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The Respect Extended to Animals: Studies in Honor and in Memory of Tom Regan

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Almost Like Waging War

Tom Regan and the Conditions for Using Violence for the Sake of Animals

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Abstract

This paper investigates Tom Regan's attitude towards violence as a litmus test to understand the justifiability of the use of violence in animal rights activists (ARAs). Although Regan's take seems uncontroversially against a recourse to violence, there is an ambiguity in his position. By comparing Regan's conditions for the legitimate use of violence for the sake of animal liberation with the standard conditions for jus ad bellum, I show that Regan construed the conditions for the former in a specular manner as the conditions for the latter. However, since he was not an absolute pacifist, there is some contradiction, and he should have been more willing to justify some recourse to violence than he in fact does. I conclude by gesturing towards some possible changes that his thought should undergo in order to adjust this incoherence.

Keywords: absolute pacifism; animal ethics; animal politics; animal rights; animal rights activism; animal rights advocacy; Gandhi; *jus ad bellum*; Tom Regan; violence.

1. INTRODUCTION

Violence has always been a crux for animal rights activists (ARAs). While most important theorists have certainly shied away from violence, some prominent strands of activists have sometimes taken a violent route. Establishing why this has occurred in practice is not the purpose of this paper ¹. Rather, I want to investigate the possible theoretical grounds for

¹ But we can at least suppose that the cause could have been one of the following: because of a lack of alternatives, the animosity of the animal righters in question or

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the use of violence in one of the most important figures of the animal rights movement: Tom Regan. The importance of this figure in the field of animal rights and in the animal rights movement cannot be underestimated. As known, he was the philosophical founder of the animal rights position. Although he is probably less known than Peter Singer in the general public, his influence on the study and movement of animal rights has probably been more significant than Singer's. Hence, reference to this figure in terms of animal rights activism is uncontroversial. But how come he can be mentioned when talking about violence? This may strike one as a shocking reference. Regan was a theorist of equal rights, a radical theorist, but certainly not violent. And yet he has a more complex position than it seems at a first glance, or so I will argue.

This paper claims that there is an ambiguity and potential contradiction in Regan's attitude towards violence and political activism for the sake of animals. Although he does not shy away from the possibility that violence might be needed under certain circumstances, thus rejecting absolute pacifism, he says that such conditions are never met in practice. However, his overall position and the conditions he lays out for violent activism are more likely to justify violence than he admits. By means of a comparison between Regan's considerations on violence and just war theory, we will see that Regan is admittedly less supportive of violence than his theory would afford. This ambiguity leaves us in the face of a difficult choice: that either Regan's theory should be changed or those who subscribe to Regan's animal rights theory should support violence.

2. Animal rights in practice and violence

This choice of focusing on Regan is not difficult to explain. He was supportive of ARAs and he is somewhat the ideologue of many animal rights movements in virtue of radicality and egalitarianism. Hence, analyzing Regan's theory as to the problem of violence is urgent to the extent that Regan as well as many other theorists in animal rights are committed to making his thought practically relevant.

Here we are not discussing the feasibility of the animal rights ideal, although this is connected. Rather we are discussing the problem of violence, whether violence is admissible to rescue animals or to advance the

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because beliefs in animal rights have become for many people the functional equivalent of religion in terms of commitment, integrity and meaning in life (Jamison *et al.* 2000) which means that this has fostered the equivalent of fundamentalism in some people.

cause of animal rights. To make sense of this issue we should put it in a wider context of what it means to seek to bring about the animal rights ideal². First and foremost, it means trying to convince people as individuals by means of rational and emotional persuasion. That was ARAs' initial strategy, and is still the preferred strategy of many supporting the animal rights movement. This strategy based on individual conviction has been partially supplemented by more political initiatives aimed at convincing authorities (for instance, to ban some specific practices or change some laws) or aimed at being represented in parliament or in independent authorities. In ARAs there has been a very complex and multifaceted interaction between the drive to achieve the ideal and the need to live this ideal in daily activities. A classical tension between uncompromising approaches and more compromising ones has taken place (Francione 1996; Hall 2006). If in the first wave of animal rights debate the main point was about convincing people to change their values and lives, in the next waves ARAs turned to the issue of how to change practices and structures in a reluctant society. In between the two factions there are a number of other types of strategies and actions that have sparked an interesting debate. Let me just mention two of them. The first is whether some violations of the law for the sake of animals may qualify as acts of (possibly legitimate) civil disobedience (McCausland et al. 2013). ARAs who have taken a footage of abuses on animals in contravention with legal requirements with a view to publicly denouncing this abuse may be considered civil disobedients and be guaranteed a correspondent moral and legal status. The second kind of acts that I want to mention is that of animal rescue. Many ARAs have supported the moral compellingness of the case for animal rescue because, they argue, in freeing animals from exploitative premises and putting them in sanctuaries activists are doing several things: saving some specific animals from a life of suffering and premature death, levving the costs of practices involving animals and sending a message to the overall public. Some argue that the unlawful dimension in animal rescue should, accordingly, be granted the same legal and moral status as civil disobedience (Milligan 2017).

Despite the proliferation of such initiatives, many ARAs are dissatisfied with the outcome of the movement of animal liberation. Part of this dissatisfaction stems from the fact that societies and governments are inertial, and even though many steps forward have been made, the goal that ARAs still pursue is far from being achieved. So the question is: what should ARAs do in the face of insurmountable inertia? Is it always

² For a more complete overview of ARAs strategies, see Murno 2005.

necessary to abide by the law? Is it not sometimes necessary to break the law for the sake of a superior good? Many ARAs point to the case of liberation from slavery or resistance to unjust regimes as analogous to the liberation of animals³. These movements were not only illegal but also sometimes violent. Should ARAs not be allowed to act in a violent manner too?

Although this is an intricate question that we cannot fully answer here, we should now have a clearer grasp of what violence means. Let us start with some examples. Of course, harming people counts as violence. But what about destruction of property, intimidation, arson of research facilities, sabotage of places, or campaigns of psychological pressure towards researchers? These are illegal and morally problematic practices that have been employed by some activists in a number of campaigns (think, for instance, of the Stop Huntingdon Animal Cruelty – SHAC). Such campaigns and other initiatives have also deployed illegal, but not necessarily violent, strategies, such as trespass of property, unauthorized footage on a private farm, and so on. Where should we draw the line and distinguish between illegal and violent?

Some ARAs say that ARAs are not violent because violence can be addressed only to sentient beings, while such groups as ALF are committed not to harming any sentient beings, even though such actions involve illegal acts (sabotage, vandalism, destruction of property and so on).Violence is an ambiguous concept and defining it exceeds the scope of this paper. On this, it seems plausible to follow Morreall:

Acts of violence are always acts which "get at" persons. Unless the destruction of some physical object will "get at" a person, it is not an act of violence. Throwing rocks through the windows of my neighbor's new car would be an act of violence: throwing rocks through the windows of a junked car at the city dump (assuming that this has no ecological overtones nor makes it harder for dump personnel to dispose of the car) would not be an act of violence. (Morreall 1976, 38)

However, this plausible idea does not provide unequivocal criteria because the perception of what it means to "get at" a person or when a person's psychological unity is violated may vary from person to person.

³ Regan has a more nuanced position on this issue: "I am not in any way suggesting that the animal rights movement and the antislavery movement are in every respect the same (clearly, they are not), any more than I would be suggesting that all African Americans must be either gay or lesbian because there are similarities between the movement to liberate slaves, on the one hand, and the gay and lesbian movement, on the other. Similarities are just that: similarities" (Regan 2001, 141).

For the purposes of this paper we do not need to settle this issue. Indeed, Regan says that psychological violence is violence, and that destroying property is a form of violence:

If someone blows up a truck, torches a lab, or sinks an illegal whaling vessel, they do serious violence even if no one is hurt. To describe these acts as "nonviolent" is to misdescribe them, the way the military does when it describes civilians who are killed or maimed as "collateral damage". Nonetheless, the fact that the destruction of property counts as violence does not by itself make such destruction wrong. Whether the act is wrong remains an open question, one that cannot be answered merely by appealing to what words mean. (Regan 2001, 140)

3. CAN REGAN EVER JUSTIFY VIOLENCE FOR THE SAKE OF ANIMALS?

Now we are in a position to properly discuss Regan's take on this. The remarkable fact is that he seems to be quite honest and not reticent in addressing this issue. Given its importance for this paper, let me cite it at length:

ARAs who think that arson and other forms of destruction of property are forms of "nonviolent direct action" are free to think what they will. Certainly nothing I say can make them change their minds. I will only observe that, in my opinion, unless or until these advocates accept the fact that some ARAs use violence in the name of animal rights (for example, when they firebomb empty research labs), the general public will turn a deaf ear when their spokespersons attempt to justify such actions.

So the real question, I believe, is not whether some ARAs use violence. The real question is whether they are justified in doing so. Here are the main outlines of a possible justification.

- 1. Animals are innocent.
- 2. Violence is used only when it is necessary to rescue them so that they are spared terrible harm.
- 3. Excessive violence is never used.
- 4. Violence is used only after nonviolent alternatives have been exhausted, as time and circumstances permit.
- 5. Therefore, in these cases, the use of violence is justified. (Regan 2004, 233)

In sum, Regan's position is conditional as he does not reject violence in principle, but rather establishes the conditions under which it is permissible (if not mandatory?). After all we admit that sometimes violence may be necessary for instance in order to save kidnapped children. In another

part of the essay we are discussing here, Regan establishes the three main conditions for the use of violence to be admissible: it should be aimed at defending an innocent subject; it should not be excessive; all other nonviolent alternatives have been exhausted. Hence, these short principles reformulate the idea that violence should be used to defend a just cause, there should be proportionality and it should be a strategy of last resort. Let us call them *Justice*, *Proportionality*, and *Last resort*.

It seems clear that *Justice* and *Proportionality* can easily be met by ARAs. After all, the defense of animals should count as a just cause, and probably the most just cause, because in Regan's view animals are the most typically exploited innocent subjects of our world. As to *Proportionality*, it depends on how violence is actually exerted. But it is not difficult to imagine the cases that meet this criterion. Suppose, for instance, that a group of ARAs break into an industrial farm at nighttime and without any harm to people, to liberate hundreds of animals. This action, if justified, is certainly proportional.

More difficult to understand is *Last resort*. What does "alternatives have been exhausted" mean? It can be understood in an intensional or extensional sense. In the former sense, it means that all *types* of manners and strategies have been exhausted because, for instance, ARAs have employed both rational persuasion and more emotional communications; both attempts to convince people individually in their private lives and to seize power by means of political campaigns, and so on and so forth.

In the latter sense, "nonviolent alternatives" can mean that extensionally *all people have been reached* in a certain period. The two senses should of course be combined. But the specification of the extensional and intensional dimensions shows us the potential ambiguity of this phrase. Regan seems to set up the condition in such a way that it can never be met. Indeed, to mitigate this he adds "as time and circumstances permit". This leaves the application of this principle quite open to contextual interpretation. It may mean that it is never met if we allow for a strict interpretation, or it maybe very permissive if we put emphasis on the time and circumstances clause. Is Regan's interpretation of his own principle consistent? It seems that in some cases this condition may be met and that excluding it *a priori* is unjustified.

A strict interpretation for a limited use of violence to stop something specific seems unwarranted because here we limit the scope and relevance of our interest to what is at stake. For instance, it maybe the case that all available means in a certain time-frame – say a year – have been exhausted to close a certain purportedly exploitative premise. It cannot mean that all means have been put in place in order to stop all exploitation of animals, because this interpretation would be too demanding and would never be satisfied. Thus, the clause of *Last resort* requiring that "nonviolent alternatives have been exhausted, as time and circumstances permit" should be interpreted in a permissive sense. In other words, it should mean that all alternatives actually available to a specific group of ARAs have been exhausted, given what such people can do to achieve a certain specific goal. If interpreted in this plausible sense, then the condition of *Last resort* can easily be met and violence justified.

Regan goes on to argue that violent ARAs are blamed for their violence which is nothing compared to the ordinary violence suffered by animals in daily practices of exploitation. But irrespective of this, he holds that the case for the use of violence for the sake of animals should be rejected because the necessary conditions are not met:

Personally, I don't think the second premise is true [Violence is necessary to rescue animals] of all or even most of the violence done in the name of animal rights. Why not? Because the vast majority of this violence does not involve animal rescue. The vast majority (I estimate 98 percent) is property destruction, pure and simple. In cases like these, the defense we are considering contributes nothing by way of justification. Why of the remaining two percent of cases, cases where violence is used and animals are rescued? For example, suppose a multi-million-dollar lab is burnt to the ground *after the* animals in it have been liberated. Would this kind of violence be justified, given the argument sketched above?

Again, I don't think so. And the reason I don't think so is that I don't think the requirement set forth in premise 4 has been satisfied. Personally, I do not think that ARAs in general, members of the ALF in particular, have done nearly enough when it comes to exhausting nonviolent alternatives. (Regan 2004, 234)

Unlike what seems to follow from previous considerations, here Regan says that *de facto* the case for the use of violence when it comes to animals is not met.

4. Waging war and defending animals

At this point it is helpful to compare the requirement of *Last resort* in this domain with other uses of it. *Last resort* has been appealed to in a vast range of cases: in the ethics of war, in the justification of whistleblowing, in the justification of palliative care, and other cases involving the admissibility of violation of the law or matters of life and death. In these areas sometimes deviations from ordinary moral rules (for instance, of

non-intervention, non-maleficence, or of compliance with rules) seem to be justified for the sake of preventing a greater evil or of promoting a higher good.

The striking fact is that Regan's conditions for the use of violence are very close to the *jus ad bellum* conditions. Let us see them briefly in their canonical form.

- 1. Just cause;
- 2. Proportionality;
- 3. A reasonable chance of success;
- 4. Legitimate authority;
- 5. Right intention;
- 6. Last resort;
- 7. Public declaration of war. (Frowe 2011, 50)

I do not mean to say that the case for animals should be understood as a war, although some theorists (Bernstein 2004; Kemmerer 2008) and ARAs (in particular the Animal Liberation Front) have claimed so. I imagine Regan would not agree with this equivalence. However, the way he construes the case for the use of violence for the sake of animals is substantially equivalent to the conditions for *jus ad bellum*. As it is easy to see Regan's first point (Animals are innocent) provides the just cause principle. The second condition (Violence is used only when it is necessary to rescue them so that they are spared terrible harm) includes a just cause condition (just cause as defense of others) plus a part of the proportionality clause. Regan's third point expresses the proportionality condition (Excessive violence is never used). The fourth condition (Violence is used after nonviolent alternatives have been exhausted) is the last resort principle. Furthermore, the right intention principle is certainly included in the first two conditions (just cause and principle of rescue). And we could also suppose that some ARAs also meet the requirement of public declaration of war to the extent that the public statements in which they express their intention to become violent can count as sui generis public declarations. Then, what is missing here? The reasonable chance of success principle and the legitimate authority condition are missing. As to the legitimate authority condition, we can say that this condition is often unmet by many wars, which are nowadays combated by non-state actors. Moreover, in the case of animals, probably no state can currently satisfy this condition in so far as the exploitation of animals is a widespread practice about which no state can claim to be immune (Cochrane and Cooke 2016). Hence, paradoxically a non-state actor, if it can in some sense wage a sort of war, could probably be more entitled to wage war against others than states are.

As to the reasonable chance of success, it does not apply here because (i) it depends on the definition of success (whether in terms of saving an animal or freeing animals from human domination in general), (ii) the whole animal liberation movement could not meet this condition in a general sense (at least in a short-medium term) but this does not make it impractical, (iii) the relevant timeframe is to be defined.

It seems, then, the conditions required by Regan for the permissible use of violence for the sake of animals are substantially coincident with those for the case of just war, notwithstanding some discrepancies, which do not affect the overall impression.

Building on this, Regan uses these conditions not to argue in favor of the use of violence for the sake of animals. On the contrary he uses these conditions to argue against the use of violence because he thinks that these conditions are never met. However, unlike the case of violence for the sake of animals, Regan does not support an absolute pacifism as to war:

Mahatma Gandhi has had a profound influence on my life. I think it is fair to say that I would never have become an animal rights advocate if I had not read his autobiography. [...] [But] [p]acifism is one place Gandhi went where I never have been able to go. He teaches that the use of violence is always wrong, even in defense of those who have done no wrong, those who are innocent. [...] Maybe it's my blue-collar background, but I have always believed that anyone who smites me (or my wife or our children, for example) is looking for trouble. Depending on the circumstances (the attacker is not carrying a gun, for example) I hope I would have the courage to do some serious smiting back. [...] *Sometimes*, in *some* circumstances, violence is justified. That's what the rest of us believe. Where we part company is over the question, "In what circumstances?". (Regan 2004, 231)

Thus, it seems that Regan is not an absolute pacifist who rejects violence and the use of force *per se*⁴. So, if the case for violence (and war as a consequence) is not impossibly met, how come this is not equally the case for animals? This is puzzling in particular for a perspective like that of Regan, in which, I recall, all subjects-of-a-life (at least all mammals of at least an age) have equal intrinsic worth and equal rights (Regan 1983). As known, Regan has made the case for not discounting the interests of animals, and in particular of subjects-of-a-life, and for not considering their status as inferior to that of human persons. So, how come it is possible

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⁴ This impression is further reinforced by an old essay in which Regan, while defending pacifism from some mistaken criticisms, holds that "pacifism is false, and profoundly so" (Regan 1972, 73).

that in practice it is easier to use force in case of human-human relations than it is with respect to human-animal relations?

So why are a last resort in just war and a last resort in the use of violence for animal rights so divergent? There should be something different between the uses of violence to make sense of this difference. In what follows I will review possible answers to this question, and finally reject them all. I will conclude that this ambiguity in Regan's thought calls for a revision of some part of his claims, in terms of the urgency of normative principles or the relation between human beings and animals, both of which can hardly be accepted by Regan's uncompromising and egalitarian position.

First, we might think that just war conditions are easier to meet than violence for the sake of animals because human deaths count more than animal interests. Then, at least in some cases of *jus ad bellum*, namely in those cases in which military intervention is justified to prevent a humanitarian crisis, a genocide, for the sake of defending an innocent and helpless other party, we should intervene to save human lives. This should not strike us as immediately incoherent with Regan's theory. Despite the principle of equal inherent value of all subjects of a life (including animals). Regan does not think that there is no difference in the values of lives all things considered. In the lifeboat example he clearly says that we should let the dog, rather than a person, die (Regan 1983, 324). But this is because human persons have much richer life prospects than a dog. However, this response seems misplaced because, violence for the sake of animals is not comparable to war in the proper sense. Rather, this argument would be a sensible one to limit the admissible violence to people, thus excluding death but perhaps not excluding minor physical injuries or psychological violence, which Regan clearly recognizes as forms of violence.

Second, one may think that violence for the sake of animals is more difficult to justify than violence involved in war because the atrocities caused by a war are more serious than those involved in ordinary practices of animal exploitations. I guess this would be the response of many well-meaning supporters of the cause of animals who are, though, reluctant to take the egalitarian rights-based path. Although such persons consider animal suffering morally relevant, they are at pains with giving equal prominence to human and animal suffering. However, this is certainly not Regan's perspective. The life of a non-human animal may contain fewer opportunities and hence less comparative value, although having the same intrinsic value *qua* subject of a life. But the number of animals involved is so much bigger than the number of people involved

in possible acts of violence towards persons that we should feel compelled by Regan's logic to act. A related worry could ask whether in a Kantian-view perspective, such as Regan's, numbers should count. Numbers of lives should count because Regan is Kantian and upholds intrinsic value but he is not committed to the idea that any life is uncountable as if it were sacred or noumenally unmeasurable. Indeed, in Regan's view, comparisons between types of lives and their weighing is possible not via their inherent value, but rather via their contents, namely the kinds of opportunities of a life albeit not comparing intrinsic value *per se*.

As a third reply, one could contest the applicability of the comparison between war and violence for the sake of animals because in the latter case we miss the institutional dimension. War used to be declared by a state against another state. Cochrane and Cooke (2016) argue that a state cannot wage a just war against other states to defend animals because no state can claim legitimate authority on this domain insofar as no state is free from the responsibility of massive exploitation of animals. But is this condition necessary? Although that seemed to be a standard requirement for distinguishing between war and other types of use of force among groups, this is not necessarily the case. Think of a minority group of people who are oppressed by a state, or civilians against a dictatorship. Here we lack the institutional dimension of the oppressed but there is a case for them to wage some kind of war. In such conditions perhaps we would find it inappropriate to talk about war, not only because one of the parties is not a state, but also because there are other conditions missing (non-equality of soldiers, lack of soldiers, or of proper "combatants"). If we reframe the situation of the battle against the exploitation of animals in terms of a resistance or unconventional war, we would certainly approach the current fact of the matter in a more precise way. But the unwelcome implication is that the case for using violence for animals would be much easier than in the case of *jus ad bellum*. Indeed, it could plausibly be said that in a condition of resistance against an unjust power which has control over the structure of animal exploitation, one should not only be permitted to use violence and fight against such power, but it should also be required (Kemmerer 2008). Hence, if understood in this manner, violent ARAs would quite easily be justified.

Related to this point, one may think that the parallel between war among humans and violence for the sake of animals is misplaced because in the case of war we can clearly distinguish combatants and civilians and we have different duties towards them. While this is not so in the case of violence for the sake of animals. But is this true? Not completely. In discussions about animal rights activism, we can find a number of distinctions among people precisely on whether they are involved, and the degree to which they are involved in practices of animal exploitation. Hence, people such as farmers and researchers using animals in laboratories are not combatants, but are considered enemies insofar as they bear more direct responsibilities in carrying out practices harmful to animals. Hence, they have been frequently treated as the favorite target of legal campaigns, but also of forms of psychological pressure and intimidation. If we follow this logic, should we conclude that all people except vegans are permissible targets, although to different degrees of responsibility, in a war against the exploitation of animals? That would seem way too much. How far this reasoning would take us cannot be established here. Suffice it here to admit that if the case for the liberation of animals is like an unconventional war, then there are no combatants on the other side, but only people who are to different degrees possible targets.

Of course, this is certainly not what Regan had in mind. But this is what has been said by people or groups (for instance, ALF) which have been deeply influenced by Regan and have taken the idea that harm to animals is a deep cause of injustice seriously. So why does Regan himself not follow the logic of his theory? This is a peculiar contradiction that can be explained only if we hypothesize that Regan is uncharacteristically prudent in this case.

5. CONCLUDING REMARKS

How should one solve such ambiguity? The easy way could be to relax the *Last resort* condition and allow for more violence. That would seem the obvious conclusion but Regan does not do so. Perhaps he cautioned against it just as a matter of prudence or for the sake of not giving the opponents of animal rights the argument that animal righters are *per se* violent (and hence terrorists). Consider the difference between the two cases: justification of a war is usually provided in a specific context and for specific reasons, which is not the normal condition. While in the case of animals, according to Regan, we have structural exploitation. But its structural nature is not an excuse for its moral appeasement. It can only be a practical excuse for its change.

Another possible explanation is that Regan did not see it as a war. But if so, why did he employ the same principles of just war if in the end the kind of violence should be different? And different in what sense? If there is a difference, the kind of violence involved in war is usually much more destructive than that involved in ARA activism. If so, again, this should put more burdens on the shoulders of the case for war rather than on the case for violence for animals.

Another possibility could be to admit that standard practices, including those involving animals, have a moral standing, while war does not. However, this kind of Humean or Aristotelian appreciation of the value of people's entrenched practices is totally alien to Regan's view.

To conclude, we should perhaps leave this ambiguity in Regan's thought. It is likely to be the case that this caution against the use of violence that seems to be justified by his very principles depended, in Regan's view, on a pragmatic concern in terms of efficacy. Reference to Gandhi's and Regan's arguments give us a clue to think that he thought that only non-violence is in the end effective. Lurking behind his prudence there is probably the assumption that what matters is convincing people, and you can stop an activity by levying costs or intimidating researchers or workers but this cannot count as convincing people. But admitting this amounts to severing the tight implication between principles in theory and principles in practice to which Regan is committed throughout his entire theory:

My own position, as indicated earlier, is that we should be willing to take the strength of our convictions out of our studies and into the streets. It is, I think, entirely appropriate for moral philosophers to agitate politically and publicly for a cause in which they believe. Indeed, I am inclined to go further. By my lights, a willingness to gather with other partisans at the barricades, so to speak, is part of our wholeness as moral agents in the world; it is *a* way (though not the only one) to assess our moral integrity. (Regan 2001, 162)

Besides this personal commitment to advocacy, Regan made a lot of efforts in his theory to provide action guiding principles and priority rules. If from these principles and rules the possibility of violence follows but then this practical implication is blocked by some prudent concern, Regan's overall commitment to guiding action and advocating animal liberation ends up being weakened.

If, instead, one does not want to severe the practicality of Regan's principles while still refusing to allow violence, one should admit that the plausibility of Regan's principles is counterbalanced by the plausibility of other considerations. Of course, Regan does not think that there are no other issues than animal liberation, as his multiple interests on other causes attest. What I mean, instead, is that the hesitance in drawing the practical implications of such a position should also depend on the recognition that people might legitimately disagree on this issue without

being perforce blinded by self-interest or ignorance ⁵. Although the possibility of reasonably disagreeing on matters of (animal) justice has always been rejected by nearly all animal rights theorists, admitting it may help animal righters reconsider the balance between the cause of animals and other people's (legitimate) positions in a way that brings violence to a halt without thereby implying mere prudent hesitance.

References

- Bernstein, Mark. 2004. "Legitimizing Liberation". In *Terrorists or Freedom Fighters? Reflections on the Liberation of Animals*, edited by Steve Best and Anthony J. Nocella II, 93-105. New York: Lantern Books.
- Best, Steve, and Nocella II, Anthony J., eds. 2004. *Terrorists or Freedom Fighters? Reflections on the Liberation of Animals*. New York: Lantern Books.
- Cochrane, Alasdair, and Steven Cooke. 2016. "'Humane Intervention': The International Protection of Animal Rights". *Journal of Global Ethics* 12 (1): 106-121.
- Francione, Gary L. 1996. Rain without Thunder: The Ideology of the Animal Rights Movement. Philadelphia: Temple University Press.
- Frowe, Helen. 2011. The Ethics of War and Peace. London New York: Routledge.
- Hall, Lee. 2006. Capers in the Churchyard: Animal Rights Advocacy in the Age of Terror. Darien: Nectar Bat Press.
- Jamison, Wesley V., Caspar Wenk, and James J. Parker. 2000. "Every Sparrow That Falls: Understanding Animal Rights Activism as Functional Religion". Society and Animals 8 (3): 305-330.
- Kemmerer, Lisa. 2008. "Just War and Warrior Activists". *Green Theory & Praxis* 4 (2): 25-49.
- McCausland, Clare, Siobhan O'Sullivan, and Scott Brenton. 2013. "Trespass, Animals and Democratic Engagement". *Res Publica* 19 (3): 205-221.
- Milligan, Tony. 2017. "Animal Rescue as Civil Disobedience". Res Publica 23 (3): 281-298.
- Morreall, John. 1976. "The Justifiability of Violent Civil Disobedience". Canadian Journal of Philosophy 6 (1): 35-47.
- Murno, Lyle. 2005. "Strategies, Action Repertoires and DIY Activism in the Animal Rights Movement". *Social Movement Studies* 4 (1): 75-94.
- Regan, Tom. 1972. "A Defense of Pacifism". Canadian Journal of Philosophy 2 (1): 73-86.
- Regan, Tom. 1983. The Case for Animal Rights. London: Routledge & Kegan.

⁵ On reasonable disagreement in animal ethics see Zuolo 2020.

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- Regan, Tom. 2001. *Defending Animal Rights*. Urbana Chicago: The University of Illinois Press.
- Regan, Tom. 2004. "How to Justify Violence". In *Terrorists or Freedom Fighters? Reflections on the Liberation of Animals*, edited by Steve Best and Anthony J. Nocella II, 231-236. New York: Lantern Books.
- Zuolo, Federico. 2020. Animals, Political Liberalism, and Public Reason. Houndmills: Palgrave Macmillan.