitaires de France 2022).

³⁹ For rodents, see for instance Maïte van Gerwen, Joachim Nieuwland, and Franck Meijboom, ‘What if We Lack a Licence to Kill – Thinking Out-of-the-Box in our Relationship with Liminal Rodents’ in Hanna Schübel and Ivo Wallimann-Helmer (eds), *Justice and Food Security in a Changing Climate* (Wageningen Academic Publishers 2021) 224–9. For pigeons, see for example Emma Harris, EP de Crom, and Ann Wilson, ‘An Interdisciplinary Approach for Non-Lethal Pigeon Control’ (2017) 59 *International Pest Control* 16–8.

⁴⁰ Donald M Broom, ‘Indicators of Poor Welfare’ (1986) 142 *British Veterinary Journal*, 524.

concept. Yet, it has become, through its uses and misuses, a way of rationalizing the exploitation of animal bodies and to measure their emotional and physiological state in relation to their environment. For instance, breeders mention ‘animal welfare’ when they perform tail docking on piglets to prevent them from biting each other’s tails. Tail biting may be due to crowding, poor ventilation, nutrition and health, in other words to the context of pork production.⁴¹ However, avoiding altogether the notion of ‘animal welfare’ may be difficult since its use has become pervasive in scientific literature as well as legal codes.⁴² I have, throughout this paper, systematically used it in inverted commas to indicate I do not endorse the term’s current use.

Zooinclusivity is also distinct from ethical veganism, although the two may overlap. Through its etymology, the word ‘vegan’ refers to dietary practices. It is made up of the first three and last two letters of ‘vegetarian’. Ethical veganism represents both the rationale and the culmination of the vegetarian approach. It considers the causes and goes through to the end of each of the consequences implied by the initial choice not to eat animals. Zooinclusivity differs from ethical veganism as it invites people to do what they can. One of the advantages of zooinclusivity is that it includes a wide range of positive actions for animals. Ethical veganism meanwhile avoids causing them harm. In this sense, zooinclusivity is similar to Sue Donaldson and Will Kymlicka’s *zoopolis*: it does not just advocate for basic negative rights for nonhuman animals (e.g., the right not to be killed or tortured) but also promotes positive rights for them (e.g., the rights to autonomy, health, territory, etc.)⁴³.

Zooinclusivity also differs from antispeciesism which emphasizes the importance of the notion of species to which individuals are assigned and indicates opposition to moral bias based on this criterion, by the prefix ‘anti’.⁴⁴ Zooinclusivity aims less to prescribe changes than to encourage human groups or individuals who already want to adapt their behaviors and actions to respect the fundamental needs of nonhuman animals. Zooinclusivity includes different levels of action. It recognizes that change can be incremental as groups and individuals have varied positions and may want to act in the private or public sphere according to various modalities. Zooinclusivity does not prescribe a path for them; it starts from their aspiration to empower them towards action, towards what is, in a more or less direct way, within their reach.

Finally, zooinclusivity is different from critical animal studies. As it advocates flexibility, zooinclusivity does not champion a politics of total liberation nor does it reject reformism altogether as critical animal studies does.⁴⁵

IV. Applying the Concept of Zooinclusivity: A Case-Study in Urban Governance

Many actions that can be called zooinclusive already exist. Zooinclusivity does not produce a whole set of new practices. Instead, it identifies some practices, already in use, scattered in various guidelines, websites, procedures, charters, etc. These actions and practices have been designed for and by individuals, animal rights NGOs, environmental groups, institutions,

⁴¹ Rebecca Morrison and Paul Hemsworth, ‘Tail Docking of Piglets 2: Effects of Meloxicam on the Stress Response to Tail Docking’ (2020) 10 *Animals (Basel)* <<https://www.mdpi.com/2076-2615/10/9/1699>> accessed 12 May 2024.

⁴² See Ian A Robertson, *Animals, Welfare and the Law: Fundamental Principles for Critical Assessment* (Routledge 2015).

⁴³ Sue Donaldson and Will Kymlicka, *Zoopolis: A Political Theory of Animals Rights* (Oxford University Press 2011).

⁴⁴ Valéry Giroux, *L’Antispécisme* (Presses universitaires de France, 2020).

⁴⁵ See the ten principles of critical animal studies in Anthony Nocella II et al (eds), *Defining Critical Animal Studies: An Intersectional Social Justice Approach for Liberation* (Peter Lang 2014) xxvii–xxviii.

academics, teachers, police and rescue forces, and others to take animals into account. Zoonclusivity is based on what the public, wherever in Europe, says it *wants* for animals.⁴⁶ It applies at several levels:

- The level of interindividual relationships;
- The educational, epistemic, and academic level;
- The legal level;
- The institutional and public policy level; and
- In so many other areas which affect nonhuman lives and our relationships with them (e.g., leisure, food production, medicine, and clothing).

Zoonclusivity is not about asking agents or groups to immediately set on a path away from a life which does not consider animals to a life which fully integrates all of their interests. It is rather a matter of relying on the will of these agents and these groups. They have the will to transform something, whether by a simple step or by beginning a longer transition. The zoonclusive approach aims precisely to empower them based on what already drives them. It provides concrete support to those who seek to minimize the negative impact of their actions on animals and to do better by them.

Zoonclusivity considers the social cost of change, namely the fact that behavioral conformity and social context affect how we act, or fail to act, on issues pertaining to nonhuman animals.⁴⁷ Accordingly, the zoonclusive approach admits degrees. By encouraging already existing collective and individual aspirations, it avoids activating some of the mechanisms which prevent pro-animal lifestyle changes, such as the effects of peer pressure (since zoonclusivity can be applied at the collective level and thus make the transition to a more virtuous lifestyle less socially costly) or reactance (since choices are not imposed and zoonclusivity addresses only those who already want to change). Reactance occurs when the recipients of a message are motivated to maintain or restore a freedom which they perceive as being threatened.⁴⁸ For instance, one may express reactance upon receiving a message directed at limiting their food choices. Reactance is a hurdle which both environmental and animal advocates encounter as it requires a limitation of people's behavior. Zoonclusivity could be a helpful tool for both.

⁴⁶ See European Union, 'Attitudes of Europeans Towards Animal Welfare' (2023) <<https://europa.eu/eurobarometer/surveys/detail/2996>> accessed 11 May 2023. As noted above, this poll was conducted between 2 and 26 March 2023 on 26,376 respondents from the 27 EU Member States and from different social and demographic groups. For France, see the Ifop survey for Fondation 30 Millions d'Amis, 'Les Français et le Bien-Etre des Animaux – Vague 5 (2022)' (January 2022) <<https://www.ifop.com/wp-content/uploads/2022/02/IFOP118690-Presentation-30MA-Pour-publication-1.pdf>> accessed 11 May 2024. The survey was performed on a representative sample of 1,007 French people, aged 18 and more. For the United Kingdom, see Focalddata, 'Animal Welfare Standards: MRP Poll' (25 April 2022) <<https://www.focalddata.com/blog/ngo-animal-welfare-standards-mrp>> accessed 11 May 2024. Data was collected from a nationally representative sample of 10,018 adults between 11 and 20 April 2022.

⁴⁷ See Romain Espinosa, *Comment Sauver les Animaux? Une Économie de la Condition Animale* (Presses Universitaires de France 2021). For more detail about conformity, see for instance Jerry Burger, 'Conformity and Obedience' in Jorden A Cummings and Lee Sanders (eds), *Introduction to Psychology* (University of Saskatchewan Open Press 2019) <<https://openpress.usask.ca/introductiontopsychology/chapter/conformity-and-obedience/>> accessed 11 May 2024. For a description of identity economics (how consumption choices are made within the framework of social norms), see George Akerlof and Rachel Kranton, 'Identity Economics' (2010) 7 *The Economists's Voice* 1.

⁴⁸ Christina Steindl et al, 'Understanding Psychological Reactance: New Developments and Findings' (2015) 223 *Zeitschrift für Psychologie* 205.

Beyond simple good will, zoonclusivity requires the ability of agents to act in the wake of their motivation. It requires practical knowledge to help agents initiate change and make it last. For this reason, it is necessary to list a set of actions.

This article takes one example of zoonclusivity at the nexus of animal rights and environmental rights: urban governance. This is just one example in a much longer list given in my book *Considérer Les Animaux: Une Approche Zoonclusive*. I selected urban governance as a case-study for this article as it seemed particularly relevant in connection with environmental and animal law.

a) Integrating ‘Animal Welfare’ To Public Procurement in France

Public sector procurement is a little-known lever for acting in favor of other animals. It allows local authorities, the *Établissements Publics de Coopération Intercommunale* (public establishment for inter-municipal cooperation), the State, and public companies to integrate a criterion linked to ‘animal welfare’ in the choice of economic operators.⁴⁹

The awarding of contracts between public operators and companies is governed in France by the *Code de la commande publique* (Public Procurement Code), a code which underwent a major reform at the European level in 2014. Its transposition into French law was an opportunity to modernize procurement procedures. ‘Animal welfare’ and consideration of biodiversity are now relevant for selecting a public tender.⁵⁰

Practically, the choice of the best offer is made according to criteria which may have to do with prices, quality, or deadlines. On a score of 100, each criterion counts for a certain number of points. ‘Animal welfare’ can count for 5, 10, 30, or 70 points.

For example, the city of Grenoble has chosen the following award criteria and weighting for a public contract relating to the supply of drinks and foodstuffs in 2021–2022.⁵¹ These criteria relate to organically produced meats and charcuterie:⁵²

Award Criteria	Weighting
Technical merits and qualitative value of the product	30.0
Price	30.0
Quality of service, commercial logistics, and organization of implementation	20.0
Performance in terms of animal welfare	10.0
Performance in terms of sustainability	10.0

⁴⁹ This section is largely inspired by an article by Anne-Laure Meynckens: ‘Le Bien-Être Animal dans les Marchés Publics, un Levier Essentiel de la Protection des Animaux’ (2021) 4 *Savoir Animal* <<https://savoir-animal.fr/le-bien-etre-animal-dans-les-marches-publics-un-levier-essentiel-de-la-protection-des-animaux/>> accessed 7 February 2024.

⁵⁰ ‘Code de la Commande Publique’, article R2152-7, criteria 2 (a) <https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000037730485> accessed 11 May 2024.

⁵¹ European Union, ‘EU tenders. Supplement to the Official Journal of the EU’ (27 July 2021) <<https://ted.europa.eu/en/notice/-/detail/377390-2021>> accessed 11 May 2024.

⁵² See ‘377390-2021 – Competition’ (EU tenders) <<https://ted.europa.eu/en/notice/-/detail/377390-2021>> accessed 26 June 2024.

The company whose offer received the best score out of 100 was chosen to supply the city with drinks and foodstuffs (excluding frozen foods).

Another example is the city of Toulouse which has integrated ‘animal welfare’ as an award criterion for 20% in its 2022–2026 market for supplying foodstuffs to the central kitchen which produces 35,000 school meals every day.⁵³ This covers fresh *Bleu-Blanc-Coeur*⁵⁴ lamb and beef. For these batches, the company must prove that ‘animal welfare’ was considered by the entire sector, from breeding to slaughter. It must specify the maximum transport time between the farm and slaughterhouse and between the arrival of the animals at the slaughterhouse and killing. It must also indicate whether the animals had access to clean water permanently; whether anesthesia and/or medication was used for dehorning or castration; and whether grazing animals have shelter.

This new framework means that town and city councilors can now:

- Decide that public sector catering will be supplied with animal products which respect specific ‘animal welfare’ criteria (e.g., types of breeding, transport, and/or slaughter beyond the minimum regulations);
- Choose cleaning products which are not tested on animals;
- Include staff training obligations related to ‘animal welfare’ in public procurements; and
- Organize workshops on this issue for the public.

Public procurement is a key issue. Public procurement represented no less than 15.2% of the French national GDP (while it represented 14.7% of the British GDP) in 2022.⁵⁵ Collective catering alone involves 720 million meals per year at the French municipal level. Public order choices can support markets becoming more zooinclusive by favoring economic actors who care about animals.

There are multiple contracts involved beyond collective catering: non-food services and products (e.g., cleaning products, soap, paint, and professional clothing); the management of domesticated, liminal and wild animal populations; products and services intended for pet owners; and services provided by nonhuman workers (e.g., transport, leisure, and security). These contracts can be more or less zooinclusive in many ways.

b) Managing The Food Transition

Various studies have shown that adopting a plant-based diet is one of the most effective levers for countering climate change, as well as promoting better health and reducing inhumane factory farming.⁵⁶ Several towns and cities have committed themselves to the plant-based

⁵³ L214 Politique & Animaux, ‘La ville de Toulouse intègre le "bien-être animal" comme critère d'attribution à hauteur de 20% de son marché 2022-2026 de fourniture de denrées alimentaires pour la cuisine centrale’ (3 September 2022) <<https://www.politique-animaux.fr/elevage/ville-de-toulouse-integre-le-bien-etre-animal-comme-critere-d-attribution-hauteur-de-20-de-s>> accessed 9 May 2024.

⁵⁴ *Bleu-Blanc-Cœur* is ‘a sustainable agricultural and food approach aimed at improving the nutritional and environmental quality of food products, by diversifying and balancing animal feed with fodder and seeds naturally rich in Omega 3.’ See <<https://bleu-blanc-coeur.org>> accessed 28 June 2024.

⁵⁵ OECD, ‘Government at a Glance – 2023 Edition: Managing Public Procurement’ <<https://stats.oecd.org/index.aspx?queryid=123848>> accessed 7 February 2024.

⁵⁶ See Xiaoming Xu et al, ‘Global Greenhouse Gas Emissions from Animal-Based Foods are Twice those of Plant-Based Foods’ (2021) 2 *Nature Food* 724; Monica Crippa et al, ‘Food Systems Are Responsible for a Third of Global Anthropogenic GHG Emissions’ (2021) 2 *Nature Food* 198; Peter Scarborough et al, ‘Vegans, Vegetarians,

transition. Buenos Aires in Argentina, Ahmedabad in India, Amsterdam in the Netherlands, Haywards Heath, Exmouth, Edinburgh, Norwich, Lambeth, and Belfast in the United Kingdom have all signed the Plant-Based Treaty, an initiative which includes 38 measures encouraging residents to adopt a plant-based diet.⁵⁷

This treaty is based on three principles known as the 3Rs: relinquish, redirect, and restore. ‘Relinquishing’ consists in renouncing animal agriculture (i.e., no change in land use and no degradation of ecosystems or deforestation to promote livestock farming). ‘Redirecting’ means directing resources towards the promotion of plant-based food (i.e., engaging in an active transition from animal-based food production systems to plant-based food production systems). Finally, ‘restoring’ is about re-establishing key ecosystems, particularly forests, and rewilding landscapes.

The treaty notably includes the following commitments: offering exclusively vegan options in schools and hospitals; prohibiting the conversion of land for livestock farming; launching a rewards program for businesses and schools which commit to veganism; prohibit the construction of new slaughterhouses or new livestock farms; and introducing a tax on meat and fish.

The Plant-Based Treaty can be signed at the micro (individual) level or at the meso (companies, organizations, cities, towns, and businesses) level.

The approach here is not directly zoonclusive: the stated goal is countering climate change and not acting for animals, but the two approaches are not mutually exclusive. The Plant-Based Treaty is indirectly zoonclusive as, by reducing the consumption of animal products, it impacts the number of animals raised for their flesh – a number which has globally plummeted in the last few decades.⁵⁸

V. Conclusion

The zoonclusive approach invites everyone to question their ways of acting and thinking and their behavior in the animal world (in the broad sense) by opening their eyes to the nonhuman world. It marks a possibility of peaceful cohabitation with other animals. Zoonclusivity does not offer a new solution nor does it formulate particular prescriptions. It aims to empower those who already support pro-animal choices at their level with the resources available to them. There are already many zoonclusive actions and practices, but they are scattered throughout websites, codes, charters, treaties, guidelines, etc. Bringing them together is one of the tasks of the zoonclusive approach. However, its ambitions should not be overstated, especially as zoonclusivity includes in its scope the notion of acceptability. If it is considered relevant, the notion of zoonclusivity may be refined in many ways.

An umbrella concept, this approach belongs to the family of animal-friendly approaches. It recognizes and integrates the nuances of pro-animal positions in contemporary society. It applies at all levels of the social-ecological model: the individual, family/peer, community, and

Fish-Eaters and Meat-Eaters in the UK Show Discrepant Environmental Impacts’ (2023) 4 *Nature Food* 565; Cassandra Carey et al, ‘The Environmental Sustainability of Plant-Based Dietary Patterns: A Scoping Review’ (2023) 153 *The Journal of Nutrition* 857.

⁵⁷ Plant Based Treaty <<https://plantbasedtreaty.org>> accessed 7 February 2024.

⁵⁸ Max Roser, ‘How Many Animals Get Slaughtered Every Day?’ (*Our World in Data*, 2023) <<https://ourworldindata.org/how-many-animals-get-slaughtered-every-day>> accessed 11 May 2024.

societal/structural levels. Zoonclusivity is essentially a sentientist approach, but it spans, as I have striven to show, animal and environmental issues as it tackles such questions as biodiversity and conservation.

The theme of this special issue of the *Environmental Rights Review* was the interface between animal rights and environmental rights. I would like to argue that there cannot be deep legal changes without a cultural evolution. Tackling animal law from an anthropocentric perspective, as environmental law has done, may help – as suggested by Randall Abate. Yet, an anthropocentric approach can only be part of the solution. One needs to move eventually beyond anthropocentrism if one wants to bring about a more-than-human world and law, in which humans are just one part of an interconnected ecological and animal community. Developing rights as political tools cannot be achieved without rethinking our relationship to the nonhuman world generally. It also requires addressing the social cost of change as well as other mechanisms which prevent the inclusion of nonhumans into the moral and political sphere.

Developing zoonclusivity may help this transition towards a more-than-human world. As I ventured to argue, zoonclusivity echoes the environmental approach in many ways. It admits incremental change by moving beyond principles and recognizing the importance of strategies. It considers the many different situations encountered by other animals under human control and in the wild. It offers different transformation paths, notably through urban governance. Developing a zoonclusive mindset is also important for animal rights and environmental rights as demonstrated by the fact that racist ideologies persisted long after slavery was abolished in Western countries. Without undermining anthropocentrism, no amount of rights and reforms are likely to seriously challenge the injustice that other animals face.