

## Defending the Defenceless: Speciesism, Animal Liberation, and Consistency in Applied Ethics

Lisa A. Kemmerer

Volume 9, Number 3, Fall 2014

URI: <https://id.erudit.org/iderudit/1029068ar>

DOI: <https://doi.org/10.7202/1029068ar>

[See table of contents](#)

Publisher(s)

Centre de recherche en éthique de l'Université de Montréal

ISSN

1718-9977 (digital)

[Explore this journal](#)

Cite this article

Kemmerer, L. A. (2014). Defending the Defenceless: Speciesism, Animal Liberation, and Consistency in Applied Ethics. *Les ateliers de l'éthique / The Ethics Forum*, 9(3), 238–253. <https://doi.org/10.7202/1029068ar>

Article abstract

This article explores whether or not animal activists who engage in violence might legitimately be labelled “terrorists.” To this end, I examine common assumptions concerning the use of pre-emptive counter-violence in order to defend the comparatively defenceless. Through the use of casuistry, this essay compares specific hypothetical instances of killing comparatively defenceless individuals, beginning with scenarios that offer a clear general consensus, moving to more controversial cases. This indicates that contemporary violence on behalf of animal liberation, often assumed to be rash and radical, is actually quite restrained. The intent of this paper is not to make claims as to how liberationists ought to behave, but rather to highlight egregious inconsistencies in our attitudes toward violence on behalf of those who are comparatively defenceless.



# DEFENDING THE DEFENCELESS: SPECIESISM, ANIMAL LIBERATION, AND CONSISTENCY IN APPLIED ETHICS

LISA A. KEMMERER

DEPARTMENT ENGLISH, PHILOSOPHY & MODERN LANGUAGES, MONTANA STATE UNIVERSITY BILLINGS

## ABSTRACT:

This article explores whether or not animal activists who engage in violence might legitimately be labelled “terrorists.” To this end, I examine common assumptions concerning the use of pre-emptive counter-violence in order to defend the comparatively defenceless. Through the use of casuistry, this essay compares specific hypothetical instances of killing comparatively defenceless individuals, beginning with scenarios that offer a clear general consensus, moving to more controversial cases. This indicates that contemporary violence on behalf of animal liberation, often assumed to be rash and radical, is actually quite restrained. The intent of this paper is not to make claims as to how liberationists ought to behave, but rather to highlight egregious inconsistencies in our attitudes toward violence on behalf of those who are comparatively defenceless.

## RÉSUMÉ :

Cet article vise à déterminer si les activistes animaliers qui se livrent à des actes violents doivent légitimement ou non être taxés de « terroristes ». À cette fin, j'examine les idées courantes relatives à l'utilisation de la violence préventive dans le but de défendre des êtres qui sont relativement sans défense. À l'aide de la casuistique, cet essai compare des exemples hypothétiques spécifiques de meurtres d'individus relativement sans défense, en commençant avec des scénarios qui offrent un consensus général clair, pour passer ensuite à des cas plus controversés. Cette recherche montre que la violence contemporaine perpétrée au nom de la libération des animaux, que l'on considère souvent comme étant téméraire et radicale, est en fait assez retenue. L'objectif de cet article ne consiste pas à prendre position au sujet de la façon dont les libérationnistes devraient se comporter, mais plutôt à mettre en évidence les incohérences flagrantes de nos attitudes face à la violence perpétrée au nom des êtres qui sont relativement sans défense.

Arguments in this essay, above all else, are rooted in consistency, and my task is to assess what consistency requires if we hold a particular point of view concerning the use of violence on behalf of the defenceless. I begin by calling attention to what appears to be a broadly held moral outlook, with regard to the use of violence on behalf of comparatively defenceless human beings. I then apply this common moral outlook to a second scenario that is similar in morally relevant ways, allowing consistency to lead the way.

## CLARIFICATIONS

I use the term “comparatively defenceless” for clarity. For example For example, toddlers are not completely defenceless, but they are certainly comparatively defenceless. Toddlers are also widely considered “innocent,” though it is easy to argue about particulars—innocent of what? Young humans are masters of manipulation, for example, and are often cruel to beings who are yet more vulnerable, such as insects, very patient pets, or smaller children. Where “innocent” is used in this essay, it does not mean “innocent of all wrongs, or completely without blame,” but rather “innocent of any crime or action that most people would consider it reasonable to punish with long-term imprisonment or death.” From here forward, for the sake of simplicity, I sometimes drop “comparatively” before “innocent” and “defenseless,” but “comparatively” is implied in each instance.

With regard to the aggressors presented in the following scenarios, they are not under duress or otherwise acting for the sake of self-preservation. (Interestingly, even if the posed aggressors were acting for self-preservation, the general moral sense established in the above scenario would not necessarily support aggressive actions. My experience is that student responses are mixed in such a situation.)

I begin by establishing what appears to be a broadly held moral outlook with regard to the use of violence on behalf of the comparatively defenceless. Toward this end, I posit Scenario 1.

## SCENARIO 1: GUNMAN, TODDLERS, AND PRE-EMPTIVE COUNTER-VIOLENCE

*Force, even violence, can be appropriate  
in the defense of the innocent.*

(Dawn 226)

Suppose that an armed man points a semi-automatic rifle into a crowd of toddlers. He looks, for all purposes, about to open fire, though the toddlers pose no threat to the man. There is a woman, not far away, who sees the man aiming his gun at the children. She also packs a weapon. The toddlers are not in her line of fire. However, she can only see the gunman’s head, and therefore, if she fires, and if she hits her mark, she will kill the man with the gun. She has only one bullet, further compelling her to make certain that she does not miss her target. Surveying the scene, she concludes that killing the man pointing the gun at the group

of toddlers is the only way to protect the comparatively defenceless toddlers, and she must act quickly if she is to do so.

Should she shoot?

Over roughly fifteen years of presenting this scenario in classrooms and among various groups of individuals in the U.S., as well as to individuals in Canada and Europe, responses have been almost unanimous: the woman ought to shoot, aiming at her only target—the gunman’s head.<sup>1</sup> Furthermore, the vast majority of respondents applaud the woman for eliminating what appears to be a dangerous threat to defenceless toddlers. Respondents indicate that it is reasonable to assume that the toddlers prefer not to be gunned down, and assert that the woman’s homicidal pre-emptive counter-violence should not be legally punishable. Instead, most respondents assert that those who kill to protect the comparatively defenceless and innocent—including this female gunman—are heroes.

Respondents occasionally argue that the gunwoman ought to hold fire until the first shot is fired—things are not always as they appear. Perhaps he is acting out a pretend scenario, with a pretend gun, or perhaps he is target-practicing and we simply cannot see the target at which he aims. Or, maybe the man does plan to kill toddlers, but will come to his senses before firing the first shot. Those who wait for the first shot do not hesitate to fire on the gunman *after* the first shot has been fired, and many clearly regret their hesitance when faced with even one dead toddler.

In the process of presenting this scenario to hundreds of respondents, I have found only one pacifist—only one respondent (an ethics student, female, about 20 years old) who proved unwilling to shoot even if the gunman opened fire on the toddlers. For this respondent, the man could kill as many toddlers as he liked, and it would never be appropriate for the on-looking gunwoman to execute him. This student would not, under any circumstances, condone violence—even on behalf of many defenceless lives threatened by a violent aggressor. Interestingly, her classmates loudly rejected such pacifism at the expense of the lives of innocent toddlers.

The above scenario highlights what seems to be a common moral sense: an aggressor posing an immediate threat to the comparatively defenceless is rightly met with pre-emptive counter-violence, even homicide. If this assumption is *incorrect*, then the force of reason behind this essay dissolves.

### Scenario 1 Recap

In the given situation, the toddlers have comparatively much less power, whether in the form of technology or in the form of control, than does the gunman. The gunman has a semi-automatic rifle; the children are unarmed. The gunman controls the plot, and is the apparent aggressor; the toddlers appear to be unwitting victims who can only react to the gunman’s aggressions. The youngsters cannot

possibly defend themselves against the aggressor—their reaction to any gunfire is likely to be nothing more than random flight, and the aggressor likely anticipates (perhaps even relishes) this response. The gunman acts; the toddlers merely react. If he shoots, the toddlers are forced into the gunman's plot—they become his targets, his victims. If he shoot at the toddlers, there is every likelihood that they will be terrified, confused, wounded, and/or killed. He has planned the unfolding violence for his own purposes, whatever those purposes may be, without the knowledge or understanding of those at the other end of the barrel.

Note that this scenario is not an argument from marginal cases: Toddlers are the victims in this scenario not because they lack understanding or abilities that the rest of us are likely to have, but because they are unarguably comparatively defenceless and innocent. Note that the same could be said of an adult in a similar situation. Using toddlers in Scenario 1 allows respondents to understand clearly and to accept that the victims are both innocent and defenceless (according the above definition). To consider this an argument from marginal cases is to miss the point: any one of us would be an innocent and defenceless victim in this scenario.

In my experience, respondents to Scenario 1 overwhelmingly agree that an individual whose aggression poses an immediate threat to defenceless individuals is rightly met with pre-emptive counter-violence, even homicide.

Responses to the gunman/playground scenario indicate two sufficient conditions justifying pre-emptive counter-violence (including homicide):

when an apparent aggressor poses a direct, immediate threat to the lives of the comparatively defenceless without doing so in self-preservation,  
*or*  
when killing an aggressor appears to be the only way to save comparatively defenceless lives.

With regard to Scenario 1, respondents indicate that either one of these two conditions is *sufficient* for deadly counter-violence.

It is critical to note that responses were not dependent on the toddlers' intelligence or potential. Respondents did not save toddlers because they believed that the toddlers would one day be capable of high-order reasoning, or because they assessed the toddlers as self-conscious, or because toddlers were expected to develop language skills. Nor did respondents ask how closely they were related to the endangered toddlers. Indeed, my experience indicates that when these variables are changed, responses do not change—the vote is still to protect the defenceless from the gunman using lethal force. Respondents, when asked, indicate that they believe that it is morally acceptable to use lethal force to save the toddlers *because it is wrong for a comparatively powerful individual to kill unwitting, comparatively defenceless individuals*—whatever their ultimate intentions or reasons might be. Respondents rarely ask *why* the gunman might be killing the toddlers, they simply give the green light to prevent him from doing so.

## Moral Consensus

Within a given society, people often have much in common with regard to their general sense of ethics. While morality is not a popularity contest—neither consensus nor majority opinion can dependably determine what we *ought* to do—in conjunction with *casuistry*, consensus can be used to assess moral *consistency*.

*This essay is fundamentally about consistency in applied moral philosophy.* This article explores what *consistency* requires with regard to applied ethics, moving outward from Scenario 1 to other scenarios that are similar in morally relevant ways.

## Casuistry

The word “casuistry” comes from the Latin *casus*, meaning “case.”

The casuistic method is to start with cases whose moral features and conclusions have already been decided, and then to compare the salient features in the paradigm case (that is, the case with morally settled dimensions) with the features of cases in need of a decision [...]. One can make successful moral judgments [...] only when one has an intimate understanding of particular situations and an appreciation of the record of similar situations. (Orlans, 1998, p. 43)

Casuistry requires that comparable instances be treated in a comparable manner—that any decision rendered in one instance hold for instances that are similar in morally relevant ways (Buning, 1989, p 20). Casuistry also indicates different treatment when two cases are *different* in morally relevant ways. For example, if an avocado thief steals from the rich to give to the poor, while an eggplant thief steals for profit, then the two thieves ought to be treated differently not because they stole different vegetables, but because stealing out of compassion for those who are desperate is morally distinct from stealing for personal profit. Or again, if an avocado thief merely steals in order to have something to eat for dinner, while an eggplant thief steals an entire truckload of veggies to sell for profit, the two cases ought to be treated differently because stealing out of desperate need in the hope of survival is distinct from stealing for personal profit. *All things being equal*, one who steals an avocado ought to be treated in a manner similar to one who steals an eggplant. But in the face of morally relevant differences, scenarios ought to be treated differently. *For those who treat cases that are similar in morally relevant ways in a different manner, the burden of proof is theirs*—they must provide sound justification for treating such cases differently.

## Morally Relevant Distinction

Casuistry requires consistency—that similar cases be treated in a similar manner. But what is the measure of a similar case? How are we to assess differences?

Philosophically speaking, *morally relevant* differences or distinctions are required if we are to treat different individuals or cases differently. While every individual is unique, many differences are not morally relevant. Someone with freckles is not thereby morally granted economic privileges over those without freckles. Those who can yodel are not thereby morally wrong to enjoy the religious freedoms and protections that others enjoy. While freckles and yodelling are noticeable differences, they are not morally relevant differences with regard to economic privileges or religious freedoms. Nor is relationship (or lack thereof) considered a legitimate reason to exclude those in other communities or on other continents from such basic rights. There is no reason why these particular attributes should exclude or privilege an individual in relation to other individuals with regard to these moral matters.

The moral ideal of equality between human beings—regardless of race, sex, sexual orientation, or age—is rooted in the knowledge that there are no *morally relevant* distinctions between these various categories with regard to basic rights and privileges. There are, of course, *many* differences, but none that are *morally relevant* with regard to the right to life, bodily integrity, or liberty, for example. Consequently, inasmuch as Caucasian males ought to be protected from random murder, all people ought to be similarly protected.

It will not do simply to cite difference between humans and animals in order to provide a rational basis for excluding animals from the scope of our moral deliberations. Certainly [a human being] is the only creature who grates Parmesan cheese over [...] food, wears panty hose, pays taxes, and joins health clubs. There are innumerable differences that obtain between people and animals. The question is, do these differences serve to justify a *moral* difference? (Rollin, 1981, p. 7)

This means that moral standing granted to certain individuals in a given situation, but not to others in a comparable situation, requires justification. Where a morally relevant distinction cannot be found, individuals ought to be treated similarly.

It is this notion of *morally relevant differences* between humans and animals that serves as the most powerful tool in the investigation of the moral status of animals. If we can find no morally relevant differences between humans and animals, and if we accept the idea that moral notions apply to men, it follows that we must rationally extend the scope of moral concern to animals. (Rollin, 1981, p. 7)

Is there any difference between human beings as a whole and all other species that might be used to justify different treatment when it comes to defending the innocent and defenceless?

Perhaps the most commonly assumed difference between humans and other species is rational thought, but, as noted in the above scenario, rational thought

is *not* a morally relevant distinction with regard to protecting innocent, defenceless individuals from dangerous aggressors. I found no respondents who believed that they need not protect toddlers if their mental abilities and thought patterns were similar to those of a dog, for example. If such protection rests on the ability to reason, or on specific adult human mental capabilities, then small children, senile adults, the severely mentally disadvantaged, and the comatose would be exempt. In short, “If possessing a higher degree of intelligence does not entitle one human to use another for his own ends, how can it entitle humans to exploit nonhumans for the same purpose?” (Singer, *Animal* 7).

In any event, studies increasingly demonstrate that nonhuman animals are not so different from the human animal:

[...] the general truth that animal brains are anatomically similar to our own must be accepted. And this gives us reason for believing that the mental events that take place “within” them are in some degree similar to those which occur in our own brains. (Crisp, 1996, pp. 310-312)

Scholars have demonstrated that other species also use reason. Other mammals, birds, and fish reason to solve puzzles, to find food, to avoid danger, and to gain an advantage in their community—as do humans mammals. Studies demonstrate that nonhumans as diverse as octopi and pigeons use reason. (See Braithwaite, 2010; Magnhagen, Braithwaite, and Forsgren, 2008; Savage, 1997; Davis, 2014; Griffin, 2001; Bekoff, 2013.) Research increasingly demonstrates that differences between humans and other animals are a matter of degree, and not a matter of kind. While there are, no doubt, some animals who lack the ability to reason, some humans also lack this ability. The burden of proof lies with those who wish to assert that a particular species or individual is mentally different in a way that is morally relevant such that a certain species or individual is rightly excluded from basic protections provided others.

No doubt a line might be drawn somewhere between certain animals and certain other animals with regard to morally relevant attributes such as sentience or will to live, for example. But these somewhat hazy lines are irrelevant when considering adult mammals for example—who are sentient and demonstrate a clear preference for life when threatened with death. This essay is not about animal liberationists engaged in direct action on behalf of microbes or mayflies. This paper is about liberationists struggling to protect billions of creatures who, given the chance to vote with their feet, would quickly and clearly vote for life and freedom—would make clear (to those willing to see what they prefer) that they do not wish to be exploited for fur, science, flesh, dairy, or eggs—including those exploited for “humane meat,” “grass-fed dairy,” and “free range eggs.”

Some argue that morality itself sets us apart from other creatures, asserting that human morality is unique in the animal world, and that this qualifies as a morally relevant distinction between all humans and all other animals, granting us special privileges over and above other animals. But we cannot *know* that every other individual from every other species is bereft of moral agency. In addition,



scholars are challenging this assumption, including biologist Marc Bekoff, who provides examples of nonhuman animals who act in ways that, were humans engaged in such actions, we would easily recognize as evidence of morality and moral agency (2009, p. 3).

It is also relevant that not all humans have moral agency. Morally challenged humans are not assumed to be exploitable or expendable simply because they lack moral agency. Capacity for moral agency does not constitute a morally relevant distinction with regard to protecting the lives of the innocent and defenceless from dangerous aggressors. Perhaps more to the point, if human morality *is* exceptional, it would seem that such a distinction would require *greater moral accountability* rather than provide license for exploitation and bloodshed. It seems counterintuitive for those who assert that humans have a unique moral capacity to assert simultaneously that humans are therefore entitled to cruelty and exploitation of the innocent and defenceless. *As yet, neither philosophers nor biologists have established a morally relevant distinction that holds between all humans (including the mentally disadvantaged and the comatose, babies, and Alzheimer's patients) and all other animals.* This makes perfect sense given that humans *are* animals.

## SCENARIO 2: GUNMAN, WHALES, AND PRE-EMPTIVE COUNTER-VIOLENCE

Using casuistry as a philosophical tool, in light of the importance of morally relevant distinctions, and in search of moral consistency, I posit Scenario 2, in which our innocent, defenceless toddlers are replaced with innocent, defenceless whales. An aggressor now appears to be posed to destroy a pod of blue whales. Again, an armed woman (in a nearby boat) bears witness, has just one bullet, and can only aim at the aggressor's head. This scenario mirrors Scenario 1 in all relevant aspects except that the apparent victims are whales rather than toddlers.

Should she shoot?

As in the first scenario, the balance of power is asymmetrical: the whales have no technology at their disposal, and like the toddlers, are the unwitting victims of the gunman's plot. While the killer has been planning their demise, they remain unaware of his schemes. Like the toddlers, these whales can only flee if they become aware that they are in danger—certainly after the first strike—and of course the whaler anticipates their reaction, perhaps even delights in the chase. As before, the aggressor appears to pose a direct and immediate threat to comparatively defenceless, innocent individuals, without doing so for self-preservation (no one will perish if he does *not* kill a whale). The targeted individuals are sentient, comparatively defenceless, and innocent of any wrongdoings that might legitimately have placed them in such an unfortunate predicament. As with the toddlers, it is reasonable to assume that these whales prefer to live, and that the only way to secure the safety of the whales appears to be through immediate, pre-emptive counter-violence—to eliminate the gunman. Also as before, such a response seems likely to succeed: if the whaler is killed, the whales will escape with their lives.

What morally relevant differences might exist between this and the first scenario? What about the intent of the killers? The whaler intends to eat his victims. In order to establish scenarios that mirror each other in all morally relevant ways, let us suppose that the aggressor in Scenario 1 intends to eat or sell the deceased toddlers, and that the gunman is both exercising and maintaining his cultural traditions—he has travelled to the rooftop with his gun, as his community expects him to do, intent on securing some toddlers for dinner.

Does this change the verdict?

Dietary habits, profit, cultural traditions, social mores—none of these are generally considered legitimate reasons to permit an aggressor to slaughter toddlers. Headhunting and cannibalism are both illegal in the United States because we find these ancient cultural traditions to be immoral—even repugnant. *Consistency requires that like cases be treated in a like manner.* Therefore, when the lives of the defenceless and innocent are threatened by an aggressor who is intent on consuming his victims, or intent on profiting from his victims, we are right to assert that these variables are irrelevant—the lives of the defenceless and innocent ought to be protected against such an aggressor. Morality calls us to protect the toddlers even against someone who is merely enacting ancient traditions. In the absence of any morally relevant distinction by which we might justly exclude other defenceless, innocent victims from this moral protection, we ought to protect whales against the gunman.

What if the man with the gun is lost at sea and will starve if he does not use the only weapon that he has to kill the only animal in his view—a blue whale? This changes the scenario in morally relevant ways. The man with the gun in Scenario 1 is not killing toddlers as a matter of survival. If the man with the gun will perish if he does *not* kill the whales, then the scenario entails a morally relevant difference and consistency is *not* required or expected between scenarios that differ in morally relevant ways. It is reasonable—even expected—that we respond differently to scenarios that entail morally relevant distinctions. Killing to satisfy an otherwise unmet, basic, biological need is morally distinct from killing for pleasure, profit, or as a matter of tradition or dietary habit.

If the gunman is not killing out of an immediate need for survival, is there any morally relevant distinction between Scenario 1 and Scenario 2? Indeed, there is: one case involves humans, the other involves blue whales—an endangered species. Whaling was unregulated until the middle of the 20<sup>th</sup> century, at which point whales had been hunted nearly to extinction (Schultz). By the time whalers decided to attempt to preserve their prey, only a few percent of the pre-whaling population of blue whales remained, and blue whale numbers are still estimated—even by the Whaling Commission—to be only in the thousands (“Status of Whales,” 2014).

The lives of individuals from a rare or endangered species are often afforded *greater* protection (if we are aware of low or declining numbers), putting yet more weight behind the protection of whales in Scenario 2 (numbers estimated in the thousands) in comparison with human toddlers in Scenario 1 (numbers estimated to be around seven billion). For example, the U.S. Endangered Species Act

protects endangered and threatened species and their habitats by prohibiting the “take” of listed animals and the interstate or international trade in listed plants and animals, including their parts and products, except under Federal permit. Such permits generally are available for conservation and scientific purpose. (“ESA Basics,” 2013)

Whales are listed as “Protected Stock” by the International Whaling Commission because their numbers are considerably below what is required to establish a “maximum sustainable yield”; in short, there is still a moratorium on whaling that protects blue whales from being “taken” (“International Convention”, pp. 5-6). On what legitimate moral grounds might we hold that it is not necessary to protect defenceless, innocent individuals from a comparatively rare species when we agree that we ought to protect defenceless, innocent individuals from a comparatively overpopulated species—especially when the abundant species is responsible for the decline of the endangered species?

For the purposes of casuistry, Scenario 1 and Scenario 2 are similar in every critical morally relevant way: each involves an aggressor who appears to be poised to kill defenceless, innocent individuals who would prefer to go on living. It is therefore unreasonable to argue that we ought to protect those victimized in the first scenario, but not those in the second scenario—especially given that individuals in the second scenario are members of an extremely endangered species.

Establishing some morally relevant distinction between species is essential if we are to respond differently to the above scenarios based solely on the species of the victims. Due to a lack of any soundly established and broadly accepted morally relevant distinction between humans as a whole and all other animals, we must celebrate and honor pre-emptive counter-violence in each of the above scenarios on behalf of the defenceless and the innocent, regardless of species, if we are to honour the widely accepted requirement of consistency and impartiality in applied moral theory.

### Consistency

Consistency is the central philosophical tool of analysis for this essay. As with casuistry, consistency (or universalizability) entails treating like cases in a like manner. To be defensible, or to carry any weight of reason, moral assessments must be consistent, and they must be applied consistently. This means that a moral assessment from one situation has bearing on other situations that are similar in morally relevant ways. Concurrently, when situations are different in morally relevant ways, different assessments and responses will be expected and required.

He should not lie” implies something like “People should not lie in situations relevantly similar to his.” After all, there is presumably some reason why he shouldn’t lie, and this reason will apply in cases other than this one. To claim that he should not lie but she should, according to the principle of universalizability, one would have to hold that there is a relevant difference between his and her circumstances (or between him and her)—on pain of unintelligibility. (DeGrazia, 1996, p. 50)

*Inconsistency leads to unintelligibility*, to a lack of credence, to moral confusion. Consistency is essential not only to Western morality, but also to much that we hold dear: “To abandon consistency [...] is to abandon the examined life, personally, and Western civilization, culturally” (Callicott, 1995, p. 25).

In the absence of any morally relevant distinction, treating some people who protect defenceless, innocent individuals as if they were heroes, while treating others who protect comparatively defenceless, innocent individuals as if they were criminals, is inconsistent. In the above two scenarios, both aggressors appear to be poised to kill comparatively defenceless, innocent individuals. Inasmuch as respondents believe the woman is right to use pre-emptive violence—to kill the apparent aggressor before he can harm toddlers—respondents ought to support pre-emptive violence on behalf of blue whales, especially given that these are members of an endangered species whom human beings have put in jeopardy. Aside from this difference, there is no morally relevant distinction between the two scenarios. This means that

- The gunman ought to eliminate the aggressor in both situations in order to protect those who are comparatively defenceless and innocent, who are sentient, and who no doubt prefer not to be killed, from what appears to be an immediate, direct threat.
- The gunman ought to be treated like a hero in both cases.

### Speciesism

Speciesism is the human tendency to make a distinction with regard to how individuals ought to be treated *based solely on species*. For example, we use forced impregnation to induce lactation, then snatch newborns from their mothers shortly after birth in order to consume their nursing milk, but we would never dream of breeding women in order to impregnate them so that we can steal their young and consume their milk (and slaughter them when their productivity declines)—though human nursing milk is no doubt more suitable for human consumption. (Using enslaved humans as wet-nurses was, however, shamefully similar in some ways.) We imprison other would-be mothers in very small cages in order to steal and consume their reproductive eggs, but would consider this practice an outrage if applied to humans. And while it is permitted to kill individuals of other species simply for the pleasure of killing, we usually recognize this same behaviour as a moral outrage when directed at human beings. This is speciesism—cows and hens and fish are treated differently simply on the basis of species (Singer, 1980, p. 223).

Why should *Homo sapiens* be treated differently from other species?

While some societies (especially industrialized societies) have regarded membership in the human community as morally critical, many thinkers and writers have effectively questioned this point of view, likening such assumptions to other forms of prejudice: “Speciesism, racism, and sexism are analogous: all three views imply that two individuals who do not otherwise differ in morally relevant respects may not receive equal consideration because of their species, race, or sex” (Pluhar, 1995, p. 129). Historically, certain *humans* were denied equal moral status, but most moral philosophers reject these transparent attempts to protect power and privilege—as does contemporary, Western culture more generally. Inasmuch as we have been able to question the assumed supremacy of Caucasians, for example, should we not question the belief that human life is of more value than the lives of those of other species? As with race and sex, species does not necessarily constitute a morally relevant distinction.

The fundamental difference between the two scenarios posed above is the species of the gunman’s target. Those who are speciesist will call for pre-emptive counter-violence on behalf of the defenceless and the innocent only when those threatened are human beings. Speciesism leads some to conclude that one who kills an apparent aggressor against defenceless, innocent children is a hero, while one who kills an aggressor who appears to threaten whales (or bovines or turkeys or salmon or macaque monkeys) is a terrorist.

Those who attempt to defend speciesism by noting that the whale killer plans to make use of his victims, or that the toddlers have more potential for language or reason, are inconsistent: neither intent to use toddler corpses nor a belief that the toddlers lack potential for language or reason would be considered a valid reason for allowing an aggressor to kill toddlers. In fact, the only morally relevant distinction between Scenario 1 and Scenario 2 appears to be the blue whales’ endangered status.

Scenario 2 satisfies both of the sufficient conditions that were established for justified homicide in Scenario 1. To reject these sufficient conditions with regard to Scenario 2 is speciesist—based merely on species—morally relevant distinction between the two scenarios.

## CONCLUSION

Broad moral consensus appears to hold that pre-emptive counter-violence is appropriate, even praiseworthy, when used on behalf of comparatively defenceless, innocent individuals faced with a direct and immediate threat. Time-honoured, foundational philosophical tools such as casuistry, consistency, impartiality, and the application of logic and reason, lead us to the following line of reasoning:

- Given that people support—even praise—pre-emptive counter-violence on behalf of defenceless, innocent human animals,
- and given an absence of any morally relevant distinction between human beings as a whole and all other animals,
- we ought to support—even praise—pre-emptive counter-violence on behalf of other defenceless, innocent animals.

If this reasoning is correct, we are obliged to *praise* pre-emptive counter-violence on behalf of defenceless, innocent individuals—whether chickens sent to slaughter, fish pulled from the sea, rabbits trapped in animal labs, or bobcats trapped or electrocuted for their fur. Furthermore, to fail to support such pre-emptive counter-violence is speciesist, inconsistent, and is therefore morally unintelligible

Those unwilling to accept this conclusion will need to:

- establish a morally relevant distinction between all humans and all other animals, or
- reject the use of violence on behalf of the defenceless and innocent, whether toddlers or turkeys.

In the absence of such a shift, animal activists ought to be praised as heroes for using pre-emptive counter-violence on behalf of nonhuman animals who are threatened by human beings.

Perhaps most importantly, animal activists who destroy labs or slaughterhouses, release exploited and imprisoned mice or mink, or sabotage shoots or hunts cannot reasonably be labelled “terrorists.” Indeed, these animal liberationists are living up to well-established, widely held moral principles, and instead of denigrating these determined moral exemplars—that is, wilfully mislabelling them as terrorists—we ought to praise such bold willingness to defend the defenceless and the innocent from such violent, powerful aggressors.

## ACKNOWLEDGEMENTS

Special thanks to Peter Singer for suggesting that I intersperse scenarios with philosophical principles, and also for encouraging me to carry on bravely following the principles of philosophy where they lead. Also thanks to other readers who offered feedback—mostly suggesting I use caution—including Walt Gulick and my beloved sister Jan.

## NOTES

<sup>1</sup> I have posed this question to at least 1000 people, largely 19 to 23 years old in Montana philosophy classrooms, but also in philosophy classrooms in Anchorage and Idaho. In my travels I have queried people of all ages across the U.S., Europe (Western and Eastern), Peru, Kenya, and a few places in Asia and Southeast Asia. The main difference that I find overseas is that respondents do not easily envision or accept scenarios in which guns are readily at hand. In this sense the scenario is culturally specific to the United States, and more difficult for peoples from other nations to address. That said, with no other options provided, my experience has been that almost all people of all nations ultimately vote just as do people in the U.S.

## REFERENCES

Bekoff, Marc and Jessica Pierce, *Wild Justice: The Moral Lives of Animals*, Chicago, University of Chicago Press, 2009.

—, *Why Dogs Hump and Bees Get Depressed: The Fascinating Science of Animal Intelligence, Emotions, Friendship, and Conservation*, New World Library, 2013.

Braithwaite, Victoria, *Do Fish Feel Pain?*, New York, Oxford, 2010.

Buning, T de Cock, “Workshop: Ethics in the Laboratory,” in B. S. Close *et al.* (eds), *Euroniche: Animal Use in Education: Proceedings of the Second International Conference*, London, Humane Education Centre, 1989 pp. 19-33.

Callicott, J. Baird, “Environmental Philosophy Is Environmental Activism: The Most Radical and Effective Kind,” in Don E. Marietta Jr. and Lester Embree (eds), *Environmental Philosophy & Environmental Activism*, Lanham, Rowman & Littlefield, 1995, pp. 19-35.

Crisp, Roger, “Evolution and Psychological Unity,” in Marc Beckoff and Dale Jamieson (eds), *Readings in Animal Cognition*, Cambridge, MIT Press, 1996, pp. 309–321.

Davis, Karen, *Prisoned Chickens, Poisoned Eggs: An Inside Look At the Modern Poultry Industry*, Summertown TN, Book Publishing Company, 2014.

Dawn, Karen, “From the Front Line to the Front Page—an Analysis of ALF Media Coverage,” in Steven Best and Anthony J. Nocella II (eds), *Terrorists or Freedom Fighters?*, New York, Lantern, 2004, pp. 213-228.

DeGrazia, David, *Taking Animals Seriously: Mental Life and Moral Status*, Cambridge, Cambridge University Press, 1996.

“ESA Basics: 40 Years of Conserving Endangered Species,” *U.S. Fish and Wildlife Service*, January 2013, accessed Oct. 4, 2014, [http://www.fws.gov/endangered/esa-library/pdf/ESA\\_basics.pdf](http://www.fws.gov/endangered/esa-library/pdf/ESA_basics.pdf)

Griffin, Donald, *Animal Minds: Beyond Cognition to Consciousness*, Chicago, University of Chicago Press, 2001.

“International Convention for the Regulation of Whaling, 1946: Schedule As Amended by the Commission on at the 64<sup>th</sup> Annual Meeting Panama City Panama 2012,” pp. 5-6, accessed Oct. 4, 2014, <http://iwc.int/private/downloads/11v6fvjz06f48wc44w4s4w8gs/Schedule-February-2013.pdf>

Magnhagen, Carin, Victoria A. Braithwaite, and Elisabet Forsgren, *Fish Behaviour*, CRC Press, 2008.

Orlans, F. Barbara, et al., *The Human Use of Animals: Case Studies in Ethical Choice*, New York, Oxford, 1998.

Pluhar, Evelyn B, *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals*, Durham, Duke University Press, 1995.



Rollin, Bernard E., *Animal Rights and Human Morality*, Amherst, Prometheus, 1981.

Savage, Candace, *Bird Brains: The Intelligence of Crows, Ravens, Magpies, and Jays*, Sierra Club Books, 1997.

Schultz, Charles R., "Whaling," in *Microsoft Encarta Encyclopedia 99: Tomorrow's Way to Learn and Explore*, CD-ROM, 20 Aug. 2000.

Singer, Peter, "Animals and the Value of Life," in Tom Regan (ed.), *Matters of Life and Death*, Philadelphia, Temple University Press, 1980, pp. 218-259.

—, *Animal Liberation*, 2nd ed., London, Thorsons, 1991.

"Status of Whales," *International Whaling Commission*, accessed Oct. 4, 2014.  
<<http://iwc.int/status#species>>