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Perspective

Bridging compassion and justice in conservation ethics

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ABSTRACT

'Traditional conservation' customarily engages in the dismissal of individual non-human animal claims when these conflict with human interests or prevailing ideas of biodiversity. Emerging conservation paradigms, *compassionate* conservation (CC) and multispecies *justice* (MJ), concerned with the prevalence of harm to animals are challenging the normative and practical standards underlying this dismissal. We place these two emerging conservation paradigms in dialogue, highlighting their potential for convergence for appropriately considering nonhuman animal claims. We focus on some theoretical and practical tensions within both paradigms that may hinder their independent application. While we agree on the practice of compassion towards individuals as indispensable to ethics, we demonstrate how questions of harm ubiquitous in ethical dilemmas (situations of conflict) within conservation are inevitably intertwined with evaluations of competing human-animal claims potentially unsolvable only through compassion. Drawing on Mary Midgley's concept of the 'mixed-community' of species, we propose MJ as a complementary value promoting animal respect, dignity, and their appropriate consideration through the establishment of baseline duties to others. We recommend justice-promoting principles focused on recognizing different yet equitable sources of moral value (geocentrism), observing equitable consideration, evaluating harm and comparability of claims, among others. We proceed to discuss the limitations of justice, compassion and how we can correct for them, highlighting the indispensability of their simultaneous deployment. We conclude that a comprehensive conservation ethic should promote an ethics-of-care together with the codification and enforcement of animal claims so as to provide explicit ethical guidance in our mixed-community.

1. Introduction

Throughout its short history, the meaning and practice of conservation has remained relatively fixed; characterized by a dual concern for aggregate biodiversity[1] (e.g. ecological aggregates: species, ecosystems, biodiversity) (Soule, 1985; Washington et al., 2017) and anthropocentric interests (e.g., strict ethical concern with human well-being and the sustainability of ecosystem services for human development) (Marvier and Kareiva, 2014; Kareiva, 2014). We term this 'traditional conservation'. These two main foci of concern have contributed to the relative dismissal of individual non-human animals (hereafter 'animals') when the latter's claims conflict with 'traditional conservation' goals. By relative (rather than absolute or categorical) dismissal, we mean the inadequate consideration of animal claims ('a demand or request for something considered one's due' [OED]); when these are given some consideration but very low relative priority, placed firmly behind any human or ecological claims involved (Midgley, 1998; see Regan, 2004 for a discussion of "environmental facism"). For example, harmful (lethal or not) interventions are frequently proposed for decreasing perceived or actual conflicts with predators, such as conflicts between wolves (*Canis lupus*) and humans (Santiago-Ávila et al., 2018), and between cats (*Felis catus*) and native biodiversity (Lynn et al., 2019). Moreover, supporters of both ecocentric and anthropocentric conservation ethics have begun to throw their weight behind arguments focused on both justice and duties for accounting for and bolstering the ethical stances around their respective foci of concern, yet not directly towards individual animals (see Washington et al., 2017, 2018). We posit the marginalizing of individual nonhumans within these frameworks may exacerbate their dismissal.

Conversely, the moral consideration of people, animals and nature in conservation practice remains muddled, with two relatively recent paradigms, *compassionate conservation* (Wallach et al., 2018) and

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[1] We specify concern for aggregate biodiversity rather than classifying biodiversity itself as a strictly ecocentric concern, given biodiversity is also present at the individual level.

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multispecies justice (Treves et al., 2018), promoting animal consideration from distinct yet complementary ethical visions. Compassionate conservation's (CC) approach to considering individual animals is grounded in (i.e., rooted but not reducible to) the moral value of *compassion*. Compassion ("sympathetic pity and concern for the sufferings or misfortunes of others" [OED]) translates to empathy in humans for individual animals, the acknowledgement of their intrinsic moral value, and a determination to eliminate or mitigate deliberate anthropogenic harm to them (Bekoff, 2013; Baker et al., 2015). On the other hand, advocates of multispecies justice (MJ) argue for the equitable consideration of individual nonhuman claims alongside concern for ecological aggregates and humans (Treves et al., 2018), with *justice* towards animals as a main motivating concern.

Here we employ an ethical framework grounded on Mary Midgley's concept of the 'mixed-community' to place these two emerging conservation paradigms in dialogue. Importantly, the interpretivist (hermeneutic) ethical framework allows for the consideration of a plurality of moral theories (e.g., duties, consequences, virtues) and values (e.g., justice, compassion, magnanimity) as guidelines for action, with their salience determined by circumstances and particulars (i.e., context) (Toulmin, 1992; Midgley, 1993, 1998).

We first discuss some limitations of CC that supporters should acknowledge and address as they develop CC into a robust conservation paradigm, and how these tensions could be well-informed by MJ. We begin with two core problems with CC as a framework that may hinder its applicability. The first is if compassion is *sufficient* to arrive at ethical behavior (that which fosters the flourishing of oneself and others as interdependent individuals and communities) in situations of conflict pervasive in conservation, given its indeterminacy of application and limited guidelines. That leads us to the second problem: that a compassion-based approach may not address animals' legitimate claims; that is, what they are due as a matter of justice. Together, these two problems present theoretical and practical concerns that are inescapable when confronted with ethical dilemmas; that is, situations where ethical trade-offs (between humans-nonhumans and individuals-wholes) are inevitable. For example: *how do we determine the level of moral responsibility to others, humans or animals?*; *how do we examine and weigh competing claims between individuals or between individuals and groups if all merit compassion?*

We then proceed to address how justice can contribute resources to evaluate such concerns, while noting that the proper deployment of justice demands compassion, and should be developed from an ethic-of-care for which compassion is indispensable.

2. A brief history of compassionate conservation

While the concerns animating CC have been around for some time, CC was formally articulated for the first time in 2010 through a collaboration between the Born Free Foundation and the Wildlife Conservation Research Unit of Oxford University (see http://compassionateconservation.net). Merging insights from animal welfare science and conservation science was the focus, including the importance of animal cognition, behavioral ecology, and the role of animal personality in making for (un)successful conservation interventions like the reintroduction and translocation of species. Most importantly, CC challenged traditional conservation by promoting ethical concern for individual nonhumans within conservation discourse and practice. This was expressed through the concept of compassion (Bekoff, 2013; Baker et al., 2015). This is how CC not only came by its name, but articulated its foundational principle for ethical reasoning (Baker, 2013).

CC highlighted the suffering of other beings within 'traditional conservation' paradigms, and a compassionate response to mitigate or end that suffering was CC's primary ethical motivation. To put this more formally, CC's keystone moral truth or principle was compassion – treat all beings with compassion and mitigate intentional anthropogenic suffering in conservation (Wallach et al., 2018) –, and thus compassion became the most salient ethical feature in conservation decisions. From this value of compassion flowed subsidiary principles. The most well-known have been popularized by Marc Bekoff. These principles are "First Do No Harm," "Individuals Matter," "Inclusivity [of all wildlife]," and "Peaceful Coexistence." Each of these principles is a specification meant to guide conservation practitioners in their actions based on the primary value of compassion (Bekoff, 2013; Ramp and Bekoff, 2015; Bekoff and Pierce, 2017). This use of principles as guidelines for thought and behavior is termed principlism in ethics, something widely used in both bioethics and global ethics (Beauchamp and Childress, 2001; Lynn, 2004; Rockefeller, 2008) and the original formulation of ethics in CC.

Yet principlism is not the only way the ethics of CC have been theorized. In *Summoning Compassion* (2018) Wallach and colleagues have also proposed a virtue ethics framing for CC. While the fundamental principle of compassion remains, the emphasis shifts towards the virtues (i.e., excellences of character) that conservationists should manifest towards animals of every sort. This is accompanied by a critique of the instrumentalism, collectivism and nativism towards wildlife that has characterized traditional conservation, the recognition of which should motivate greater compassion in conservation thought and practice. Thus, CC has promoted specific orientations to ethical evaluations of conservation decisions and actions that had been previously dismissed.

The virtue ethics framing of CC circulates around compassion as a singular principle, value, or virtue for correcting the dismissal of individuals within conservation (Ramp, 2013; Ramp and Bekoff, 2015; Wallach et al., 2018). It has become, perhaps incorrectly, the dominant way more traditional conservationists conceive of CC. We do not argue that virtue ethics lacks insights into conservation thought and practice. Yet we do offer that framing CC as only a matter of compassion as understood through virtue ethics may leave it underprepared to grapple with ethical conundrums that exceed the conceptual horizons of compassion (Rohwer and Marris, 2019). This is not a criticism of its virtue ethics framing per se, but an acknowledgment of challenges faced by any emerging ethic in grappling with the empirical complexities of the world. Our main concern relates to the limitations on ethical reasoning in conservation this focus on compassion may produce.

If we always understand compassion as the most salient concern, then we are liable to overinterpret concrete moral problems that arise in conservation as only about compassion. Do we always privilege the well-being of individual animals no matter what the consequence for ecological or social communities (e.g., rabid raccoons)? Are there (n) ever times when species new to an ecosystem are causing so much damage we ought to minimize harm while protecting the endemic community? What degree of compassion is called for and how much is enough (e.g., do we mitigate anthropogenic harm or end it altogether)? Or how to consider the widely varying capabilities of, and relationships with, animals and how that may impact our moral responsibilities to both individuals and groups (e.g., is compassion implemented similarly for ticks, barred owls, cats and wolves?)

Of course, a lack of guidance on such questions does not imply that the ethics of CC must be jettisoned, as some have argued (most recently Callen et al., 2020), only reinterpreted. Compassion remains an indispensable moral value, and a crucial point of departure for revitalizing conservation (Treves et al., 2018; Wallach et al., 2020); bolstering the standing of nonhuman individuals relative to anthropocentric and biodiversity concerns. That is, none of these challenges undermine CC's indispensable insight that conservation needs a reformation of its ideology and practice. Yet we suggest these are kinds of moral and practical questions that cannot be adequately answered by over-extending the concept of compassion to solve all moral questions in conservation. Such questions need a more nuanced, situated, contextual, and dare we say, ecological approach.

As an ethically-informed alternative paradigm of conservation, CC may be better served by engaging with these substantial rhetorical and theoretical challenges that could potentially hinder its applicability. This is echoed by some conservationists sympathetic to the CC project, but willing to call out its need for further development. It is in this respect that interpretive ethical approaches such as Midgley's is particularly apt. These allow for the inclusion of multiple moral values, and the flexibility to determine which requires greater attention in each case. Although always indispensable, compassion (or any value) is not the only or most salient value for all times, places, and issues.

3. Interpreting ethics and moral values

In Midgley's view, humans are moral agents who can deliberate and choose to *act* ethically. This connection between deliberation and action means the moral values or guidelines (hereafter principles understood as rules of thumb) humans develop are correlative with *duties* (from the word *debt*; a moral obligation or responsibility) towards other community members. In fact, the word *ought*, used so pervasively in ethical theories, is simply the past tense of *owe* ("be under *a moral obligation* to give someone" [OED, emphasis ours]) (Midgley, 1998). These principles and duties comprise a shared background of understanding and behavior promoting community living and flourishing even as they are diverse, contextual (i.e., circumstantial, presumptive), and the subject of debate (Curry et al., 2019).

In this light, compassion can be conceived in a variety of morally relevant ways (Midgley, 1998; Nussbaum, 2006). Compassion is one of multiple *unacquired* duties moral agents *owe* other community members given their capabilities, relationships or intrinsic value. These are duties we owe others simply because they are moral beings, without regard to our voluntary acts or institutional arrangements (i.e.: making a promise or the fiduciary duty of a trustee) (Regan, 2004) and include: justice, respect, dignity, courage, kindness, tolerance, among others (Midgley, 1998). An individual that not only adequately practices, but also internalizes any of the aforementioned moral values will see the point of engaging in what one *ought* to do (duty) not reluctantly, but *willingly* (virtue). That is, a virtuous individual will acknowledge and accept her duties because her feelings will respond to them, and feelings such as empathy, intimately tied to compassion, are the wellspring of morals (Midgley, 1993).

To be sure, empathy and compassion are vital to, and even considered the precursors of, ethics and ethical behavior (Midgley, 1991; Nussbaum, 2006). Indeed, Nussbaum conceptualizes compassion as involving "the thought that another creature is suffering significantly, and is not (or not mostly) to blame for that suffering" (Nussbaum, 2006 p. 336). Moreover, it is relational in that it includes the insight that the good of others is an integral part of one's own goals (Nussbaum, 2006).

From an ecofeminist ethics-of-care compassion is, in the words of Diane Curtin, morally *basic*; that is, fundamental to the way we relate to other beings morally (Curtin, 2014). For ecofeminists, such a compassion-based ethic is fundamental both because it stresses the relational (rather than autonomous) self and because it is more inclusive of diversity in organizing the moral experience. Additionally, it is less anthropocentric because it highlights the importance of affect, rather than only human reason, for ethics. It is a cultivated capacity that springs form empathy, but requiring a cognitive component to appropriately discern the cause of suffering and how to alleviate it (Curtin, 2014). Compassion blends emotions and reason, which is precisely what initially allows for moral practice (Midgley, 1993, 1998; Nussbaum, 2006; Adams and Gruen, 2014).

Yet, all moral values are necessary for individual and community flourishing because each contributes its own particular moral insight. Because of this complementarity between values, focusing on any single one runs the risk of artificially (and unintentionally) inflating its boundary until it covers the whole of morality, making others appear self-indulgent or arbitrary (Midgley, 1998). The distortion, intended or not, often occurs as a result not of arguments against other moral values, but of a disregard for this intersectionality of values and ethical concepts.

Recently, CC scholars have begun to address this complementarity of moral values through their stance on nonhuman personhood (Wallach et al., 2020). CC recognizes sentient individuals as persons, which implies those individuals are owed respect (e.g., they should never be treated as means to others' ends). This latest CC stance suggests a conceptualization of a complementary ethic based on unacquired moral values of *respect* or *dignity*, both intimately tied to *justice*. The OED offers a particularly relevant definition of respect: "*due regard* for the feelings, wishes, or rights of others" (emphasis ours). Moreover, dignity concerns "the state or quality of being worthy of honor or *respect*" [OED] (emphasis ours). The above definitions suggest these values may be complementary and allow for mitigating some of the potential limits of relying only on compassion (Regan, 1987; Nussbaum, 2006).

4. Exploring the limits of compassion

What are some limitations of compassion as currently conceptualized by CC? Compassion implies strong empathy and harm mitigation. However, compassion can be biased in its application through its links with empathy, and thus result in immoral behaviors (Nussbaum, 2013; Curtin, 2014). Indeed, this 'empathy-induced' compassion may sanction unfair or unjust outcomes contingent on the sensibilities of the compassionate individual for a particular being or group (e.g., through direct experience).

For example, while CC supporters' sensibilities may lean towards the recipients of harmful human interventions (e.g., non-natives, feral), those of its critics may lean towards components of native biodiversity. Hence, interpreted charitably, at least some modicum of compassion could be identified as a motivator of supporters of 'humane' yet harmful interventions that attempt to reduce harm without giving due regard to more urgent or vital animal claims (e.g.: 'humane' animal control of predators or species considered a nuisance by humans without robust evidence of threat or harm; 'humane' yet unnecessary animal use industries). Indeed, CC critics have made the point that conservation is already compassionate to nonhumans (Driscoll and Watson, 2019; Hayward et al., 2019), which has potentially catalyzed the most recent CC turn towards 'personhood' and respect (Wallach et al., 2020). This debate also highlights that compassion may also be limited or biased by information and the moral agent's idiosyncratic perceptions of the other being(s) (Bekoff, 2013). In human-animal relationships, this proves to be very problematic given widespread value judgments (axiomatic ecocentrism, anthropocentrism) and power asymmetries (humans, as a species and individuals, hold the upper hand).

Moreover, as Nussbaum discusses, "compassion, all by itself, omits the essential element of blame for wrongdoing" (Nussbaum, 2006 p. 336). We could show compassion for both a sick feral cat and for one 'humanely' shot by a human (in both cases the cat is not to blame for its suffering and there would be attempts at harm mitigation) without needing to apportion blame for either 'harm'. Hence, compassion may unduly sidestep questions of culpability that are essential when attempting to address the conflicting claims of community members within power asymmetries. This is particularly relevant when interventions may involve harm directed at innocent others (even if they are threats to some).

Take, for example, one of CC's subsidiary principles: '*first* do no harm'. Borrowed from the Hippocratic oath, the principle may be indispensable for noting our duties to care for individuals, yet it provides insufficient guidance to appropriately evaluate and adjudicate competing claims. The ambiguity surrounding this principle's proper application has generated incredible concern among some conservationists. The principle attempts to hold humans accountable for the harm they deliver by requiring robust (ethical and scientific) arguments for causing harm (Lewis et al., 2016; Dubois et al., 2017; Wallach et al., 2018). On its face, the principle does not necessarily preclude harm as long as there has been a genuine attempt at minimizing it (Ramp et al., 2013).

The principle also seems sufficient for the cases generally considered by CC as a response to traditional conservation, which contain either (1) clear mutually beneficial (human and animal) outcomes from restricting killing (e.g., promotion of predators as keystone species), (2) arguably illegitimate arguments for harming animals (e.g.: rationalizing the killing of kangaroos) or (3) opportunities to take advantage of new technical developments to mitigate harmful management (e.g.: promotion of effective non-lethal interventions to mitigate human-wildlife conflict) (Ramp, 2013; Ramp et al., 2013; Wallach et al., 2015). However, empathy-induced compassion becomes a problem when trying to precisely and equitably discern between competing claims, so as to arrive at a conclusion of when harm (to whom, and how much of it) could be considered ethical (see Rohwer and Marris, 2019 for hypothetical examples).

Although we acknowledge that some of these limitations may relate more to the application of compassion (rather than compassion itself), we note that CC does not offer explicit guidelines for how to correct for them. In fact, CCists have responded to the recent CC debate by developing CC's vision of nonhuman individuals as persons deserving of respect (Wallach et al., 2020). We consider this an acknowledgement that compassion by itself cannot do all the ethical lifting required in these pervasive situations, and the need for a constellation of relevant, situated values.

Heuristically, we see this emphasis on both compassion and personhood as opening the door to a necessary complementarity of values and convergence of perspectives with other paradigms, which harkens back to the more theoretically pluralistic understanding of CC's earlier principlism. For example, we can point to similarities between conceptions of nonhuman individuals in CC (‘persons’) and MJ (‘selves’) that are deserving of moral consideration. Practically, we posit further development of this complementarity of values can further correct for the relative dismissal of individuals and help weigh conflicting claims in conservation conundrums (e.g., by grappling with multispecies justice alongside compassion). To that end, we proceed to discuss what MJ can contribute, as well as expand on how compassion is essential for its adequate deployment.

5. Multispecies justice in our mixed-community

An ethic of respect and dignity (implied through personhood) would complement compassion by addressing some of its limitations, as it demands (1) recognition of animal capabilities, interdependence and claims, and (2) justice based on guidelines concerned with how to consider competing claims in cases where compassion may be indeterminate, and arguably even in the absence of any sense of empathy or care (Regan, 2004; Nussbaum, 2006).

Throughout human history's ethical, philosophical, political and legal thinking in various cultural traditions, justice has been paramount for thinking through how we ought to behave and relate to other beings. This is because justice is generally concerned with fairness in the treatment of others – ‘what we owe to and are owed by others’ – (Regan, 2004; Miller, 2017), and is usually interpreted to prescribe impartiality through the ethical maxim ‘treat like cases alike, different cases differently’.

The consistent conceptualization of justice as fairness has made it indispensable in social moral thinking, given the unavoidable tension created by limited resources and the struggle to distribute them equitably among community members (Rawls, 2009; Miller, 2017). The concept of justice is particularly useful in situations of conflicting claims between strangers within communities concerning how harms and benefits are distributed (Celermajer et al., 2006). That is, situations, common socially, where and when bonds of affection between those involved may not be robust enough to guarantee ethical behavior, or where these bonds are absent altogether (Waldron, 1988; Miller, 2017). Justice seems indispensable to community coexistence, which entails a ‘give and take’ where one's claims are limited by others', most of these strangers (Waldron, 1988; Donaldson and Kymlicka, 2011).

That we ought to implement justice follows from that we can (Midgley, 1998); that is, the claims to fairness made by those involved are considered enforceable in addition to legitimate. These claims, and the just resolution of the conflict, should consider the capabilities (emotional, physical, cognitive) (Regan, 2004; Nussbaum, 2006, 2011; Donaldson and Kymlicka, 2011), relationships (social, familial, ecological) (Midgley, 1998; Plumwood, 2000; Donaldson and Kymlicka, 2011) and needs (considering concepts of vulnerability, and responsibility or culpability) (Rawls, 2009; Donaldson and Kymlicka, 2011; Nussbaum, 2011; Deckha, 2015) of the beings involved.

Despite its widespread usefulness in situations of conflict, which are pervasive with animals, justice as a moral concept has a long anthropocentric tradition in Western philosophical thought which dismisses animals from consideration (Midgley, 1998; Regan, 2004; Miller, 2017). Both Hume and Rawls placed animals outside the scope of justice given their narrow notions of what justice is concerned with (property, for Hume) or of a selfish social contract (for Rawls) (Midgley, 1998; Rawls, 2009). Similarly, Kant denied we had any duties to animals, based on a narrow notion of both ‘duties’ (which he restricted to ‘legal’ ones) and ‘reason’ (defined narrowly as self-consciousness and then categorically denying animals had it) (Kant and Infield, 1963; Midgley, 1998). We should note that, while denying animals duties or justice, all of them advocated for their compassionate and humane treatment.

Ethical, philosophical and scientific advances in the last centuries have made short work of the above arguments (and many others) to exclude animals from the spheres of justice (Midgley, 1998, 2001; Plumwood, 2000). Today, the clearer view we have of all animals, humans included, is more nuanced, accurate and highlights a gradient of cognitive, emotional, and physical capabilities, and a diversity of types of rationalities, within and across all animal species, including humans (Darwin, 1871; Midgley, 1995). Sentience, sapience, sociability and a diversity of other morally-relevant capabilities, relationships and needs are all found across a continuum throughout the animal kingdom and nonhuman world more broadly.

Moreover, humans are inevitably embedded in a diversity of interacting relationships with, and thus responsibilities towards, animals (Midgley, 1998; Donaldson and Kymlicka, 2011; Peterson, 2013). These social and ecological relationships highlight the lack of a purely ‘human community’ (a mostly Western fiction), evidencing instead the existence of Midgley's ‘mixed-moral community’; a multispecies community with overlapping social and ecological relationships (Midgley, 1998).

For Midgley, there is no binary opposition between the intrinsic value of ecological communities and the individual animals that (in part) constitute them (Midgley, 2001). To think of these moral concepts as dichotomous fails us spectacularly. “Parts and wholes are equally real” (Midgley, 2001). Rather, her concept of the mixed community speaks to our ethical obligations to the entire community of life. We are not restricted in caring for either the well-being of individual animals or their ecological communities, any more than we have to choose between caring for the well-being of those people who are dear to us while ensuring that the larger communities we are embedded in are treated with dignity, respect, and justice. As an empirical matter, people and animals are part of what constitutes nature. This geocentric axiology (Lynn, 1998) is an interpretation that recognizes the moral value of all, and promotes the equitable consideration of wellbeing for individuals and communities, social and ecological, human and non-human alike. While there are certainly arguments over who or what should take priority in specific instances, a moral and scientific concern for both animals and nature is widely shared across the conservation and animal protection communities. Altogether, this is one reason why many ecofeminists speak in terms of nature ethics and not a dichotomous animal versus environmental ethics (Kheel, 1980; Peterson, 2013). We endorse this ecofeminist position.

Our conceptualization of *multispecies justice* (MJ) promotes the appropriate consideration of individual nonhuman beings as members of our mixed-moral community through the establishment of baseline duties to others, individuals and collectives (Treves et al., 2018), and is thus essential for establishing fair relationships with the nonhuman world. This fairness begins with impartiality, meaning there should be no blanket prioritization of an individual or group's claims over any other(s), such as a categorical bias in favor of one's species (i.e., humans). MJ thus delinks the concepts of 'social' and 'human': "If we acknowledge a mixed-moral community, social justice should have never excluded the non-human world" (Treves et al., 2018 p. 229). This horizontal conceptualization of competing human-animal claims and well-being promotes their direct, rigorous and equitable consideration, which would allow for redistribution or reallocation of resources in favor of nonhuman claims (against human ones). The debate over cats and biodiversity is a case in point. Animal and conservation advocates can both be blind to the reasons we ought to care for cats and native wildlife alike. They manifest a prejudice against the viewpoint of the other (Lynn et al., 2019; Lynn et al., 2020). MJ highlights the importance of confronting our own and others prejudices, and instead engaging in an ethically and scientifically informed exploration of how we 'do right' by both cats and native wildlife.

Questions of why, when, which type and how much harm should be inflicted on animals are inescapably intertwined with the equitable or fair evaluation of competing human-animal claims (Midgley, 1998). These evaluations can be well informed by MJ precisely because they deal with community members that are more often than not strangers either lacking mutual empathy or potentially biased by empathy-induced compassion through (un)familiarity to others. In what follows, we discuss how MJ guidelines can contribute to CC's promotion of animal consideration within conservation practice.

6. Promoting animal consideration through multispecies justice

Given the central role of justice for social institutions, multispecies justice inevitably entails engagement with the codification of nonhuman claims. Codification of a just process and nonhuman claims is indispensable for the provision of appropriate guidance for ethical coexistence (Santiago-Ávila et al., 2018). There are currently a number of proposals advocating for the codification of capabilities or basic claims on a case-by-case basis (e.g., for wolves, or free-roaming cats) (Nussbaum, 2017) or given the relationships between individuals and communities (Donaldson and Kymlicka, 2011). Elsewhere we have argued for the codification of nonhuman claims through democratic deliberation within executive agency rulemaking and legislation (e.g., ethical training and explicit guidance for evaluating conflicting claims) (Santiago-Ávila et al., 2018); trustee representation of nonhumans in constitutional courts given evidence that consensus-based stakeholder-driven processes usually disadvantage the voiceless (Treves et al., 2018); and the use of ethics reviews that consider the wellbeing of animals along with that of people and nature in environmental and wildlife policy (Lynn, 2018).

We consider codification of nonhuman claims as essential for their moral consideration because it allows for explicit and transparent comparability of claims; evaluating what's at stake for all involved and which claims should take primacy. The idea of comparability of claims highlights the concern of justice with equitable consideration. That is, when claims are comparable, justice demands they be explicitly and impartially accounted for (Midgley, 1998; Nussbaum, 2006; Donaldson and Kymlicka, 2011; Santiago-Ávila et al., 2018). Without appropriate legal codification and explicit procedures, conservation may tend towards relative dismissal in practice given the clear power asymmetries, despite arguably genuine attempts at harm minimization (e.g. Santiago-Ávila et al., 2018 on wolf management). Indeed, along with a demand for robust justification for infringement on others claims, the codification should consider corrective justice, which accounts for assessing culpability for causing harm to others. This is particularly important given not only the widespread anthropogenic harms to nonhumans, but for which relatively trivial human claims (e.g., trophy hunting).

However, codification interpreted strictly as impartiality or universality has also masked morally-relevant differences and tended to systematically exclude marginalized groups, resulting in a historical imbalance in application. We argue this does not undermine justice per se, but prioritizes the need to consider and orient it towards situated and relevant differences and similarities: "Multispecies justice… places at its centre the demands of the most radical edge of difference-sensitive justice theories – to be alive to the fact that reforms posing as inclusion or equal treatment may in fact perpetrate deeper forms of exclusion" (Srnivasan & Cochrane in Celermajer et al., 2006 p. 6). To put it briefly, rather than an abstract 'fairness' or 'equality' of capabilities or opportunities, moral beings are owed equitable consideration of their situated (i.e., contextual) similarities and differences (in capabilities, relationships, needs, culpability and vulnerability).

For example, consider that despite the concerns over declining salmon populations in US Pacific Northwest as a result of anthropogenic impacts (i.e., culpability), the claims of sea lions, black crested cormorants and orcas for this indispensable source of sustenance (i.e., need and ecological relationships) is much pressing than for humans, given the much higher dependence of nonhumans (i.e., vulnerability) relative to the abundant substitutes available to sympatric human communities. While empathy-induced compassion towards humans or salmon (as a species) may arguably be called upon for 'humane' killing of these nonhumans, it would be unthinkable to call that killing 'respectful' or 'just' from the perspective of MJ. Likewise, the claim to recreation of trophy hunters would be considered trivial when assessed against the claim to life and respect of those nonhuman selves (Santiago-Ávila et al., 2018) and thus deemed an unjust practice that should be denounced and ended.

Justice is also usually interpreted to include obligations to not harm individuals (similar to CC's 'first do no harm'), as well as a duty of assistance when individuals are facing harm. Hence, we should not only avoid harm but also promote conditions for nonhumans to flourish in. On this point, Mathews' (2016) concept of bioproportionality seems particularly useful, since it intends to promote a reconsideration of the current biodiversity-focused conservation ethics towards one focused on species flourishing (rather than mere viability), and highlights the need to focus on redistribution of resources without dismissing the urgent need to stop and reverse human population growth. We would argue equitable consideration requires equitable distribution of resources among species. Anything else seems anthropocentric (Treves et al., 2018).

Justice may also include a principle of proportionality of response that concedes the use of force, yet not excessive force, when defending against a threat based on the claims involved (Regan, 2004), which could complement a focus on compassion with clearer guidelines for assessment of reactive interventions. For example, the use of harmful methods (lethal or not) against an animal that is securing for subsistence what could be considered a marginal (as opposed to subsistence) resource for humans would seem disproportionately harmful. This is to say that the harm to the animal is immoderate given the harm experienced to the humans given the former's much urgent claim.

MJ can aid in analyzing and criticizing existing unjust (e.g.: anthropocentric) structures and institutional (social, economic, legal) arrangements, and visualize and promote new ones. This process is integral for sustaining the circumstances of justice (decreasing both the perceived and actual intensity of conflict for resources, and increasing our ability to enforce justice). Yet, this task is never complete. Circumstances inevitably change and with them the ethical analysis and alternatives we are justified in choosing ('ought' implies can) (Waldron, 1988; Midgley, 1993; Donaldson and Kymlicka, 2011).

For example, dismissal of commercially bred domestic animal claims is pervasive in the conservation literature, despite this being of major ethical and conservation concern (Singer, 1975; Midgley, 1998; Regan, 2004; Bar-On et al., 2018; Shepon et al., 2018; Poore and Nemecek, 2018). This dismissal is a moral position conveying a certain lack of impartiality regarding who is being morally considered. Thinking about MJ could move conservationists beyond particular instances of conflict (i.e., non-lethals for mitigating conflicts) to reflect on how once necessary structures and practices considered today inherently unjust and entirely substitutable for society should be ended out for the sake of all.

This last example of stepping back from particular cases in situ to structural issues that underwrite current contexts highlights the potential for complementarity between CC and MJ. While compassion can be rightly considered one of the indispensable precursors of ethical behavior, and its implementation may indeed go well beyond justice if the individual agent decides to, it remains focused on the individual. Rather, justice defined as fairness between strangers within a community, has a much stronger *political* component. It codifies a baseline level of consideration, thus setting an enforceable bar for process and outcome. Appropriately contextualizing conflicts should also include a structural analysis of the underlying assumptions and institutions (e.g., how anthropocentrism and poverty impacts poaching inclination or domestic ungulate breeding) and not merely seek to eke out a place for nonhumans within any current human practices, as has often been the case (Mathews, 2016).

7. No multispecies justice without compassion

And yet, despite what MJ can contribute to advancing the claims of nonhumans, its promotion should emanate from an ethics-of-care for which compassion is indispensable. This is exemplified in a wide literature from animal protection, feminist theory, and bioethics (Tronto, 1994; Tschudin, 2003; Donovan and Adams, 2007). Justice based on an ethics-of-care highlights the interdependency and vulnerability of all beings, instead of promoting a liberal conception of justice for autonomous agents than promotes equality, reason and individualism, and thus anthropocentrism (Adams and Gruen, 2014). Rather, compassion's blending of emotions and reason allows for justice to be both more sensitive to inequalities and accountable to vulnerabilities, allowing a reorientation towards situated differences and similarities within interdependent relationships (Taylor, 2014).

The justice guidelines we have discussed are focused on the enshrining of equitable consideration of claims within the institutions mediating interactions in our mixed-moral community. Generally, these institutions are charged with dealing with strangers that may lack a compassionate response to those with conflicting claims. In our view, appropriately deployed justice contributes to the extension of compassion to strangers through its institutionalization (Nussbaum, 2013), creating structures for equitable consideration that may correct for biases, but that should acknowledge the interdependency and differences recognized through compassion. Particularly enlightening is how, in convergence with these frameworks, both the Dalai Lama and Ghandi appealed principally for compassion but also emphasized justice within the struggles of their communities against colonialism and unjust subjugation. As Curtin states: “Justice is not, in principle at least, at odds with compassion. They are complementary perspectives. *The only kind of justice worth having is justice administered with compassion*” (emphasis ours) (Curtin, 2014).

8. Ethical conservation demands compassion and justice

Grounded in Midgley's ethical framework of the mixed-community, we have discussed how CC and MJ are indispensable and complementary conservation ethics. While compassion focuses on promoting empathy and suffering with other beings as a guide to harm mitigation, justice stresses respect and dignity, while establishing fair relationships and terms of cooperation with those others, especially when dealing with such vulnerable populations as nonhumans (Treves et al., 2018). Thus, demanding that conservation actions meet standards of both compassion and justice will likely refine the range of ethical alternatives in favor of the consideration of animal claims, both for individuals and wholes. If both paradigms can converge on this, it will be beneficial to rectifying humanity's deeply troubled relationship with wildlife and the wild, something indispensable for peaceful coexistence. Conservationists advocating for a non-anthropocentric paradigm would do well to keep both values in mind when evaluating the appropriateness of intervening in animal lives.

Importantly, MJ entails engaging with political questions of individual animal claims and their explicit codification for all animals (i.e., not only ferals, introduced or predators, but also domestics), so as to provide explicit guidance for ethical coexistence. This engagement speaks to a geocentric recognition of equitable but different duties, social and ecological, towards nonhuman individuals and wholes. We argue such a framework can contribute to greater recognition for the intersectionality of human and animal struggles, increasing and institutionalizing compassion for animals while simultaneously envisioning and promoting the expansion of the circumstances of justice (e.g., decreasing the appearance of and actual conflicts through acknowledging animals' more urgent claims and promoting the equitable distribution of resources). Thus, compassion and justice can be seen as mutually informing and constituting.

Our prescriptions may seem like a tall order to some. Many will raise challenges of feasibility or practicality (e.g., see current trophy hunting debate with Dickman et al. (2019)). In some instances, these may be completely legitimate immediate constraints, but it is worth highlighting that they also largely rest on the dismissal of animal claims because ultimately the burden, risk or harm caused by these interventions usually falls on them (e.g., non-lethal measures used only when “practical” and “effective” for humans; see Santiago-Ávila et al., 2018). These constraints do not preclude conservationists passing judgment and promoting (yet never imposing) more ethical arrangements. Thus, as a normative endeavor, non-anthropocentric conservationists should supplement their research and practice with political advocacy for MJ and equitable partitioning of resources among all moral beings, beginning with the most vulnerable. The alternative – limiting ourselves to our specific conflict situations, divorced from broader societal concerns and social justice struggles that hinder our ability to arrive at ethical solutions – will inevitably continue to dismiss the most vulnerable; both human and animal, parts and wholes.

Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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