

Service Dogs: Between Animal Studies and Disability Studies
Kelly Oliver, Philosophy, Vanderbilt
Forthcoming in *philoSOPHIA: a journal for Continental Feminism*, Fall 2015.

Abstract

Examining the ways in which we view service dogs not only reveals problematic assumptions in both animal studies and disability studies, but also can show us a way forward that may be more promising for considering interspecies interdependence. Some versions of feminist care ethics and feminist ethics of vulnerability have explicitly or implicitly based their notions of embodied dependence on the denial and disavowal of our dependence on nonhuman animals. Service dogs are legally defined as equipment rather than companions, which works to disavow our dependence on them. Turning our focus on service dogs makes us aware that the functionality valued in these animals is akin to the functionality valued in mainstream ideas of integration of persons with disabilities. As an alternative to feminist care ethics or feminist ethics of vulnerability, along with traditional Kantian or Utilitarian ethical approaches to both human and nonhuman animals, I propose an ethics based on interspecies interdependence, one that includes nonhuman animals, on the one hand, but doesn't define their value, or the value of their human counterparts, in terms of functionality, on the other.

Service Dogs: Between Animal Studies and Disability Studies

For the at least the last thirty years, there has been an on-going debate between animal studies and disability studies on the comparative status of highly intelligent animal species versus severely cognitively disabled human beings when it comes to membership in the moral community, which was spearheaded by Peter Singer's claims that some animals should have more rights than some humans based on their intelligence and functionality (see Singer 1999, 2009; see also McMahan 2009). Eva Kittay and other disability scholars, especially feminists, have responded with outrage, along with compelling arguments. In this essay, I consider beings whose intelligence and functionality put them at the intersection of animal studies and disability studies, and embody some of the contradictions within both discourses, namely, service dogs. Obliquely engaging the Singer-Kittay debates, I suggest that both sides make questionable assumptions about humans and animals, which come to the fore when considering service dogs and their human companions.

Specifically, I focus on the notion of functionality in relation to issues of dependence and independence in order to rethink the human animal divide in terms of what Cynthia Willett calls "interspecies ethics" (2014). While endorsing Kittay's claim that we have an ethical responsibility to that which sustains us, I challenge her feminist ethics of dependence insofar as it is limited to interdependence between humans and discounts or disavows our dependence on nonhuman animals. The feminist insistence on acknowledging the fact that women perform most of the labor of dependence (child-care, sick-care, care for the elderly, care for the disabled) that enables independence-- what Kittay calls the "labor of love"--should not be based on the disavowal of the ways in which our dependence on nonhuman animals enables our independence (Kittay 1998).

Furthermore, in both animal studies and disability studies, too often both animals and humans are discussed explicitly or implicitly in terms of their abilities or functionality wherein the goal is to become highly functional, wherein functionality is defined in terms of production, or in the case of humans, to become productive members of society. Focusing on service dogs makes clear some of the problems with reducing human or nonhuman animals to their functionality. Although it has been politically important in terms of advancing disability rights, the goal of integration is problematic insofar as it reduces people to their functionality. Following Julia Kristeva's criticisms of the notion of integration when it comes to people with disabilities, I suggest an ethics of proximity based on interspecies companionship. Rather than a utilitarian ethics based on intelligence as the criteria for membership in the moral community, or a feminist ethics of care that acknowledges only dependency relations between human beings, or even a feminist ethics based on embodied vulnerability rather than autonomy, I propose an ethics based on interspecies interdependence, particularly emotional interdependence and companionship.

The Ambiguous Status of Service Dogs

Technically, only specifically trained dogs (and some miniature horses) that serve as physical or psychiatric, but not psychological, therapy, or emotional, support, are legally considered *service animals*.¹ Rather than pets, companions, or even helpers, the law describes service animals as akin to *tools* that enable disabled people to navigate the world.² Government reports describing the difference between pets and service dogs,

compare service animals to *equipment* like “assistive aids such as wheelchairs.”³ Recently, Martha M. Lafferty, Tennessee Disability Law and Advocacy Center, legal director, told reporters, “Look at the dog like it’s a wheelchair. Would you ask someone a bunch of questions about a wheelchair?” (Gonzalez 2014) Furthermore, the Justice Department requires all service dogs to be specifically trained to perform certain “tasks.” They must *do* something. They must perform a service such as guiding, picking up dropped keys, counterbalancing dizziness, or turning on lights. The calming or therapeutic effect of their company is not enough. The laws are clear that these animals are “tools” used for very specific tasks.⁴

But, laws can’t prevent people from becoming emotionally attached to their service animals. And, laws don’t prevent these animals from providing companionship. As anyone who shares their life with one will tell you, service animals do much more for their human partners than turn on lights or pick up keys. Yet, in spite of growing evidence of mental and physical health benefits from having animals at home, our psychological and emotional relationships to animals continue to be circumscribed by laws that reduce them to forms of property (see Francione 1995, Jaspers 2006). This ambivalent attitude towards service animals is manifest in the military, where dogs have served along side U.S. service men and women for decades.⁵ New programs offer dogs as service animals or as pets to military personnel suffering from post-traumatic stress or emotional problems resulting from war and active military duty.

Following federal policy, however, the military is clear that emotional support animals are not service animals; and that service animals are still the only animals legally protected under the ADA. Following federal policy, the military continues to draw sharp distinctions between companion animals and service animals. Legally, the former are considered pets, while the latter are “viewed as equipment.” While they can no longer be discarded as used equipment and left in warzones, military service dogs are still defined as equipment: “As the Canine Members of the Armed Forces Act became attached to the larger National Defense Authorization Act for 2013, a key part of the legislation was noticeably omitted before the President signed on the dotted line....It was decided by the Senate that to get the bill passed they had to take out a portion of it. That portion was the reclassification of the Military Working Dogs from Equipment to Canine Members of the Armed Forces” (Dogtime Staff 2013).

While the emotional connection between humans and companion animals (in this case dogs) is being studied and proving significant to the scientific community, and while “pet owners” testify to the importance of their companion animals to their everyday well-being, in terms of public policy, the status of these animals is ambiguous. Their importance as tools or equipment is acknowledged, while the importance of their emotional support is either suspect or must be quantified in terms of functionality.⁶ In other words, these animals are valued in terms of what tasks they perform and how those jobs enhance the performance of human beings. Furthermore, all of these studies, and discussions about them, revolve around the benefits for humans rather than whether or not there are benefits for the animals themselves.

Focusing on the status of service dogs puts us at the intersection of disability studies and animal studies. In this essay, I argue that examining the ways in which we view service dogs not only reveals problematic assumptions in both discourses, but also can show us a way forward that may be more promising for considering interspecies interdependence.

At the heart of this essay, I examine the ways in which service dogs are legally defined as equipment rather than companions, and how that enables our disavowal of dependence on them. The fact that service dogs are seen to provide more independence for the people they serve, indicates that we discount our dependence on nonhuman animals. Furthermore, it is telling that service dogs are defined in terms of their function. They are trained to perform certain functions and tasks. I argue that the functionality valued in these animals is akin to the functionality valued in mainstream ideas of integration of persons with disabilities. I conclude with a notion of interspecies interdependence to suggest a path forward, one that includes nonhuman animals, on the one hand, but doesn't define their value, or the value of their human counterparts, in terms of functionality, on the other.

Are We All Disabled?

Focusing on the status of service animals highlights a tension within disability studies. First, some disability theorists suggest that disability is something all human beings share rather than something that separates one group off from the mainstream. For example, Eva Kittay points out that every human being starts her life completely dependent upon care-givers, un-able to care for herself, most people's lives end with complete dependence or disability, and at some times, we are all rendered temporarily disabled by injuries and illness (1999). Dependence and independence, then, are always interconnected and matters of degree rather than of kind. Rosemarie Garland Thompson claims, "Disability, like gender and race, is everywhere, once we know how to look for it. Integrating disability analyses will enrich and deepen all our teaching and scholarship...for the benefit of everyone. As with gender, race, sexuality, and class: to understand how disability operates is to understand what is it to be fully human" (2002 28). Of course, it is crucial to note that just because race and gender are everywhere does not mean that we are all black women, or white men for that matter. Garland Thompson develops the notion of *misfit* to describe differential levels of disability defined in relation to the ease of fitting into the built environment. Still, she concludes, "what we call disability is perhaps the essential characteristic of being human" (2012 28).

If dependence and disability are part of the human condition, and perhaps the condition of life itself, and if companion animals can help people cope with their limitations, we might ask, Do we all need service animals? Now, every year, thousands "sign up" for emotional support animals, put "official" vests on their dogs, and thereby publicly announce that they are disabled.⁷ For example, one website selling vest for dogs says, "SDA recognizes that every person in America may have some form of disability...Service Dogs America can assist you in your desire to have your animal identified as a service dog." Has what used to be "a standard prop of indigents and poster children" as Garland Thompson says, become the new normal (2002 24)? Or, does the proliferation of pets passing as service animals give service dogs a bad name, as when a reporter for *The New Yorker*, armed with a letter from an online doctor, went undercover with a turtle, a lama, and then a turkey to see how far she could go in Manhattan before someone stopped her. No one did. Or, recently when a US Airways flight was forced to make an emergency landing when an emotional support dog had several diarrhea attacks that triggered vomiting amongst passengers? Perhaps, our emotional support animals need emotional support critters of their own. Certainly, all human animals, and perhaps

most animals, need companion animals (human or otherwise) for emotional and physical support. As some disability scholars remind us, we are all dependent or interdependent beings. Yet, this does not mean, as some suggest, that we are all disabled. And, while we all need emotional support animals, human or otherwise, it is important to retain distinctions between these and service dogs that aid people with disabilities.

Dependence on Animals Doesn't Count

Ironically, within dominant discourse around service animals, dependence on service dogs doesn't count. In fact, the rallying cry for service dogs is that they make people more *independent*. The largest nonprofit provider of service dogs in the United States is called *Canine Companions for Independence*. Their website is full of testimonies from recipients and their families describing the independence the dogs brought to the lives of those they serve. Numerous accounts describe how a person with disability went from dependent to independent thanks to their service dog. Obviously, this means more independent from other human beings since using service animals entails dependence on them. Many of these stories also include an emotional dimension that goes beyond the physical services provided or tasks performed by service dogs. People describe how their lives are enriched by the companionship the dogs provide. Indeed, *Canine Companions for Independence* claims that their dogs result in "a life full of increased independence and loving companionship."

Because service animals are seen as more akin to devices such as wheelchairs than they are to companions or other people, then our dependence on them is not considered to compromise independence. If service dogs are considered equipment, then dependence on them doesn't compromise independence any more than our dependence on trains, airplanes, or eyeglasses does. Seen as tools, equipment, or prosthetics, service animals cannot be the type of beings upon whom our dependence reflects the human (or animal) condition of dependence itself. Whereas disability may make visible, so to speak, the ways in which we are all "misfits" and vulnerable to disability, our dependence on nonhuman animals continues to show us only that they can be, and should be, properly trained to serve us.

If we believe that service animals can make us more independent, then what does that say about how we view both the status of their service and the status of their being? Obviously, defining service animals as equipment reduces them to disposable commodities that exist for our benefit. This is why until only very recently, like any other used or broken equipment, the US military could simply leave military dogs behind in war zones. But, in addition to the problematic designation of *equipment*, is the notion that service dogs must perform a function, a task, that they must *do* something.

The notion of functionality has been a thorny issue for disability studies. Dominant discourses around disability often include a notion of integration that involve making disabled persons productive members of society. Think of billboards advertising *The Goodwill*, by donating, you help give people with disabilities jobs. And, it is good for people with disabilities to have jobs. It is good for them to *do* something productive, to learn to perform specific tasks. Various educational and social institutions such as Disability Rights Education and Defense Fund, US Department of Health and Human Services, and US Department of Labor's "Add us in" programs, aim to integrate disabled people into society by making them productive members who perform some function.

Even Rosemarie Garland Thompson, who argues that disability is not only essential to the human condition, but also can be generative of resourcefulness and adaptability gives as examples people who develop alternative ways *to do things* through what she calls a “productive fusion” between fits and misfits with one’s environment (2011 604). And, her examples of misfit often focus on access to the workplace, such as this: “A wheelchair user, for instance, might be socially accepted in a workplace, but if the only way to get to the office is via stairs, a wheelchair user will not have access to the economic benefits a stair climber has” (2011 602). The wheelchair user is barred access to workspaces where she could earn a living and be a productive member of society. Garland Thompson argues that the environment should be renovated to fit the wheelchair user and not the other way around. Disabled people should be integrated into the “democratic order” by building environments that fit and thereby allow them access to public spaces and private workspaces. We might ask, Is it possible to make the liberal democratic model of citizenship fit the misfit? Or, in another lingo, we might ask, are misfits in an important sense the constitutive outside of such a model?

Integration, Functionality, and Drawing Lines in the Sand

Rather than integrating disabled people into the “democratic order,” Julia Kristeva argues that we need to rethink the pillars of democratic citizenship, particularly insofar as they may be at odds with the goals of such integration. Situated in France, Kristeva challenges the liberty, equality and fraternity upon which the French republic was founded to embrace vulnerability as the fourth pillar of democratic citizenship. Responding to the 2003 documentary film “People Say I am Crazy” about John Cadigan’s struggles with schizophrenia, which launched his career as an artist, Kristeva says, “Thanks to the film, the work of the disabled artist is swiftly made public; he has the right to an exhibition; the funding pours in. The madman henceforth becomes a disabled artist” (2006 220). Her sarcasm aside, Kristeva is critical of the film because rather than interpret his artwork or his experience, it was presented as a spectacle to be consumed: “What more could be wanted in the benign society of the spectacle other than good disabled people? It suffices that the patient has only to become a producer and/or an object of the ‘show’” (2006 220). This leads her to argue against integration and for what she calls interaction. In the case of John Cadigan, “the disabled person was indeed supported, but this was done in order to facilitate the insertion of his produced objects into the circuit of consumption...: (2006 220). The risk, Kristeva suggests, is that people with disabilities will be reduced to either “invalids or workers” (221).

Concerned with functional spaces, or spaces in which all people can function, Aimi Hamraie identifies a similar problem when questions of design are reduced to issues of consumption and marketability such that accommodating disabled bodies literally becomes planning one-size fits all access to markets and marketplaces. Hamraie discusses design as “a material-discursive phenomenon that produces both physical environments and symbolic meaning” that should be based on “a politics of interdependence and collective access” (2013). This means not only rethinking what it means to function and what counts as performing a task, but also rethinking interdependence and access outside of, or beyond, mere instrumental political economy that reduces everything to usable equipment or productive labor.

Access to the Moral Community

Questions of access take us back to the issue of service animals: who should have them, and where should they be allowed to go? Additionally, the notion of universal access raises the question of animal access and animal exclusion. Where are animals allowed, and in what ways is our built environment designed to keep them in or out. We build walls and fences, corrals and cages, not only to regulate their physical proximity, but also and moreover to keep them out of our moral community. Our ambivalence towards animals, particularly those upon whom we are most dependent, comes into focus when we consider service animals.

That the United States military and federal ADA regulations describe animals as more like things than like persons follows the long history of regarding animals as property. Although some animal welfare and animal rights advocates argue that (at least some) animals should have the legal and moral status of persons, we might ask, why must animals be either things or persons? Is there no way to extend our moral community without making animals persons? In other words, can they enter the moral community as animals? The question of membership into the moral community is at stake for both animal studies and disability studies. Indeed, and more to the point, the connection between the status of animals and the status of disabled people, especially severely mentally impaired, has been a sore spot in the literature for decades. Moreover, in terms of both people and animals, questions of moral worth have been linked to abilities, specifically the ability to contribute to society by performing tasks or serving various functions.

Some of the limits of this approach have been articulated by Eva Kittay and Licia Carlson in their responses to the comparison between nonhuman animals and disabled human beings, including challenging the reprehensible view that disabled human beings are non-persons or subpar, views that justify discriminating against them, or possibly even letting them die or not letting them live (2009). In other words, treating them “like animals.” Kittay in particular expresses her outrage using words like “revulsion,” “hideous,” and “horrific” to describe the comparison between disabled people and nonhuman animals. While I am sympathetic to Kittay’s emotional response at hearing her mentally disabled daughter Sesha compared to an animal, it seems to me that the comparison is only problematic, in large part, because of our current views of animals (2009 610). If we respected animals, even revered them, and treated them well, would Kittay find the comparison so insulting? The fact that Kittay herself suggests a hierarchy between animals wherein it is less insulting to compare her daughter to a chimp than a dog or a rat is evidence not just of our negative attitudes towards animals, but also our differential negative attitudes towards some animals. In other words, not all animals are alike. This is obvious in terms of their appearance, biology, habitat, behavior, etc.. But it is also apparent in our attitudes towards them. We prefer chimps to rats, and dogs to ants. Human beings love some animals as pets, exterminate some as vermin, and eat others.

Obviously humans and animals are different in important ways that cannot and should not be discounted. Comparing animals to humans or vice versa, however, is not the point of this essay. Rather, this debate highlights the kinds of criteria used to allow membership in the moral community. Furthermore, it reminds us of distinctions such as that between moral patients and moral agents, and the standards of normalcy based on able-bodied and fully rational adult humans in the prime of their lives. In other words,

traditionally, these criteria are based on a subset of human beings, all of whom do not meet those very criteria at some points in their own lives. These type of criteria lead to “line drawing” in order to determine where to cut-off lower levels of intelligence or pain and suffering and thereby membership in the moral community, the kind of line-drawing so familiar in both animal studies and disability studies. Obviously, this difficult, if not impossible, exercise has dangerous political consequences for those who do not make the cut.

Many proponents of rights for disabled persons and for their inclusion in the moral community insist on their inherent dignity or worth as human beings, apart from any specific abilities. Yet, too often, these arguments are based on redrawing a human animal divide, which places all animals on one side and all humans. There are many problems with this approach. Here, I focus on the problem of dependence and the ways in which disability theorists like Kittay valorize inter-human dependence and devalue or even disavow interspecies dependence or interdependence, particularly our dependence or interdependence on nonhuman animals.

Throughout her work, Kittay has proposed an ethics based on our dependence on one another rather than independence. She argues that autonomy comes through interdependence. In her earlier work, Kittay maintains that a subject who “refuses to support this bond [of dependency] absolves itself from its most fundamental obligation—its obligation to its founding possibility.”⁸ More recently, Kittay argues, “According to the most important theories of justice, personal dignity is closely related to independence, and the care that people with disabilities receive is seen as a way for them to achieve the greatest possible autonomy. However, human beings are naturally subject to periods of dependency, and people without disabilities are only 'temporarily abled'. Instead of seeing assistance as a limitation, we consider it to be a resource at the basis of a vision of society that is able to account for inevitable dependency relationships between 'unequals' ensuring a fulfilling life both for the carer and the cared for” (Kittay 2011 49)

Yet, for all intents and purposes, we are indirectly and directly as dependent upon animals as we are on other human beings. We depend on animals as sources of food, clothing, other goods and services, entertainment, experimentation, and, most importantly, companionship, and emotional support; or in the case of service dogs, services through which human autonomy is the result of their participation. We are utterly dependent on animals in virtually every facet of life. Indeed, it is hard to imagine that we could or would exist without them. Without other animals, we would be a very lonely species. If, as Kittay argues, our dependence on other humans for our very being obligates us to them, then it also follows that our dependence on nonhuman animals morally obligates to them.

The Limits of Feminist Discourses of Vulnerability

Recently, several feminist theorists, including Judith Butler, Garland-Thompson, and Julia Kristeva have embraced the notion that it is our vulnerability and not our autonomy that defines us as human; and therefore vulnerability should be the basis of any ethical theory. Butler argues that our ability to be wounded by others makes us vulnerable to each other. Garland-Thompson argues that it is not just our vulnerability to pain that makes us interdependent, but also our need for sustenance and care. She goes further when she says, “the relational and contingent quality of misfitting and fitting, then, places vulnerability in the fit, not in the body...a misfit occurs when world fails flesh in the

environment one encounters” which means, vulnerability is a relationship that takes place between bodies and the world (2011 600).

None of these theorists, however, acknowledge that we share vulnerability with other animals (see Oliver 2007, 2009; Cf. Wolfe 2010 140).⁹ Nonhuman animals are also vulnerable in the ways set out by Butler and Garland Thompson. They suffer, can be wounded, need sustenance and care, and are subject to misfitting their environments when the world is hostile to their flesh. In deed, in too many cases, thanks to pollution, climate change, and deforestation, the world is becoming more hostile to their flesh, to the point that in many cases, they face extinction. Elsewhere, I both challenge the concept of vulnerability as exclusive to, or constitutive of, humanity, on the one hand, and criticize the concept for leveling differences in levels of vulnerability, on the other (Oliver 2015 & 2007). I argue that rather than constitute uniquely human subjectivity or humanity as some suggest, vulnerability is shared with nonhuman animals. Furthermore, vulnerability is distributed according to political and social power. Some are more vulnerable than others. Making vulnerability, or recognition of vulnerability, constitutive of human subjectivity risks leveling differential vulnerability that is the result of political or social oppression (see Sheth 2009). In this regard, vulnerability could be seen as the flip side of political recognition. Some people or animals are given political recognition while others are made vulnerable. And while starting with the vulnerable may be better than starting with the beneficiaries of political power, it too has its risks.

For better and worse, Kristeva’s notion of vulnerability is specifically human. Indeed, she proposes it as part of a new humanism based on the vulnerabilities of the speaking being. Our vulnerability comes from the fact that we are beings who mean. It is this split between *zoë* and *bios* that makes us both vulnerable and human. We are all vulnerable, but what makes each of us vulnerable is not the same. Our specific vulnerabilities also make us singular. In particular, Kristeva claims that considering disability transforms our notion of the human, of democracy, and calls forth this new humanism (2006, 2010). Specifically, she argues that disabled people are vulnerable in a way that is different from the vulnerabilities of other groups. Their physical vulnerability is not something that can be repaired or overcome only through politics or by applying traditional notions of “human rights.” It is not something that can be shared. She calls it the “irreparable” (2006 224). And yet, she insists that there is something irreparable in each of us, which is not to say that we are all disabled. Rather, the new humanism must recognize the singularity of the irreparable of each person.

Resonant with Kittay and Carlson, Kristeva argues that each disabled person is disabled in his or her own way, each disability is singular, as is their exclusion. But, rather than calling for *integration* of disabled persons into the public sphere, Kristeva argues for *interaction* based on sharing and caring (2006 223; 2010). As we’ve seen, she worries that integration means assimilation into the liberal political economy that values bodies only insofar as they are productive. She argues against trying to turn every body into a productive worker through integration programs that define the value of humanity in terms of the ability to work or tasks performed (Kristeva 2006 221-222). In this regard, it is noteworthy that current public policy values service animals only in terms of the tasks they perform and not in terms of the emotional support they provide. Indeed, Kristeva claims that our culture’s “maniacal surge of productivity” is an attempt to deny our fundamental vulnerability, a disavowal manifest in traditional philosophies based on

rational autonomy of the will (2006 222).

While socially and politically important as a project, there is a contradiction in trying to integrate disabled persons into a political economy that values independence over dependence to the point of disavowing dependence and interdependence as fundamental to the human condition. Dependence and independence are two sides of the same liberal ideal of autonomy; they are intimately connected.¹⁰ And, in their inseparability, namely our *interdependence*, that makes politics necessary. Considering disabled people when thinking about political rights and moral responsibilities challenges traditional notions of rights and equality based in rational autonomy and physical independence. Kristeva suggests that it forces us to rethink democracy not in terms of contracts, but rather in terms of proximity. Basing democracy on proximity rather than on contracts, however, would also require us to rethink our relationship to animals, especially to companion animals. And this might be its promise, that it takes us beyond humanism and opens onto a democracy of proximity with all animals upon whom we are dependent, especially for care and emotional support.

Given Kristeva's analysis of the singular exclusion of disabled persons and the need for a new approach that takes us beyond traditional humanism with its emphasis on human rights and autonomy; and given her insistence on recognizing the unique vulnerability of each through caring and sharing as the starting points of such a venture, her analysis could be useful in describing how a concern for animals might affect notions of humanism and democracy. For her part, however, Kristeva is clear that in spite of its limitations, she embraces humanism; and furthermore that the vulnerability she diagnoses is uniquely human insofar as it is the wound or fracture that results from what she calls our "untenable" position between *zoë* and *bios*, biology and signification. Risking a problematic comparison between animals and disabled persons, yet not wanting to endorse it in the ways drawn by either Kantians or Utilitarians, feminist care ethics or feminist vulnerability ethics, animals, while *not like* disabled persons, also are singularly excluded from traditional notions of humanism. They too challenge our notions of the human and of democracy in their vulnerability, particularly in their vulnerability to us, our destruction of their habitats, and our control over every aspect of the lives of those we breed to eat, for pets, for service animals, etc.. Indeed, might an equally radical challenge to liberal notions of humanism and democracy come from animal studies, or animal studies in solidarity with disability studies?

Ethics of Interspecies Interdependence

At the intersection of animal studies and disability studies, we learn that ethical compassion is rooted in a fundamental obligation to acknowledge our dependency on other animal bodies that support our own. With both compassion towards others and obligations to those that sustain us, we have an ethical obligation to share the planet even with those with whom we do not share a world. Not because we share common abilities or can perform tasks, but rather because of what we cannot share, namely, the singularity of the irreparable ways in which we are all misfits sharing the same planet.

Beginning to articulate what this sharing of the unshareable might look like, Cary Wolfe proposes a new way of seeing, what Kristeva might call "emerging subjectivities," as "shared trans-species being-in-the world" (2010 141). His prime example is a magazine cover representing a blind woman accompanied by a German Shepard service dog. Wolfe argues that the service dog is not just a prop or tool (or piece of equipment) that allows the

disabled person to be mainstreamed or integrated into liberal society. Rather, he suggests, the interaction between the woman and the dog becomes “an irreducibly different and unique form of subjectivity—neither *Homo sapiens* nor *Canis familiaris*, neither ‘disabled’ nor ‘normal’, but something else altogether...constituted by complex relations of trust, respect, dependence and communication,” (2010 141). While Wolfe’s suggestion is provocative, it is important to consider the dog as a living being with its own needs and desires apart from its servicing interactions. The service dog too is an interdependent being in need of emotional support and companionship. In the words of Jimmy Boehm, leader of Tennessee chapter of the National Federation of the Blind, “I view it like we’re explorers. That way, it doesn’t get frustrating or anything. We just travel a little bit different” (Gonzalez 2014). We might call these emerging subjectivities, interspecies interdependence, or interspecies-intersubjectivities, which point to what Cynthia Willett calls interspecies ethics.

In her most recent book, *Interspecies Ethics*, feminist philosopher Cynthia Willett develops an alternative account of ethics as what she calls “interspecies communitarianism.” Focusing on relationships and attachments between humans and nonhuman animals, and animal relationships with other nonhuman animals, Willett argues for “new ethical ideals for a trans-species living.” Acknowledging the importance of other animal ethicists’ concerns with what we share with other animals, Willett shifts the focus away from intellectual abilities and language-use and towards community and community-building practices such as play and laughter. She gives priority to Eros over Logos. Tracing an evolution of play and laughter, she argues that humans have more in common with animals such as wolves and elephants--and they have more in common with us--than many accounts acknowledge. Willett’s *Interspecies Ethics* is a testament to the need for interspecies ethics by considering our shared “communitarian cohabitation,” or proximity. More recently, in response to critics, Willett explicitly mentions proximity when she concludes, “Ethics as contact calls attention to the poetry of proximity, to erotic waves that transmit through the sound or feel of the other’s breath, the heat of the body, and the smell of the skin. This intense proximity serves as a compelling source for ethical sociality...” (2015 71). Interspecies ethics, then, is not based on intellect, reason, abilities, or functions; it is not based on care relations between human beings, or even on shared vulnerability. Rather, it is based on shared bonds and interdependence that are bodily, to be sure, but take us beyond physical dependence or interdependence and towards love and companionship.

In sum, in the name of feminism, we should not discount or disavow our interdependence on nonhuman animals. If Kittay’s ethics of care based on shared dependence obligates us to that which sustains us, then it obligates us to nonhuman animals. If Kristeva’s politics of vulnerability as the fourth pillar of democracy obligates us to other embodied creatures in our midst, then it obligates us to nonhuman animals as well as humans. If, as she argues, democracy is based on proximity and not the productive integration of citizen workers, then democracy must be expanded to include nonhuman animals. Furthermore, as attention to service dogs has shown, neither animals nor people should be reduced to their functionality. Doing so throws us back into the nonproductive type of line-drawing that have fueled the problematic debates over who has more right to be included as members of the moral community, intelligent animals or severely cognitively disabled humans. As we’ve seen, this type of hierarchical thinking, whoever is

on top, is counterproductive at best and damaging to both animals and people, at worst.

Finally, standardized notions of functionality and integration disregard alternative “functions” such as love and companionship that are equally, if not more, important to the well-being and thriving of various animal species, including our own. As the ambiguous status of emotional support animals shows, we disregard the love, or what Willett might identify as the erotic, dimension of our relationship with nonhuman animals. This is also a danger of popular discourses of integration of people with disabilities when they revolve around integration into the work force and making them productive members of society. As we’ve seen, even the dichotomies of ability-disability, dependence-independence and vulnerable-empowered so forcefully deployed by feminist theorists to challenge the primacy of liberal notions of autonomy too easily fall back into line-drawing, on the one hand, and cooptation by capitalist notions of productive citizenry, on the other.

What if rather than, or in addition to, picking up keys or barking to warn of seizures, the function of lips and mouths are for kissing? In *Feminist, Queer, Crip*, discussing “cyborg” hybridity between humans and technology, Alison Kafer gives the provocative example of the slogan “trached dykes French kiss without coming up for air” to indicate that what counts as an ability or a disability cannot be reduced to standard norms circulating with dominant culture (2013 112).¹¹ Kafer argues that in addition to showing how technology doesn’t just replace a disability with an ability, the disabled body itself can enhance experience, in this case erotic experience. Rather than trying to fit in or integrate, Kafer’s trached dykes French kissing are aiming for love and pleasure. The function of mouths may be for kissing rather than for breathing....or picking up keys. This goes to show that there are many functions of a mouth--kissing, breathing, eating, talking, picking up keys, barking alerts—depending on the type of mouth and the relationship in which it is engaged. At the intersection of animal studies and disability studies, interspecies interdependence complicates any standardized notions of mouths or their functions.

The seeing-eye dog shows us that there are many ways of seeing; and all of them implicate each of us in a network of relationships and perspectives. Rather than see service animals as mere equipment to be used, and rather than see disabled people as deficient or defective when measured against an ideal norm, both have a positive valuation, singularly manifest in their relationships to each other. Indeed, it is only if we “see” vision as the proper, and perhaps only, function of the eye, that we see blindness as a defect. What if, instead, we take the function of the eye to be crying, crying for those in need or in pain, crying for joy in companionship? (cf. Derrida 1993 126-7) These would be tears of compassion for other living beings, tears that acknowledge our ethical obligations to them, based not on dependence or independence, but rather on interdependence, especially emotionally interdependence, whatever species they may be.

Sources used:

- Harris, Dan and Erin Brady. March 19 2012. "Ashley Judd Keeps a 'Psychological Support' Dog." ABC News website.
<http://abcnews.go.com/blogs/entertainment/2012/03/ashley-judd-keeps-a-psychological-support-dog-to-help-deal-with-her-depression/>
- "Department of Veterans Affairs use of service dogs for the treatment or rehabilitations of Veterans with physical or mental injuries or disabilities." February 28, 2012. H.R. Rep. No. 2647-288 Section 1077. 112th Cong. Washington, D.C.: United States Government. "Proposed Rules, pages 34465-34508" in *The Federal Register Online via GPO Access*, June 17 2008 (Volume 73, Number 117), [wais.access.gpo.gov](http://www.wais.access.gpo.gov).
- "To amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs." 2000. H.R. 5314. 106th Congress. 146 *Congressional Record-House* Tuesday, Oct. 10, 21990-21992.
- Carlson, Licia. 2010. *The Faces of Intellectual Disability*. Bloomington: Indiana University Press.
- Department of the Army. *FM 3-19.17*. 2005. Department of the Army Headquarters, Washington DC: July.
- Derrida, Jacques. 1993. *Memoirs of the Blind: The Self-Portrait and Other Ruins*. Chicago: University of Chicago Press.
- Dogtime Staff. 2013. "Military Working Dogs still considered equipment," May 24th, online.
- English, Tracy L. 2003. "The Quiet Americans: A History of Military Working Dogs." Office of History, Lackland Air Force Base, Texas.
- Francione, Garey L. 1995. *Animals, Property, and the Law*. Philadelphia: Temple University Press.
- Gonzalez, Tony. 2014. "Service dogs still hounded despite change in Tennessee law." In *The Tennessean*. March 6.
- Garland-Thomson, Rosemarie. 2002. "Integrating Disability: Transforming Feminist Theory." *NWSA Journal* 14, no. 3: 1-32.
- 2005. "Feminist Disability Studies." *Signs* 30, no. 2: 1557-1587.
- 2011. "Misfits: A Feminist-Materialist Disability Concept." *Hypatia* 26, no. 3: 591-609.
- 2012. "The Case for Conserving Disability." *Bioethical Inquiry* 9, no. 3: 339-355.
- 2013. "Disability Studies: A Field Emerged." *American Quarterly* 65, no. 4: 915-926.
- Hamraie, Aimi. 2013. "Designing Collective Access: A Feminist Disability Theory of Universal Design," in *Disability Studies Quarterly*, 33:4.
- Haraway, Donna. 1991. *Simians, Cyborgs and Women: The Reinvention of Nature*. New York: Routledge Press.
- Hobbs, Andy. 2012. "Fake Service Dogs: Pet Owners Exploit ADA Loopholes." *Federal Way Mirror* (April 12). <http://federalwaymirror.com/news/147080865.html>

- Jaspers, Margaret. 2006. *Pet Law*. New York: Oxford University Press.
- Kafer, Alison. 2013. *Feminist, Queer, Crip*. Bloomington: Indiana University Press.
- Kittay, Eva. 1998. *Love's Labor: Women, Equality and Dependency*. New York: Routledge.
- 1998a. "Welfare, Dependency, And a Public Ethic of Care." In *Social Justice*, 25:1, Issue 71 (Spring).
- 2009. "The Personal is Philosophical is Political" *Metaphilosophy*, vols 3-4, pp. 606-627.
- 2011. "The Ethics Care, Dependency and Disability," in *Ratio Juris* 24:1, 49-58.
- Kristeva, Julia. 2010. *Hatred and Forgiveness*. Trans. Janine Herman. New York: Columbia University Press.
- 2006. "At the Limits of Living" Trans. Claire Potter, in *Journal of Visual Culture*, vol 5., pp. 219-225.
- McMahan, Jeff. 2009. "Cognitive Disability and Cognitive Enhancement," *Metaphilosophy*, vols. 3-4, pp. 582-605.
- Oliver, Kelly. 2015. "Recognition, Witnessing, and Response Ethics." In *Philosophy and Rhetoric*, December.
- 2007. *Women as Weapons of War: Iraq, Sex and the Media*. New York: Columbia University Press.
- 2009. *Animal Lessons: How They Teach us to be Human*. New York: Columbia University Press.
- Sheth, Felugni. 2009. *Toward a Political Philosophy of Race*. Albany: SUNY Press.
- Singer, Peter. 2009. "Speciesism and Moral Status," in *Metaphilosophy*, vol 40, Nos. 304 July, pp. 567-581.
- 1999. "Reflections," In *The Lives of Animals*, ed. Amy Gutman, Princeton: Princeton University Press.
- Stanescu, James. 2012. "Species Trouble: Judith Butler, Mourning and the Precarious Lives of Animals." *Hypatia* 27 (3): 565-82.
- Taylor, Chloë. 2008. "The Precarious Lives of Animals." *Philosophy Today* 51(1): 60-72.
- U.S. Congress. House. 2012. *Canine Members of the Armed Forces Act*. HR 4103. 112th Congress. 2nd session (Feb 28), 2-3.
- U.S. Department of Justice (Civil Rights Division, Disability Rights Section). 2010. "Revised ADA Requirements: Service Animals." www.ada.gov
- Willett, Cynthia. 2014. *Interspecies Ethics*. New York: Columbia University Press.
- 2015. "Ethics for a Layered Self: Laughter, Reciprocity, Generosity, Home" in *philoSOPHIA*, 5:1, Winter 2015, pp. 70-79.
- Wolfe, Cary. 2009. *What is Posthumanism?* Minnesota: University of Minnesota Press.

Endnotes

¹ Federal law allows business owners to ask only two questions of people using service animals; otherwise they risk charges of discrimination or harassment: 1. Is the dog a service animal required because of a disability and 2. What work or task has the dog been trained to do. Some people are taking advantage of the fact that the law does not require that a disabled person provide documentation, and growing awareness and concern for the needs of people with disabilities, passing off what the law considers pets as service animals (see Hobbs 2012)

² See for example,

<http://www.bazon.org/LinkClick.aspx?fileticket=mHq8GV0FI4c%3D&tabid=245>, last checked on July 15 2012. Bazon Center for Mental Health Law, Fair Housing Information Sheet #6. See also the military's statement on emotional support versus service dogs at <http://www.military.com/entertainment/pet-corner/what-is-service-animal-and-do-i-really-need-one>. The Americans with Disabilities Act defines service animals as: "Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA." United States Department of Justice, 2010 revised definition at http://www.ada.gov/service_animals_2010.htm.

³ See <http://www.bazon.org/LinkClick.aspx?fileticket=mHq8GV0FI4c%3D&tabid=245>, last checked on July 15 2012. Bazon Center for Mental Health Law, Fair Housing Information Sheet #6.

⁴ See "Proposed Rules, pages 34465-34508" in *The Federal Register Online via GPO Access*, June 17 2008 (Volume 73, Number 117), [wais.access.gpo.gov](http://www.wais.access.gpo.gov). The Department is proposing new regulatory text in Sec. 35.104 to formalize its position on emotional support or comfort animals, which is that "[a]nimals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or promote emotional well-being are not service animals."

⁵ War dogs have been used for Centuries, since at least the time of the Roman Empire used armored dogs with spiked collars (See English 2000 3).

⁶ Some media and public suspicion of emotional support dogs or therapy animals is evidenced by reactions to Ashley Judd's announcement that she has therapy dogs. Compare this to some reactions to Jill Abramson's (the first woman editor in the history of *The New York Times*) *The Puppy Diaries*, which elicited an article in the online magazine *The Gawker* entitled "Your Fascination with Your Dog is an Embarrassment (To You)"; the author suggested that it was silly and undignified for the editor of an important newspaper to write about her attachment to her puppy. Although these are just two examples, they are representative of at least one strand of popular opinions about companion animals that does not take them seriously as companions or family members.

⁷ These quotations are from the SDA Website Selling Service Dog Kits.

⁸ Eva Kittay, 1998a , page 131. See also Love's Labor 1998.

⁹ Chloe Taylor extends of Butler's notion of vulnerability to nonhuman animals (Taylor 2008). Taylor argues that although, as she articulates it, Butler's Levinasian ethics necessitates the exclusion of nonhuman animals, it can be extended and adapted to include animals. James Stanescu argues that fragments of concern for nonhuman animals already exist within Butler's writing. Gathering these bits together, Stanescu argues that Butler's ethics not only includes nonhuman animals, but also does so necessarily (2012). As intriguing and helpful as Stanescu's reconstitution is, nonhuman animals have not been a priority for Butler.

¹⁰ I am indebted to Sean Meighoo, who asked me to clarify the relationship between dependence and independence in his comments on my talk on Service Dogs at the *philoSOPHIA* conference in Atlanta, May 2015. Thanks also to Linda Fischer for helpful comments on the talk version at the Central European University in Budapest Hungary.

¹¹ Kafer is critically engaging feminist theorist Donna Haraway's notion of the cyborg as a hybrid being in "A Cyborg Manifesto" (see Haraway 1991) . Following other disability theorists, Kafer challenges Haraway's assumption that crip bodies are cyborgs without engaging in discussion of the lives of real disabled persons. Yet, unlike other theorists, Kafer finds the notion of the feminist cyborg useful for disability studies.