

## Sports and games as models of interspecies justice

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### I. Two questions

1: Do analogous considerations apply to sports, games, and labor? Do sports and games involving animals risk unjustly perpetuating their exploitation?

2: Should we strive for a post-work conception of interspecies justice, substituting gameplay for work? Do sports and games involving *nature* have value that a post-work utopia would foster?

Thesis: games and play are a crucial, albeit overlooked, aspect of efforts to enact interspecies justice.

### II. Membership and participation

Donaldson and Kymlicka (2011; 2016): domesticated animals (DAs) must be recognized as citizens with a right to co-author the laws, institutions, and norms of society.

- *DAs are members of a shared interspecies society.* DAs are capable of communicative, interdependent, trusting, and cooperative relationships with humans. They are suited, and entitled, to social membership.
- *Political citizenship tracks social membership.* All members of a society have a right to participate in shaping its norms, through citizenship. (Many critics accept the first claim but reject the second claim, e.g., Pepper 2021).

Two forms of political agency (D&K):

- *Sheer presence model:* e.g., presence of domesticated dogs in public spaces varies across societies. Their mere public presence can manifest and exert political agency through interactions with others in social space.
- *Negotiation model:* when domesticated animals conform to social norms and cooperate with one another and with humans—e.g., assistance animals, military and law enforcement, search and rescue, animals who cooperate with humans in sports. Continuous negotiation of the terms of cooperation (e.g., when, who they will work with, what, and so on).

Two levels of agency (D&K):

- *Micro-agency: Democratizing the existing landscape,* making the places and spaces where membership and participation are meaningful sites for the realization of citizenship. (Donaldson and Kymlicka 2016).
- *Macro-agency: Building new public commons, or animal agora,* where animals are empowered to co-author the fundamental nature of political community alongside us. (Donaldson 2020, 718), spaces where “co-citizens can engage one another in spontaneous, unpredictable encounters, spaces they are empowered to re-shape together” (713).

DAs are capable of leading different kinds of lives and have an *interest* in exploring and choosing amongst these different options. Sports and games, when they restrict DAs to a limited and arbitrary degree of freedom explore, revise, and pursue their good, can violate their right to participation.

Sports and games respond to such concerns by providing *structured opportunities* for socialization and

for new preferences and skills to be expressed. Scaffolding choice requires foundations or building blocks. Participation in sports and games both requires and fosters

- *basic socialization* into the rules that enable members of society to coexist, including “norms about appropriate physical contact, sharing space, regulating noise, avoiding dangers to oneself and others, and so on. These rules make it possible for people to flourish together, without imposing undue risks or burdens on others.” (2016, 186)

Sports and games also contribute to forming another key element of just participation:

- *Stable social identity*: right to form an identity of one’s own and preserve it—this includes routines, food, place (home, environment), relationships, and names.

Examples: sled dog racing, running with dogs (incl. canicross), disc dog, dog surfing, pigs swimming, goat playgrounds, truffle hunting with hog. With caveats: horse riding, pack burro racing, obstacle courses, tracking, herding.

### III. Self-determination

An agent has a *right to self-determination* with regard to a particular domain or decision D when (1) they have an interest in determining the course of their own life with regard to D that is sufficient to ground duties in others, and (2) they are competent with regard to D. (Healey and Pepper 2021)

DAs meet these conditions as agents who have a significant interest in determining what happens in a variety of domains. And “self-determination has non-instrumental value for animals”.

- Normative powers of *assent* and *dissent*
- Rights *at* play and rights *to* (not) play

### IV. Utopia and Post-work

1. gameplay has intrinsic value and would therefore likely be pursued by agents, human and nonhuman, in a utopia where it is made readily available. 2. Gameplay is likely to be central to multi-species commons, or a just interspecies society.

A few interrelated ideas: **post-work society** (Donaldson and Kymlicka 2020) / **utopia** (Suits 2005)

**Ideal playgrounds** (English 2019)

- They are structured by constitutive rules. Because games are conventional, we can create *novel opportunities* for play.
- Games can (should) be done *freely* and for *intrinsic* reasons.

Game design becomes an important part of a utopia or post-work society. Ideal playgrounds should include multispecies commons:

- gameplay can be *non-instrumentally valuable* for animals, since free agency is constitutive of their flourishing or enjoyable for its own sake;
  - involves *voluntary efforts to overcome unnecessary obstacles*. Combined with rights of self-determination, can secure the conditions of expression of latent capacities.
- gameplay contributes to *shaping the political community*, e.g. by fostering relevant social skills and

the expression of preferences, since games and sports presuppose basic socialization and can provide stable identity.

- “Nature sports put people in positions in which they are forced to construct new worlds where nature plays a very different role than it does in most other worlds. ... When athletes participate in nature sports, they are in a position to see nature as active and self-sufficient, and as a presence with its own projects and goals independent from human use.” (Krein 2008, 297-299)

*Utopian game design thesis* (Yorke 2018, 183)

1. certain capacities can *only* be expressed via gameplay;
2. the expression of such capacities is essential to the project of realizing our best selves;
3. present gameplay is generally insufficient for the expression of such capacities
4. we ought to try to become our best selves if such is possible;
5. therefore, we ought to design a set of utopian games which correctly identify and elicit the expression of these crucial game-exclusive capacities.

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