

Challenging the capability approach in the context of environmental, ecological and multispecies justice

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ABSTRACT

The main objective of this paper is to analyze the challenges in applying Nussbaum's capability approach to animals, as refracted through the lens of environmental justice (justice among humans on environmental issues and risks) and ecological justice (justice to non-human nature) in Schlosberg's sense. Comparing and contrasting intra- and intergenerational justice for animals within the environmental and ecological justice frameworks, I demonstrate why capabilities-based multispecies justice can provide some benefits in overcoming ecological vulnerability. In this context, I point out the methodological pitfalls that environmental and ecological justice face in their attempts at eradicating unequal vulnerabilities embedded into some *either-or* dilemmas by exploring how the vulnerabilities in question negatively affect animals' positive and negative rights.

KEYWORDS: capability approach; environmental and ecological justice; intra- and intergenerational justice; multispecies justice; animal claim rights

1 Introduction – On the critical revision of Rawls’s theory of justice. Some challenges to the capability approach

Probably one of the most popular approaches in the justice field to non-human beings is the *capabilities approach* (Sen 1999, 2004; Nussbaum 2000, 2006) which addresses the differences in the individual potential for achieving worthwhile life goals. Specifically, some crucial discussions about the role of the capabilities approach for animals originate from the critical reception of John Rawls’s theory of distributive rights and duties to animals. The general concern is that Rawls believes that animals cannot become recipients of justice since they are not moral persons (Rawls 1971, 4). However, such a view permits minimum protection of animals’ basic interests, so it should be rejected (Garner 2013, 24-25).

In turn, one of Martha Nussbaum’s primary goals “is to close a gap in the works of Rawls” to make his theory of justice suitable for animals in a meaningful manner (Davidson 2018, 31; Nussbaum 2006, 6). As a methodological difficulty in the extrapolation of Nussbaum’s capability approach to animals, some researchers see that while focusing on the similarities between humans and non-humans, she does not consider the moral implications of the differences between them (Melin and Kronlid 2016, 57). That is why the approach above cannot contribute to “solving the problem presented in Rawlsian theory that leaves animals out” (Davidson 2018, 25).

Specifically, the extension of Rawls’s theory of justice towards animals is grounded in the assumption that we can use the “legacy Rawls put into our hands to give it concrete expressions” (Felipe 2005, 33; Thero 1995, 102). That is why some researchers apophatically¹ determine the inclusion of animals into Rawls’s theory by saying that “there is nothing” in it, “which entails that non-rational creatures fall outside the sphere of justice” (Rowlands 1997, 243). Therefore, *even though* rational subjects are the only ones able to make contracts, there is no hindrance for them to guarantee the interests of beings incapable of drawing such contracts (Felipe 2005, 33; Singer 1988, 224).²

1 An apophatic line of thought is based upon the definition of something by its negation, viz., by saying what it is not.

2 Similar to the sense of justice, rationality in Rawls’s sense is considered a range property that does not depend on our decisions and actions but on our nature (Rowlands 1997, 242-243). Due to this specification, the knowledge that one is a rational agent can be bracketed off in Rawls’s original position. Thus, it makes room for the just treatment of some non-rational beings, such as animals. The elaboration of the rationality argument goes even further by saying that human interests regulated by the bodily condition are similar to these affecting non-rational beings (Singer 1998, 226).

On the other hand, the extension of Rawls's theory also shows why animals' *lack of ability to be just* is not a problem of their just treatment on the human's part alone. The reason is that it does not clarify what such a treatment should look like, viz., which human *ability* should be adopted for one to deal with an animal *disability* to be a rational agent in a just manner.

Consequently, some other researchers also agree that Rawls's idea of developing a metaphysical theory that should provide a relevant understanding of the relationships between humans and animals "does not fall within the purview of *Theory [of Justice]*, nor, as it transpires, of any of Rawls's subsequent works" (Abbey 2007, 8-9). However, they examine how Rawls's legacy can be developed in positive (non-apophatic) terms. Such an examination concerns recognizing "humans' treatment of animals beyond the sphere of justice but within the requirements of morality" (Abbey 2007, 9). Thus, when discussing justice for animals, one's strive for the elaboration of "other ethical vocabularies" (Abbey 2007, 9) points towards "Looking beyond the vocabulary of rights" (Abbey 2007, 16). The general outcome is that applying Rawls's theory of justice to animals is possible only if justice is no longer considered in terms of rights but rather in terms of human moral duties to animals.

The specification above raises the question of whether or not replacing the issue of just treatment of animals with a moral treatment may guarantee that humans themselves will always feel obliged 1) to take up *duties* towards animals and 2) to take up *the 'right' duties* towards them. The first concern derives from the fact that similar to legal human rights, which are considered closely tied *with*, but still irreducible *to* moral human rights, animal moral rights cannot be entirely isolated from the possibility of having legal rights. That is why I argue that this concern is about the recognition of animal claim rights which address the conduct of humans as duty bearers, as well as being "simply enjoyed rather than exercised" by the animals as right holders (Stucki 2020, 537). In turn, the second concern regarding the 'right' duties is about the distinction between what one can identify as the negative right not to be killed (a right to non-interference) and the positive one of flourishing (Stucki 2020, 538), as exercised by multiple *types* of addressees of justice *in time*.

2 Comparing and contrasting different approaches to justice

Regarding the choice of the justice frameworks, I use environmental justice (justice *among* humans on environmental issues and risks) and ecological justice (justice *to* non-human nature) (Baxter 2005; Schlosberg 2012; Kortetmäki 2017; Wienhues 2020)

as a starting point. Consequently, the temporal continuity of the changing recipients of justice is analyzed as refracted through the lens of intra- and intergenerational justice (Adams et al. 2004; Wissenburg 2006; Glotzbach and Baumgärtner 2009). They address not only the current and future human individuals and generations but also these of non-humans, as intrinsically related to the human ones.

When discussing the successful application of the capabilities-based approach in human-animal studies, I argue that one should introduce one more type of justice. It should clarify how humans can make just decisions on *animals' behalf* and for their *own sake*, even though animals lack moral autonomy. As an eligible candidate in this respect, I point out multispecies justice³ based upon capabilities-centered approaches (Chao et al. 2022, 4-5). Specifically, multispecies justice can contribute to avoiding one of the most significant risks in a multispecies environment,⁴ viz., the risk of ventriloquism when one speaks “for” and speaks “of” others (Appadurai in Chao et al. 2022, 4). Elaborating upon Appadurai’s conception of the risk of ventriloquism, I argue that the latter has two primary embodiments: 1) when one speaks “for” animals that cannot speak, one may be tempted or misled to speak *on their behalf*, believing that it is humans who have the *ability to know and do what is just* for the animals and 2) when one speaks “of” animals, one may be tempted or misled to speak *for their own sake*, believing that it is humans who have the ability to *know and do what is best* for the humans.

In turn, the two embodiments of the risk of ventriloquism can be described as delineating the field of injustice, which environmental and ecological justice, in Schlosberg’s sense, fight against. Specifically, I argue that while the risk of speaking “for” others is an object of significant criticism in the scope of environmental justice, this of speaking “of” others is what consolidates the researchers in the field of ecological justice.

Based upon a comparative analysis between the methods of environmental, ecological and multispecies justice from both intra- and intergenerational perspectives, the current article aims to demonstrate why capabilities-based multispecies justice can

3 I adopt the definition of Chao et al. of multispecies justice influenced “by Western continental philosophy and political theory related to rights and capabilities” (Chao et al. 2022, 4). I also refer to Celermajer et al.’s theory of multispecies justice by extrapolating it beyond environmental and political theories (cf. Celermajer et al. 2020, 3).

4 In other words, multispecies justice based upon capabilities-centered approaches can make room for the so-called relational justice (Lynch 2021, 119). One of the significant benefits of expanding relational justice to animals can be found in the elaboration of the so-called affective equality in terms of encouraging affective care, viz., making one responsive to others’ vulnerabilities (Lynch 2021, 125, 131-132).

provide some benefits in overcoming the so-called ecological vulnerability. The analysis is focused on the latter's embodiments into some *either-or* dilemmas to reveal the origin of the associated "unequal vulnerabilities" (Chao et al. 2022, 5) in the context of animal positive and negative rights.

3 Challenging the capability approach in some *either-or* dilemmas

Nussbaum introduces the capability approach to avoid the pitfalls of utilitarianism and Rawls's contractarianism regarding animal welfare. The approach in question addresses the way of providing animals with rights "according to what they need to develop their powers and to flourish in their particular fashion" (Abbey 2007, 13). Specifically, Nussbaum sets the mistreatment of animals as an issue of justice by recognizing compassion not as a feeling but as a duty to refrain from causing suffering to animals (Nussbaum 2006, 336).⁵ Therefore, if one's act causes suffering to an animal, "a direct duty would stem from compassion to refrain from, inhibit, or punish such acts" (Davidson 2018, 16; Nussbaum 2006, 336). Certainly, compassion can be evoked by an animal dying in a fur trap or an animal dying of a naturally occurring disease (Davidson 2018, 16; Nussbaum 2006, 336).⁶

However, these scenarios describe different cases of vulnerability. In the first case, the animal is not only a *subject* (due to its incapability of coping with the environment) but also an *object of vulnerability* (provoked by human actions). In turn, in the second one, the animal is an *unavoidable object* of vulnerability triggered by circumstances beyond its control, which displays a case of *tragic exposure*.

Judging by the specifications above, I argue that one should not only disenchant the origin of the unequal vulnerabilities but also consider that within the latter group, some 'unequal' vulnerabilities are 'more unequal' than the rest.⁷ That is why one can argue not only for *multispecies vulnerabilities* but also for the issue of vulnerabilities as a problem of *multispecies justice*.

5 Nussbaum discusses the reevaluation of the role of compassion and humanity in Rawls's view on animals, viz., how animals' capability of feeling pleasure and pain necessitates the imposition of duties of compassion and humanity (Rawls 1971, 512; Abbey 2007, 6, 19, n25).

6 The introduction of the duties of compassion is underlain by the assumption that humans cause suffering. As a result of these duties, "animals have direct rights not to be treated that way" (Davidson 2018, 17).

7 Nussbaum is aware of this contradiction, arguing that the omission of human blame is one of the most significant problems with granting rights, which are based on human-animal relations of compassion (Nussbaum 2006, 336).

To exemplify some pitfalls regarding the capability approach to animals, I examine an *either-or* dilemma of a multispecies origin, viz., a hypothetical scenario of how one can decide whether or not to kill an endangered animal to feed a child who will otherwise die of starvation (cf. Serafimova 2019, 89-90).⁸ Before going into detail, I would like to clarify that the *either-or* dilemma is not set as a tragedy but as a generated disaster in the sense of Celermajer et al. (2020, 1). This means that the lives of the starving child and the endangered animal are put at stake as a result of an ecological disaster “generated by industrialization and capitalism” that “cannot be contained by standard notions” of the concept of injustice (Celermajer et al. 2020, 1).

The choice of the endangered animal in the hypothetical dilemma is also motivated by the concern that Nussbaum evaluates the suffering of the different types of animals differently. When extrapolated, the application of her theory raises the issue of how to treat, e.g., some domestic animals, such as chickens, which can be used for the ultimate end of being painlessly killed for meat (cf. Davidson 2018, 26).⁹ Suppose that one prefers the chicken over the endangered animal in the *either-or* dilemma. Then, one should take into account the following specifications. First, chickens’ vulnerability cannot be associated with the negative right not to be killed since their existence is “permeated with the notion of being an end for human use” (Davidson 2018, 26). Second, human use of animals for food requires a broader analysis of coupling vulnerabilities with rights, precisely when one defines an animal’s dignified life through the right not to be used as a human end or benefit.

In this context, Nussbaum’s capability approach raises the issue of unequal vulnerabilities as initially related to intra- and intergenerational justice. Specifically, the difference is embedded in the different prospects of having a dignified life in a multispecies environment (Davidson 2018, 17), considering that the child and the endangered animal need different capabilities to live such a life¹⁰ in time. By contrast to humans,

8 The introduction of the capability approach to preserve endangered animals is discussed by Sen as well (Sen 2004, 10-11). However, as Schlosberg cogently outlines, preservation is evaluated merely from the human perspective on intergenerational justice. This means that future human generations should have the freedom to enjoy the same environmental benefits (e.g., clean air and rare species) as the earlier generations (Schlosberg 2007, 143).

9 Another reason for choosing an example with an endangered animal and not with another animal, such as a tiger, as is in Nussbaum’s example (Nussbaum 2006, 370), is that it does not meet the requirements of a generated disaster in the sense of Celermajer et al. Killing prey, the tiger causes an unequal vulnerability in purely physical rather than moral terms.

10 Melin and Kronlid cogently point out that by adopting the concept of the capability to “denote simply an ability, Nussbaum waters down the concept and makes it less meaningful” by questioning the value of freedom of choice within the capability approach (Melin and Kronlid 2016, 60).

who can choose how they want to live their lives due to the human species' capability to reflect upon their choices and respect the rationally considered choices of others, respect for animals' life is simply a matter of "letting it live the kind of life that is characteristic for it" (Melin and Kronlid 2016, 60).

That is why one may argue that while the *capability* of the human *species* to live a dignified life determines intra- and intergenerational justice on both individual and collective levels, the corresponding capability of animals is rather species-oriented. Specifically, animal *species-ability* determines intra- and intergenerational justice for the endangered animal in the *either-or* dilemma to live life as it is.¹¹

On the other hand, one may ask why the comparison between human and animal capabilities is not refracted through the lens of Nussbaum's distinction between basic, internal and combined capabilities of animals (Nussbaum 2006, 361),¹² precisely, by comparing a child's basic capabilities with these of an endangered animal. Suppose some basic capabilities of a newborn can include both the capability of seeing and feeling love and gratitude. Then, the unequal vulnerabilities experienced by the starving child and the endangered animal should be related to the basic capabilities of seeing, hearing etc., which are physical abilities or compared with different (in their meaning) capabilities. The latter, however, include incomparable love and gratitude for humans and animals, regardless of their similarities. That is why the moral dilemma about the starving child and the endangered animal is analyzed by choosing the capability for a dignified life as a starting point.

4 The capability approach in the field of environmental justice

According to Schlosberg, environmental justice movements share different understandings of justice, focusing on distributive justice, political participation, recognition

11 For some risks of ascribing capabilities "both to normal, adult humans and sentient animals", see Melin and Kronlid 2016, 60. Nussbaum also points out that "a human child with severe mental impairments is still different from a chimpanzee, even if they have comparable cognitive capacities" (Davidson 2018, 19; Nussbaum 2006, 363).

12 According to Nussbaum, while basic capabilities denote the intrinsic "characteristics of humans that are needed for developing more advanced capabilities," internal capabilities display "developed states" of individuals that enable them to exercise different functionings such as political participation. In turn, combined capabilities represent internal capabilities associated with some "external conditions that are necessary for the exercise of certain functionings"; e.g., the combined capability of political participation depends not only on an internal capability but also on given social and political conditions (Melin and Kronlid 2016, 59; Nussbaum 2000, 84-85).

and the link across them while neglecting the articulation of the capability approach¹³ (Schlosberg 2007). Compared to ecological justice, Schlosberg's attempt at introducing the capability approach within the field of environmental justice is more abstract, as well as displaying the idea of conflict on a more general level. Specifically, he argues that the conflict between human and non-human capabilities (cf. Cripps 2010; Schlosberg 2013, 45) is set against the background of "the broader justice aim of providing for basic needs and enabling the functioning of both individuals and communities" (Schlosberg 2013, 48).

Based upon Schlosberg's theory, I see the following issues requiring moral reconsideration. First, the capability approach is supposed to guarantee the satisfaction of the *basic needs of both human and non-human* beings in a *sufficiently just manner*. Second, the basic needs of both *individuals and communities* should be reasonably satisfied from *both short- and long-term perspectives*.

Going back to the hypothetical dilemma of *either-or*, I argue that the contribution of environmental justice can be found in how it refracts the issue of human-non-human capabilities through the lens of positive and negative rights. In other words, the benefit of environmental justice is that it raises the debate about how humans can take up the duty to decide justly *on behalf of* other beings which cannot decide by themselves.

Certainly, the child and the endangered animal deserve respect for their dignity and intrinsic potential to flourish. These specifications, however, do not contribute much to clarifying whose dignity and flourishing matter 'more' when two negative rights not to be killed are at stake. In addition, the moral dilemma does not shed light on the issue of how ethical decision-making can affect individuals and their communities. The reason is that this is the one-to-one scenario (one child-one animal scenario) which does not give us a clue how exactly the decision for the individuals based upon their capabilities affects the communities in both short- and long-term perspectives. Returning to Melin and Kronlid's specification that animals live the kind of life characteristic to them shows that when one favors a particular type of collective intergenerational justice, one may raise some concerns about ecocentrism. Considering that animal capability to live is species-oriented and the animal in the *either-or* dilemma is one of the last of its species, one may prioritize its negative right not to be killed over that of the child. The assumption is that many new children will be born in the future.

13 Schlosberg argues that Bryner (2002, 31-56) is the only one who mentions Sen's capability approach in the context of environmental justice in the U.S. However, Bryner does not discuss expanding the role of capabilities and functioning of individuals and communities but focuses on Sen's understanding of freedom (Schlosberg 2007, 78).

The issue is additionally complicated if the problem of sentience¹⁴ is introduced into the debate. Nussbaum argues that “no sentient animal should be cut off from the chance for a flourishing life, a life with the type of dignity relevant to that species...” without providing a particular suggestion of how this could be done in practice (Nussbaum 2006, 351). For instance, she claims that the killing of a cow is a “graver harm” than “the killing of a shrimp, which is relatively non-sentient and cannot feel any significant pain” (Nussbaum 2006, 386; Davidson 2018, 24). Furthermore, the decision-making process is getting more ambiguous when the difference between sentience and non-sentience is considered a necessary and sufficient condition for making life-and-death decisions, as is in *either-or*-generated disasters.

In this context, the question is how environmental justice can avoid radical anthropocentrism when implementing the so-called direct obligations of justice to animals. Specifically, the issue is how one can comply with such obligations to prevent the risk of turning sentience into a criterion of prioritizing a child’s life by default. If so, however, one may witness another type of species-oriented justice. This is when intergenerational collective justice for humans is considered a necessary and sufficient condition of prioritizing a child’s negative right not to be killed over that of the animal, assuming that humans, as sentient, have a ‘higher’ moral right to survive than the representatives of the less sentient species.

In addition to Schlosberg’s relevant concern that even if we accept that animals’ intelligence is “real”,¹⁵ “we would still do not know how to enter into a contract with them” (Schlosberg 2007, 161), I point out the following. One can support the preservation of an endangered animal (regardless of being more or less conscious) if the preservation affects *its positive right of flourishing alone*. Therefore, we may find some good reasons to affirm the positive right of flourishing if the preservation is set beyond the debate about *either human or animal negative right not to be killed*.

14 Nussbaum applies the concept of sentience in different senses to humans and sentient animals (Melin and Kronlid 2016, 58). Even if one agrees that sentient animals “can act intelligently” to reach certain ends, they do not have the same ability as humans to reflect upon them (Melin and Kronlid 2016, 58). Furthermore, even if many animals “exhibit a degree of instrumental rationality, the idea that they reason practically in any greater sense” points toward the risk of applying “a theory designed for humans” to animals (Abbey 2007, 17n5).

15 For the challenges brought about by Nussbaum’s understanding of animal sentience, see Schlosberg 2007, 147-148.

5 The heritage of environmental justice. Some risks of new welfarism for ecological justice

As Davidson cogently points out, Nussbaum's "failure" to "fully extend her approach to provide a complete set of rights for other species" fits "quite well into a phenomenon that Gary Francione calls 'new welfarism'". This is "'a hybrid position' with a long-term goal of animal rights, but a short-term goal of animal welfare" (Davidson 2018, 31; Francione 1996, 3). Extrapolated to Nussbaum's approach, "new welfarism" is that "she views it as 'wise' to focus first on banning cruelty, then move 'gradually' in the direction of a consensus against killing 'at least the more completely sentient [animals]'" (Davidson 2018, 31-32; cf. Nussbaum 2006, 394). Nussbaum herself tries to overcome this methodological deficiency 1) by bringing the full power of the decision-making back to humans, viz., by rehabilitating their ability as rational agents to make just choices on the *animal subjects' behalf* and 2) by postponing the species' justice in time, viz., by postponing intergenerational justice on both individual and collective levels.

Specifically, the primary concern about such welfarism is that when arguing for *animals' own sake*, one should determine the capability of flourishing (having a less cruel life) before that of surviving (regarding the consensus against killing). An animal should have a dignified (less cruel) life here and now, which is considered a just treatment for the *animal's own sake* in the future. On the one hand, welfarism favors intragenerational justice for animals, which is determined merely through the positive right of flourishing. On the other hand, the animal's negative right not to be killed is envisioned for their intergenerational justice alone. Therefore, the problem is that welfarism supports *ecological justice* as a narrow form of *intragenerational justice*. The result is that instead of reducing the unequal vulnerabilities in a multispecies environment, ecological justice hides the risk of introducing another dimension of inequalities — temporally determined vulnerabilities.

6 The capability approach in the field of ecological justice

Schlosberg provides a new approach to ecological justice by recognizing a set of capabilities as an evaluation criterion of the system's wholeness rather than the given individuals. According to him, there would have been "a way to define not only what an ecosystem, for example, would *need* to flourish, but also that the ecosystem itself would *want* to flourish, and flourish in a particular way" (Schlosberg 2007, 153). Ecological justice, as such, addresses "the interruption of the capabilities and functioning

of a larger living system—what keeps it from transforming primary goods into capabilities, functionings, and the flourishing of the whole system” (Schlosberg 2007, 148-149).

In this context, the most apparent methodological problem is that humans can recognize whether or not an ecosystem would want to flourish merely by analogy with the human understanding of what *want* and *flourishing* are. If so, however, there is a risk that some unequal vulnerabilities can be experienced not only on a multispecies level but also on an intraspecies one. In other words, addressing collective intra- and intergenerational justice for the ecosystems, ecological justice may underrate intra- and intergenerational justice for the given individuals, especially when the injustice for individual animals does not directly affect the species’ justice.

Certainly, Schlosberg’s criticism of Nussbaum’s approach regarding individual creatures¹⁶ rather than focusing on “a broader notion of ecological justice” (Schlosberg 2007, 147) has its well-grounded reasons. No one can deny that “damage to the species occurs through damage to individuals” (Nussbaum 2006, 357). However, not every single damage to an individual damages the species by default and vice versa. Damage to the species affects individuals, but not necessarily all of them, nor are they used to being affected similarly. Underrating the complexity of the relationships between individuals and collective entities simplifies the relations between their negative rights not to be killed and the positive rights of flourishing.

Going back to the hypothetical scenario of the starving child and the endangered animal, I argue that if ecological justice prioritizes system wholeness over justice for individuals, one may face already discussed risk in the field of environmental justice, viz., when the animal is endangered, and the human species continues to exist even if one child is sacrificed, then the *either-or* dilemma can be solved in favor of the animal. Therefore, similar to how the issue is set in the debates about environmental justice, intergenerational justice for the animal species is considered a necessary and sufficient condition of violating intra- and intergenerational justice for the child. The assumption is that the violation does not generally affect intergenerational justice for humankind. However, if such a species justice is introduced, it would be a utilitarian type of animal justice that prioritizes collective animal wellbeing at the expense of human individuals.

On the other hand, if the capability approach is about flourishing, “and most animals flourish in particular environments,” flourishing should contribute to the relationships that make the system whole (Schlosberg 2007, 148). Consequently, damage

16 According to Schlosberg, Nussbaum’s individualistic interpretation “unnecessarily limits the reach of a capabilities approach in a theory of ecological justice” (Schlosberg 2007, 148).

to species provoked by the loss of habitat, ecological support systems, symbiotic relationships etc., leads to damage to the ecosystem as a whole (Schlosberg 2007, 147).

What I consider problematic in Schlosberg's interpretation of species extinction is the unclear turning point when intra- and intergenerational justice for the individual animals begin to matter for the collective intra- and intergenerational justice on a species level. Practically speaking, the issue is when the number of endangered animals becomes exhaustive. For instance, killing one endangered animal to feed a child may not threaten the whole population of endangered species, but what about the second, third etc.? Furthermore, what about the case when the endangered animal is the only representative of its species? Consequently, can one recognize when sacrificing the starving child for the sake of saving the endangered animal can turn into a threat to human extinction? In addition, even if one knows that the human species will not die when one child dies, can one make a just decision for the child, considering that we do not know how the child's life project develops in time?

Extrapolating the *either-or* scenario to the realm of the positive right of flourishing raises the next set of questions. Is a system possible to keep flourishing if merely some of its members flourish? And if so, when does individual flourishing begin to matter? It is clear that many systems flourish when given individuals suffer and die, which is an inevitable part of the life cycle.

Another point in Schlosberg's interpretation that deserves special attention is his suggestion of maintaining the balance between collective and individual capabilities. Considering that the capabilities approach 'enriches' ecological justice by "bringing recognition to the flourishing of *systems* as a whole *as well as* the individual animals" included by Nussbaum (Schlosberg 2007, 148), we "should not automatically use a list of human capabilities to apply to all other animals, or interpret those particular capabilities in the same way as we apply them to other creatures; rather, we should be informed by the way of life of animals in coming to understand the capabilities necessary for them to fully function" (Schlosberg 2007, 154).

However, providing such a specification does not sufficiently reduce the risk of strong anthropocentrism since the recognition of animal capabilities continues to depend upon human information and associated human understanding of their functioning. Furthermore, one should also remember that the relationship between information and understanding is not unquestionable by default. For instance, in addition to the risk of not being informed enough about some animals' capabilities, humans can be adequately informed but still unable to understand or deliberately deny the understanding that concerns the functioning of these capabilities. Another general difficulty is that

animals differ in between on a species level as well. That is why one cannot argue for animals as a homogenous category.

To overcome at least some of the most crucial moral concerns about the analogical thinking between human and animal capabilities, one should first recognize how animals can ‘participate’ in a morally justifiable way in the decision-making process without entirely relying upon similarities with humans.

Consequently, to go beyond the contradictions of human analogies in cognition, one can change both the objectives and the way of knowing, as refracted through the lens of multispecies justice. This means that humans should accept that decision-making triggers the feeling of discomfort brought about by the condition “of never fully knowing, but continuing to strive” (Celermajer et al. 2020, 10). Thus, instead of determining cognition as an accumulation of cognitive knowledge alone, one may focus on the capabilities of understanding and communicating, as evaluated from our initially limited capability to understand others.

7 The role of capability approach for animals in the field of multispecies justice

The introduction of multispecies justice in the debates about human-animal studies can contribute to solving some *either-or* dilemmas by reconsidering the subject of justice as such (Celermajer et al. 2020, 2). Specifically, I argue that multispecies justice, which “can recognize the multiplicity of different types of being” (Celermajer et al. 2020, 2), can reduce these *either-or* dilemmas which meet the definition of ecologically generated disasters in the sense of Celermajer et al. (Celermajer et al. 2020, 1).

Setting the multispecies justice’s objective of focusing on the human ability to reconfigure the relational webs of human and non-human beings (Celermajer et al. 2020, 2), one may deconstruct the *either-or* generated disasters by deconstructing the underlying ontologies of separateness (Celermajer et al. 2020, 3). Thus, one can disenchant the recognition of humans and animals as separate entities whose interactions are determined from the perspective of human criteria of justice as a starting point. That is why the successful questioning of justice based upon ontologies of separateness assumes one to accept that it is not the ontologies as such that necessitate the separation but the human lack of capability to avoid the generation of systematic injustice (cf. Celermajer et al. 2020, 12).

Based upon the investigations above, I argue that a worthwhile project of capabilities-based multispecies justice can be fulfilled if it meets the following three requirements, at least. First, refracting the idea of justice through the lens of multispecies jus-

tice benefits the recognition of the so-called relational justice (Lynch 2021, 119), which can reduce the experience of unequal vulnerabilities. Second, suppose relational justice encourages affective care on a multispecies level. In this case, it can contribute to determining animals not only as moral subjects due to having some moral considerations but also as moral patients who are legitimate objects of moral concern (Rowlands 2017). In addition, relational justice can redefine the criteria of fairly treating animals through the practices of empathic imagining and creative engagements (Chao et al. 2022, 5).¹⁷ Third, suppose that animals are considered moral subjects and moral patients in Rowlands's sense (2017). Then, the unequal vulnerabilities will be substantially reduced in place and time by extending the implications of intra- and intergenerational multispecies justice as a matter of planetary justice (cf. Biermann and Kalfagianni 2020).

8 Conclusion

The primary objective of this paper is to demonstrate why the introduction of capabilities-based multispecies justice can contribute to overcoming some pitfalls faced by both environmental and ecological justice in Nussbaum's and Schlosberg's theories. Specifically, I argue that it can provide some relevant suggestions for tackling intra- and intergenerational justice dilemmas triggered by *either-or* ecological disasters in the sense of Celermajer et al.. For instance, human-generated disasters may put the negative rights of the representatives of two species (such as a child dying of starvation and an endangered animal) at stake.

On a macro-methodological level, I find the crucial benefit of multispecies justice in disenchanting the moral risks rooted in animals' disabilities to participate in just decision-making. The risks in question are defined as underlain by two types of ventriloquism in Appadurai's sense, viz., by how humans speak "for" and speak "of" non-humans. Consequently, I consider investigating these risks as a necessary condition for recognizing the primary objectives of environmental and ecological justice.

While Nussbaum's and Schlosberg's theories of environmental justice hint at how one can make just decisions "for" animals which can never become moral agents, ecological justice, in Schlosberg's sense, reveals how humans can make such decisions *on animals' behalf*. In this context, I argue that the risk of ventriloquism in environmental justice shows why humans should avoid making decisions *on behalf of animals* by

17 While Chao et al. argue for "sympathetic imagining", I would claim that empathic imagining can expand the process of co-feeling to that of co-understanding, making one *feel* and *try to understand* what it means *to be in someone else's shoes*.

thinking or being misled to believe that they *know and do what is just for the animals*. In turn, the risk in ecological justice shows why humans may believe or be misled to believe that *they know and do what animals consider best for themselves*.

Based upon the specifications above, I conclude that even if ecological justice, in Schlosberg's sense, provides some additional benefits, viz., arguing not only *on behalf of animals* but also *for their own sake*, it inherits the pitfalls faced by environmental justice. Specifically, ecological justice inherits the problem with unequal vulnerabilities in some *either-or* dilemmas, evaluated from intra- and intergenerational perspectives.

The scenario of *either one child or one animal* does not give a definite answer to how individual capabilities affect the development of the associated species in both short- and long terms. That is why I argue that if humans decide *on behalf of* animals, they may raise the risk of intergenerational ecocentrism or anthropocentrism.

On the one hand, some unequal vulnerabilities can be experienced due to prioritizing animal-oriented (collective) intergenerational justice, which necessitates the recognition of intragenerational justice for the endangered animal. Since intergenerational animal justice is achieved at the expense of intragenerational justice for the starving child, it indirectly affects the associated intergenerational justice for the human species.

On the other hand, any unequal vulnerabilities may result from the human species' intergenerational justice encouraging intragenerational justice for the starving child. In turn, the encouragement in question is grounded at the expense of intra- and intergenerational justice for the endangered animal which belongs to a species threatened by extinction.

In this context, I point out two more substantial challenges to ecological justice, which concern the experience of unequal vulnerabilities on a multispecies level in both short- and long terms. The first is the risk of the so-called new welfarism in Francione's sense. My general objection is that adopting such an approach triggers the paradox that an animal's capability of flourishing (to live a less cruel life) is determined before that of not being killed. While intragenerational justice for animals is based upon the positive right of flourishing, recognizing the negative one of not being killed is postponed to intergenerational animal justice.

The second challenge addresses how Schlosberg focuses on extrapolating the capability approach to a system level. Certainly, introducing a broader notion of ecological justice may go beyond Nussbaum's difficulties when discussing individual capabilities. However, I point out the risk that unequal vulnerabilities may be experienced not only on a multispecies level but also on an intraspecies one. The first concern is that not

every single damage to an individual damages the species by default and vice versa. In turn, the second concern is that many systems still flourish when given individuals suffer and die, which raises the issue of when the number of endangered animals becomes exhaustive for the species.

Comparing and contrasting the challenges and the benefits of the capability approach in environmental and ecological justice fields, I conclude that we should argue not only for *multispecies vulnerabilities* but also for vulnerabilities as a problem of *multispecies justice*. As one of the significant contributions of the latter, I point out how it can reshape the idea of justice by replacing the ontologies of separateness underlying the just treatment of humans and animals with relational webs between them. This clarification makes me argue that the so-called relational justice, in Lynch's sense, results from introducing capabilities-based multispecies justice. In turn, the benefits of relational justice can be found in building affective care on a multispecies level and substantially reducing the unequal vulnerabilities experienced by animals, precisely by granting them the status of what Rowlands calls moral subjects and moral patients. In this context, the vulnerabilities in question can be reduced in space and time, paving the path of intra- and intergenerational multispecies justice toward planetary justice.

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