MORAL RESPONSIBILITY FOR HARMING ANIMALS

John Hadley

Third-party intervention has been the focus of recent debate in self-defense theory. When is it permissible for third-parties to intervene on behalf of an innocent victim facing an unjustified attack or threat? In line with recent self-defense theory, if an attacker is morally responsible for their actions and does not have an acceptable excuse then it is permissible for third-parties to use proportionate violence against them.

Third-party defense raises two important questions about human relations with nonhuman animals. Are people who are harming animals during so-called socially acceptable practices, such as food production and biomedical research, legitimate targets for third-party defensive violence on behalf of animals? And, if they are legitimate targets, does third-party defense expose a serious theoretical problem for animal rights? After all, in line with animal rights theory, most cases of socially acceptable animal harm are unjustified. And given the nature and scale of animal use in food production and biomedical research, this means that many thousands, perhaps millions of people will qualify as legitimate targets for violence.

My focus is the first question because we can assume the answer to the second is obviously, 'Yes.' If an implication of animal rights is that many thousands of people are legitimate targets for violence, then surely that is a theoretical glitch of epic proportions. It is by any measure an absurd conclusion that supporters of animal rights, like me, would do well to address.

Recall that, in line with self-defense theory, a person is liable to third-party defense if they are morally responsible for an unjustified harm to an innocent victim, without an acceptable excuse. The stock standard acceptable excuses

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are diminished responsibility due to cognitive impairment or insanity; coercion, and nonculpable ignorance. If we can accept these liability conditions, then supporters of animal rights have a theoretical escape route allowing them to avoid the absurd conclusion outlined above. If an excuse can be found to exculpate people who harm animals during socially acceptable practices from liability to third-party defense, then the animal rights position will *not* entail that thousands, if not millions, of good natured, law-abiding and otherwise reasonable people are legitimate targets for violence.

Is there an acceptable excuse for harming animals during socially acceptable practices that can exculpate the perpetrators from liability to third-party defensive violence? What follows is a tentative and admittedly sketchy suggestion that there is. The argument is exploratory because it hinges on casting the ethics of harming animals during socially acceptable practices as a *sui generis* moral domain. Practices like food production and biomedical research expose the limits of our moral reasoning capacities and stretch our existing conceptual scheme for dealing with cases of moral responsibility. The domain is *sui generis* because it requires viewing people that are in every other aspect of their lives morally competent and responsible, as normatively incompetent in their dealings with some animals. Only by viewing perpetrators in this way can we reflect how millions of seemingly reasonable and compassionate people can demonstrate profound respect and affection for some nonhuman animals, and yet be wilfully ignorant, 'blind', or outright contemptuous for the plight of others.

While it is true that some people all too often intentionally harm or act with callous indifference towards other humans, there are legal and institutional safeguards and social conventions which protect humans from the kind of treatment that is meted out so regularly and unthinkingly to animals. Such safeguards do not exist for animals caught-up in socially acceptable practices and this absence speaks

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volumes about our moral thinking about them. It is the fact that animal exploitation is so mundane that allows it to be uniquely self-regenerating in a way that Elizabeth Costello argues, controversially, the Holocaust was not. It is in the logical space opened-up by the ambivalent human psychology vis-à-vis some animals that the following argument for exculpation gets off the ground.

The exploitation and abuse of animals is long-standing, omnipresent and institutionalised. It proceeds with almost unqualified legal and political sanction, and social approbation. Animal exploitation is such a part of the furniture of society that people who harm animals during socially acceptable practices are not in a position to critically reflect upon the values and goals of their professions. Indeed, when they harm animals during socially acceptable practices they are invariably acting pursuant of their industry or workplace best-practice standards and norms. Their motives are not malicious or sadistic but instead banal, such as to provide for their families, do their job, or just make life easy. They are psychologically incapable of grasping the immorality of their actions and, as far as their dealings with nonhuman animals are concerned, suffer chronic normative competence impairment.[1] Mark Rowlands captures their predicament well when he reminds us that people's dealings with animals are invariably shaped by 'the framework of possibilities laid down by their intellectual and cultural inheritance'.[2]

In her recent novel, *March*, Geraldine Brooks depicts a relationship between slave and slave-owner that is strongly suggestive of the ambivalent relationships between nonhuman animals and their human animal owners. While staying as a guest on a Virginia plantation, March, an itinerant salesman from abolitionist Connecticut, learns that the slave, Grace, as an infant was given to the plantation-owner's wife as a wedding present. Even though Mrs Clement makes it clear to March that Grace is her property and will never be set free, the tenderness and trust he observes between them leaves March in no doubt that the slave-owner loves

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her slave like a mother. Strong feelings of indignation or blame of the kind associated with merit-based attributions of moral responsibility seem out of place here; instead, March's equivocal feelings towards his hosts are an apt reflection of the difficulty of holding Mrs Clement strongly morally responsible for Grace's plight. Appreciating this difficulty does not condone racism or other discriminatory attitudes such as sexism, or indeed speciesism, nor does it preclude strongly criticising people who hold these kinds of views, but it does put one in a position to avail oneself with means of registering moral disapproval that stop short of violence. Like slaves in a by-gone era, nonhuman animals today have property-status in law and can be given as gifts, bought and sold, confined, branded, bodily-modified and harshly disciplined by their owners, many of whom profess great love for them. It is asking a lot to expect property-owners to grasp the immorality of such actions when they occur all the time and are sanctioned by law and social approbation. If the epistemic challenge was considerable for owners of human chattel in the 19th century, it is surely even greater for owners of nonhuman chattel today when the species divide renders conversation and many forms of reciprocity, not to say likeness of appearances, impossible. To invoke a hackneyed Biblical catch-phrase, those who harm animals during socially acceptable practices, for the most part, 'know not what they do'.

Some may object that if we accept the diminished responsibility-type defense of harming animals in socially acceptable practices we can extend it to cases of gratuitous cruelty. But, the increasingly strong norm against animal cruelty is a relevant difference between cruelty and socially acceptable instances of causing animals pain. If offenders in animal cruelty cases are normatively incompetent at all, it is nonetheless likely they will be more cognizant of what they are doing. Any claim that their actions were committed in good-faith will be easily rejected in most cases.

A further objection is that if liability to defensive violence on behalf of animals hinges upon normative competence in

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our dealings with them, then people that are sufficiently versed in animal rights principles will be liable to violence if they pose an unjustified threat to animals. A related objection is that it is wrong to teach people about animal rights because inculcation of such views may render them liable to violence on behalf of animals. But, as attempts by opponents of animal rights to once again point out the absurd conclusion, these objections miss the mark. The reductio was that commonsense would consider inappropriate targets many people that are rendered legitimate targets for violence by coupling recent self-defense theory with animal rights. It is not at all clear, however, that it is absurd to regard as a legitimate target someone that has a superior understanding of the ethics of harming animals and is responsible for unjustified threat to them. As an objection against the diminished responsibility thesis, however, the objection assumes too much. Why assume that familiarity with animal rights principles is sufficient to render an agent normatively competent in their dealings with animals to a degree that should render them liable to serious defensive violence? It is reasonable to suggest, given their inculcation into societies with a long history of social and institutional support for viewing animals as tools, that even the enlightened remain somewhat blinded.

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Notes

[1] This argument is influenced by the discussion of normative incompetence outlined in Paul Formosa, 'Moral Responsibility for Banal Evil', Journal of Social Philosophy, 37(2006), pp. 501-520.

[2] Mark Rowlands, Animals Like Us (London: Verso, 2002), p. 195.

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