Philos Stud (2021) 178:4053–4082
https://doi.org/10.1007/s11098-021-01636-x

Animal rights Pacifism

Blake Hereth[1]

Accepted: 26 March 2021 / Published online: 25 May 2021

Abstract The Animal Rights Thesis (ART) entails that nonhuman animals like pigs and cows have moral rights, including rights not to be unjustly harmed. If ART is true, it appears to imply the permissibility of killing ranchers, farmers, and zookeepers in defense of animals who will otherwise be unjustly killed. This is the Militancy Objection (MO) to ART. I consider four replies to MO and reject three of them. First, MO fails because animals lack rights, or lack rights of sufficient strength to justify other-defensive killing. Second, MO fails because those who unjustly threaten animals aren't liable or, if they are liable, their liability is outweighed by other considerations (e.g., a strong presumption against vigilante killing). I then argue both of these fail. Third, MO succeeds because animal militancy is permissible. Fourth, MO fails because there aren't liability justifications for defensive killing in general (i.e., pacifism is true). I argue that there's thoroughgoing epistemic parity between the Militancy View (MV) and the Pacifist View (PV), and that two considerations favor PV over MV. First, because under conditions of uncertainty, we should believe rights-

This paper was graciously awarded the 2019 Frank Chapman Sharp Memorial Prize for the best essay on the ethics of war and peace. My thanks to Helen Frowe, Seth Lazar, Suzanne Uniacke, Holly Lawford-Smith, Jeff Sebo, Nathan Nobis, Mylan Engel Jr., Cheryl Abbate, John Hadley, Chris Cuomo, Paul Tubig, Karen Emmerman, Michael Blake, my students at the Washington Corrections Center for Women, and an anonymous reviewer at this journal for feedback and helpful conversation. Thanks also to those present at the 2017 Society for the Study of Ethics and Animals Inaugural Workshop at the University of Colorado, the Stockholm Center for the Ethics of War and Peace Graduate Reading Retreat at the Australian National University (Kioloa campus), and the invited symposium "Animal Rights Terrorism and Pacifism" at the 2017 APA Eastern Division Meeting in Savannah, Georgia. Shortly thereafter, on 22 February 2018, the paper was featured on the Blog of the APA. My thanks to the APA for featuring it and for those who commented.

✉ Blake Hereth
Blake_Hereth@uml.edu

[1] University of Massachusetts, 883 Broadway St, Dugan Hall, Suite 200, Lowell, MA 01852, USA

bearers retain rather than lose their rights, which PV affirms and MV denies. Second, because PV is intrinsically likelier than MV to be true since PV at worst affirms wrongful letting die and MV at worst affirms wrongful killing, the latter of which is intrinsically harder to justify than the former.

Keywords Animal rights · Militancy objection · Pacifism · Self-defense · Other-defense

1 Introduction

I shall explore the *Militancy Objection* to the view that certain animals have basic moral rights of comparative strength to the rights we typically assume most human beings have. To explore such an objection, however, it is necessary first to explain what sort of view the objection targets. The Animal Rights View, as I shall call it, consists of a central thesis, which is this:

> ANIMAL RIGHTS THESIS: Many animals have basic moral rights of comparable strength to the basic moral rights possessed by humans.

I'll assume that most farmed animals (e.g., dogs, pigs, chickens, cows, and horses) and free-roaming animals (e.g., giraffes, zebras, rhinos, and lions) have these rights while remaining neutral about insects (Fischer, 2016; Mikhalevich & Powell, 2020) and other animals.

What rights do these animals have? On the minimalist view of animal rights spelled out in the ANIMAL RIGHTS THESIS, animals have basic rights that are comparable to the basic rights we typically assume most human beings have. These include, for example, a right against being unjustly killed, a right against being unjustly tortured, and a right against being killed merely in order to be consumed recreationally (i.e., unnecessarily). Further, because these basic rights are of *comparable strength* to those possessed by most human beings, they entail similar permissions and prohibitions. For instance, it would be a violation of human being's basic rights to kill them for sport, and thus it's also a violation of an animal's basic rights to kill them for sport. Similarly, it would be a rights violation to torture a (non-consenting) human being merely to satisfy research curiosity or to benefit others, or to kill and consume a human being for nourishment or gustatory pleasure when doing so is unnecessary—that is, when there are other reasonably available sources of nourishment. By implication, these actions would also be rights violations if taken against animals. I therefore assume the following thesis:

> HARM THESIS: All animals have a *pro tanto* right not to be harmed.

Perhaps one of the most widely accepted rights is the right to self-defense. It is widely assumed that it is permissible for human beings to kill animals who pose an unjustified threat to them.[1] Even strong defenders of the ANIMAL RIGHTS THESIS, such

[1] Though as Abbate (2015a) powerfully shows, the *nature* of the justification for defensively harming nonhuman animals isn't clear.

as Tom Regan (2004 [1983]: 296) and Gary Francione (2000), concede that the defensive killing of animals is often permissible. But I don't propose to say anything further about the HARM THESIS. I raise it merely to note that it implies the following claim:

> PERMISSION THESIS: Third parties are *pro tanto* permitted to defend animals against harm.

The PERMISSION THESIS comes with a caveat: The third-party permission to defend animals is *pro tanto*. Thus, the PERMISSION THESIS doesn't imply that *all* third parties are permitted to defensively assist an animal with defensive rights. For example, suppose that Maggie the mutt is wrongly being tortured by Helen the human and that another human, Christine, can defensively assist Maggie. If Christine does so, she will fail to save her own child, and she is *obligated* to save her own child. Because Christine has a prior obligation to save her own child over other individuals with an equally strong moral status, she is *forbidden* from defending Maggie. Whether one finds this persuasive, the point is simply that the PERMISSION THESIS allows for the possibility that some third parties are not permitted to engage in defensive assistance (Hadley, 2006). Furthermore, the *pro tanto* permission to defend others against harm is defeated when the harm is obligatory or justified. A surfer who fights back against an attacking shark, for example, harms the shark with apparent justification.

While I don't consider it further here, some might have an appetite for something stronger than the PERMISSION THESIS. For example, they might claim that defending others against harms is not only permissible, but morally *obligatory*. Call this the ASSISTANCE THESIS (Frowe, 2021). My view is that this stronger thesis enjoys considerable plausibility and follows from the HARM THESIS.[2] For present purposes, however, it is sufficient to show that an animal's right against harm implies a *pro tanto permission* to assist them defensively.[3] Thus, we need only assume that the PERMISSION THESIS is true to generate the Militancy Objection, to which I now turn.

[2] My argument, which I lack the space to develop fully here, is that *mere failure to assist* can make one liable to defensive harm. Here's why: If you fail to help someone under threat of unjust harm *H* when you could reasonably do so (i.e., when it's feasible and at little cost to you), then you share responsibility for the fact that *H* isn't no longer a threat to that person, which entails that you are responsible for the fact that *H* is *still a threat* to that person, which entails that you bear some responsibility for the fact that the threat imposed by *H* is *maintained*. Since the threatened person has a reasonable claim against you that you not maintain threats, you are liable to defensive harm if you fail to help them when you reasonably could. Moreover, since you can't be liable for acting permissibly and since every act is either permissible or impermissible, it follows that you acted impermissibly. Thus, you have an obligation to assist them resulting from a claim they have against you—which is identical to a right to assistance. For similar views, see Aas (2021) and Hanser (1999).

[3] For more on a Militancy-Objection-style argument for the permissibility of abortion, see Tollefsen (1997). See also Kaczor (2015: 220). For a powerful reply, see Williams (2021).

2 The militancy objection

What I have shown thus far is that the Animal Rights View being assumed here has strong implications for moral life. If animals have basic rights of *equal* strength as human beings, then they too have a right not to be unjustly killed. Thus, there is a strong moral presumption that they should not be captured and killed. Under those circumstances, third parties are *pro tanto* permitted—if not obligated—to *rescue* them. Now consider the horrifically non-fictional case of Shane Michael Mitchell of Arnaudville, Louisiana, who, after arguing with his estranged girlfriend, seized her dog, Rubyjean, and violently choked her.[4] The incident was captured on a doorbell camera, and Mitchell was later arrested and charged with animal cruelty. Rubyjean was treated and fully recovered, but we can easily imagine worse outcomes. Instead, consider a variation of this case, which I simply call.

> *Dog Choking*: Shane Michael Mitchell begins violently choking Rubyjean. Amy hears the commotion and checks her camera, only to see Rubyjean being choked by Mitchell. Amy races to the front door, swings it open, and demands that Mitchell immediately release Rubyjean. Mitchell declines, so Amy—using the minimal force she deems necessary—hits Mitchell over the head with a lamp.

Had Amy violently aided Rubyjean, most people would not object. Following Jeff McMahan (2011: 10), we *infringe* someone's right when we transgress it permissibly and *violate* it when we transgress it impermissibly. Because Amy's defensive actions were permissible, her actions were at worst an infringement of Mitchell's rights. However, many have the intuition that even infringement is too strong in *Dog Choking*, and that Mitchell *forfeited* his right against Amy that she not (defensively) harm him. That is, Mitchell is *morally liable* to Amy's defensive harm. Under the former interpretation, Amy has something like a lesser-evil justification for harming Mitchell to save Rubyjean. Under the latter interpretation, it's a liability justification. Whichever route one takes here, however, it is the apparent *permissibility* of Amy's defensive action on Rubyjean's defense that I shall investigate. To begin, consider another example:

> *Zookeeper*: Nour is a 17-year-old working a summer job at the Toledo Zoo. To reduce the costs of caring for the zoo's perfectly healthy pigs, they will be killed and fed to the other half. Nour is tasked with killing the pigs tonight—the same night animal activists sneak into the zoo to save the pigs from slaughter. If Nour sees the activists, she will call the police and the activists' purpose will be foiled (i.e., the animals will be killed). The activists know this. The only way the activists can save the animals is by surprising Nour and slitting her throat.

It's hard to see how mere cost saving justifies killing the pigs. Certainly it wouldn't if the ANIMAL RIGHTS THESIS were true. But nor would it under less radical moral

[4] The full story can be viewed here: https://abc13.com/man-arrested-after-doorbell-cam-captures-dog-being-choked/6182160/.

beliefs.[5] If, for example, I could save a few bucks this month by killing my dog, it would still be wrong of me to do so. Nour's actions, therefore, are unjustified, and so her threat against the pigs is unjust. Just as it did with Sadist in *Burning Barn*, Nour's unjust threatening incurs moral liability. The moral liability in this case isn't about saving, however, for Nour isn't in danger. It's about *killing*, and defensive killing at that: Nour's death is (practically) necessary to save the pigs she unjustly threatens; killing her is instrumental in saving them.[6] When someone is liable to be defensively harmed, there's a defeasible justification for harming them. In *Zookeeper*, that justification appears undefeated, and thus it's all-things-considered *permissible* to kill Nour. And if the ASSISTANCE THESIS is true—if the *pro tanto* obligation to save the pigs is undefeated, as it appears to be—killing Nour is *obligatory*. Yet both the claim that it's obligatory to kill Nour and the claim that it's merely permissible to kill her are anathema to our moral intuitions. More formally,

The Militancy Objection to the ANIMAL RIGHTS THESIS

1. If many animals have basic moral rights of comparable strength to basic human rights, then many animals have a right against unjustified harm. [ANIMAL RIGHTS THESIS]
2. If many animals have a right against unjustified harm, then many animals are such that third parties are permitted to defensively assist them. [PERMISSION THESIS]
3. If many animals are such that third parties are permitted to defensively assist them, then the pigs in the Toledo Zoo are such that third parties are permitted to defend them against Nour. [Assumption]
4. If the pigs in the Toledo Zoo are such that third parties are permitted to defend them against Nour, then harming Nour in defense of the pigs in the Toledo Zoo is all-things-considered permissible. [Assumption, PERMISSION THESIS]
5. But harming Nour in defense of the pigs in the Toledo Zoo is not all-things-considered permissible. [Assumption]
6. So, it's not the case that many animals have basic moral rights of comparable strength to basic human rights. [From 3–5]

[5] For an extended defense of this view, see Gunasekera (2018): 93–102.

[6] An anonymous reviewer objects that the necessity condition isn't satisfied. After all, the activists might discharge their obligation to rescue nonhuman animals by pursuing effective forms of nonviolent activism. This reveals two applications of the necessity condition: whether violence is necessary to save *some* animals and whether it's necessary to save *these* animals. I have stipulated that violence is necessary to save *these* animals in the *Zookeeper* case and cases like it, but perhaps this misfocuses the moral problem (and its solution). I disagree. Suppose I encounter a human child about to be brutally murdered. I can either kill the unjust aggressor and save the child, or I can donate to Oxfam and save one child's life, but I can't do both. (Perhaps the donation window is closing at Oxfam and 'rushed funds' are needed to save a child by day's end.) Surely I am at least *permitted* to save the child about to be brutally murdered, which is all the PERMISSION THESIS requires. The necessity condition is satisfied for the same reason under the ASSISTANCE THESIS, though then we must adjudicate between competing rights to assistance. If donating to the Animal Legal Defense Fund saves *some* animals whereas killing Nour saves *these* animals, we might look to lesser-evil considerations to resolve the impasse. If the impasse is theoretically unresolvable and our obligation to assist can be discharged equally well under either action, then there's no obligation to save *some* animals over *these* animals (or vice-versa), thereby ensuring that the necessity condition is satisfied under either course of action under the ASSISTANCE THESIS.

The argument is a *reductio ad absurdum* against the ANIMAL RIGHTS THESIS when wedded to certain plausible auxiliary assumptions. The conclusion, the objection goes, is plainly incompatible with our commonsense moral beliefs about the impermissibility of harming or killing not just about animal researchers, but zookeepers, hunters, combatants in warfare who kill or endanger innocent animals,[7] and perhaps even poachers.[8] If the ANIMAL RIGHTS THESIS is true, it is all-things-considered permissible to harm (and perhaps even kill) many of these individuals—a deeply counterintuitive implication.[9] As John Hadley observes,

> [I]f people who are harming animals are liable to third-party defense, then tens of thousands, possibly millions, of well-intentioned, law-abiding, good-natured, talented and otherwise reasonable people will be legitimate targets for violence. Presumably, this would mean that many farmers who raise animals for food, scientists who use animals in biomedical research, people from varying occupations who employ animals in entertainment and recreational pursuits, and doctors who abort sentient fetuses, would be liable to third-party defensive violence on behalf of the animals. (Hadley, 2009a, b, c: 168)

That the ANIMAL RIGHTS THESIS appears to imply that these individuals can be permissibly harmed on these grounds is, therefore, an objection against the ANIMAL RIGHTS THESIS.[10] This is the Militancy Objection.[11]

[7] Think, for example, of naval personnel who utilize dolphins to identify mines, or ground forces which utilize canines and other animals to detect explosives. Similar arrangements are made by police personnel (e.g., K-9 units).

[8] I say "perhaps" since poachers are less likely to be viewed favorably under commonsense moral views.

[9] Abbate considers a case in which a human man hikes on a wilderness trail where grizzlies are known to roam. He comes across a grizzly, the grizzly growls, and the man fatally shoots the grizzly. Abbate describes this case as one in which the hiker engaged in and is responsible for risk-taking activities which resulted in a foreseeable violent conflict. Because the risk-imposition is non-reciprocal—that is, because "the hiker could have stayed home" and "the bear cannot be expected to just 'stay in his den'"—the hiker is liable to defensive harm to an extent that the grizzly is not. Thus, the hiker, and not the grizzly, should bear the brunt of the ensuing harm. See Abbate (2015a: 122–124).

[10] Cf. Ebert & Machan (2012). Ebert and Machan focus on a distinct objection, which they call the Predation Objection. According to this objection, the ANIMAL RIGHTS THESIS implies that agents have a duty to defend animals from predation by other animals, which they claim is absurd. In the course of defending this objection, they note that since Regan *denies* that there is a duty to defend animals from such predation on the grounds that animals are 'moral patients' and therefore cannot violate rights, it follows that it is impermissible to harm or kill animals in defense of humans. They then claim such a view also implies that if, for example, a wolf attacks a human and the human responds with violent self-defense, it is *permissible* to harm or kill the human in defense of the wolf's rights. This is notable for two reasons. First, it shows that the ANIMAL RIGHTS THESIS *pro tanto* justifies animal rights militancy. Second, it portrays this implication as problematic. Under my formulation of the Militancy Objection, however, the ASSISTANCE THESIS explicitly restricts the scope of the right to defensive assistance to averting *unjustified* harms, which excludes the harms posed by nonhuman animals (and, for that matter, even human animals) who lack moral agency. For a fresh revisitation of this topic, see Abbate (2020). Notably, Abbate claims there is sometimes a moral obligation to harm some animals to prevent intolerable injustices to other animals.

[11] See also McMahan's objection to Judith Jarvis Thomson in McMahan (2002: 398-421). Thomson assumes for argument's sake that fetuses have strong rights and argues that abortion is nevertheless often permissible. McMahan replies that such a strong view of rights implies that a third party can permissibly defend fetuses under immediate threat of abortion.

3 Four responses

How might defenders of the ANIMAL RIGHTS THESIS reply to the Militancy Objection? I shall explore four possibilities and conclude that two are either implausible or not open to defenders of the ANIMAL RIGHTS THESIS (or both), and that one of the other views must be true if the ANIMAL RIGHTS THESIS is true. I then argue that the final view is true.

3.1 Deny/weaken the animal rights thesis

The first option is simply to concede the Militancy Objection and deny the ANIMAL RIGHTS THESIS. Because such a move is clearly not open to defenders of the ANIMAL RIGHTS THESIS, said defenders should look to the alternatives.

The case for denying animal rights typically depends upon certain speciesist assumptions that don't withstand scrutiny. Suppose that the individuals in the Toledo Zoo were not pigs but adult human beings. In that case, Nour's actions would be morally akin to those of a prison executioner, and it would hardly seem implausible to suppose that she could be permissibly killed to defend her actual or would-be victims. Yet the only difference here is mere species, and a difference in mere species cannot itself make a difference as to whether individuals have rights. Further, even if it did make a difference to whether animals have rights, it would not make a difference to whether animals have a moral status sufficiently robust to justify defensive assistance. If I come across a stranger sexually molesting and torturing an orca, it seems that I am permitted to stop the stranger from doing this even if that requires harming the stranger. This implies that even a rejection of the ANIMAL RIGHTS THESIS is insufficient to evade the force of the problem.

Finally, if the objection is simply that animals lack rights because, if they had rights, third parties would be permitted (in the course of defensively assisting animals) to inflict immense harm or even death to a vast number of human individuals, then this is *pro tanto* reason to reject *any* ascription of rights whatsoever. Consider that history contains various periods in which an enormous percentage of the human population had an abusive hand in the horrors of slavery, often threatening to harm slaves, or actually harming them, or killing them. Ascribing rights to slaves, then, would permit at least as many human beings to be harmed or killed, but that is hardly a good reason to deny that slaves have rights.[12] Thus, we should abandon this response to the argument.

Maybe there's a way to maintain animal rights *and* condemn animal rights militancy. This can't be done by denying animal rights, but that's just as well, since denying animal rights appears to be a weak strategy. What might do the trick is *weakening* the animal rights position. Before we explore ways of doing that, let's first recall the animal rights position we're working with:

[12] Speciesists will doubtlessly defend an asymmetry here, contending that human slaves are importantly different from animals, such that ascriptions of rights are not undermined by the permitting of widespread violence in the case of slaves but are undermined in the case of animals. But that's just to offer a distinct objection to the ANIMAL RIGHTS THESIS.

ANIMAL RIGHTS THESIS: Many animals have basic moral rights of comparable strength to the basic moral rights possessed by humans.

The basic moral right at issue with animal rights militancy is a moral right against harm, including harmful death. In the *Zookeeper*, militants kill Nour because she unjustly threatens the lives of pigs. Keeping fixed the (plausible) premise that these otherwise healthy, happy pigs have a moral interest in continuing to live and avoiding the physical pain of being killed by Nour, we can infer that Nour *wrongs* the pigs if she causes them pain and ends their lives. This fact alone doesn't entail that Nour is liable to be killed for doing so. After all, killing Nour has to meet several other conditions to be liable to be killed by the militants. For starters, killing Nour must be *narrowly proportionate*.[13] This means, roughly, that the harm imposed on Nour shouldn't exceed the harm she threatens. Let's represent this as follows:

NARROW PROPORTIONALITY THESIS: Killing Threat in defense of Victim's life is narrowly proportionate if and only if Threat's death wouldn't be morally worse than Victim's death.

Applied to Nour in *Zookeeper*, this means killing Nour is narrowly proportionate if and only if Nour's death wouldn't be morally worse than the pigs' deaths. And here's the thing: Many philosophers deny that the death of a pig is as bad, morally speaking, as the death of someone like Nour. In fact, many philosophers friendly to animal rights deny it. Tom Regan, himself an unapologetic champion of animal rights, proposes the following case:

Lifeboat Dogs: Five survivors occupy a lifeboat: four humans and one dog. The boat can hold only four. At least one individual must be thrown overboard lest they all die.

Whom should the survivors jettison? Regan concludes it *ought* to be the dog rather than any of the onboard humans. What surprises is the extent to which Regan's purportedly pro-animal intuitions support this judgment:

> The lifeboat case would not be *morally* any different if we supposed that the choice had to be made, not between a single dog and four humans, but between these humans and any number of dogs. Let the number be as large as one likes; suppose they number a million. ... A million dogs ought to be cast overboard if that is necessary to save the four normal humans. (Regan 2004 [1983]: 324–325 and 351)

Regan accepts this conclusion because:

[13] I assume internalism about defensive liability merely for the sake of argument. According to internalism, Threat is liable to be harmed only if harming Threat would be necessary to avert some harm, narrowly proportionate, etc. In other words, these requirements are 'internal' to liability; someone isn't liable without meeting the requirements. For more on this distinction, see Frowe (2014: 88–89 and 91–94).

> [T]he harm that death is, is a function of the opportunities for satisfaction that it forecloses, and no reasonable person would deny that the death of any of the four humans would be a greater prima facie loss, and thus greater prima facie harm, than would be true in the case of the dog. (Regan 2004 [1983]: 324)[14]

We see similar accounts elsewhere from other erstwhile defenders of animal rights. Jeff McMahan, for example, claims that the badness of someone's death depends partly on how strong their moral interests are over time, and that the time-relative interests of most animals are significantly weaker than most humans. Referring to his Time-Relative Interest Account of the wrongness of killing, McMahan writes,

> It implies, for example, that the killing of an animal is normally substantially less seriously wrong than the killing of a person [and most human beings are persons]…. [The] Time-Relative Interest Account accepts that it is directly relevant to the evaluation of killing that the amount of good an animal loses by dying is typically much less than the good a person loses. Because [prudential unity self-relations over time] are typically weaker in the case of an animal, the Time-Relative Interest Account implies that there is a further reason for discounting the degree to which the killing of an animal is objectionable. (McMahan, 2002: 194-5)[15]

McMahan's talk of "prudential unity relations" over time refers to how an individual's future is tied to their current interests. For example, Nour's current interests are significantly tied to her future: college, partnerships, and career. As a result, if the militants kill her, she loses a great deal; many of her interests are frustrated. How do pigs compare? Let's assume for the moment that pigs' time-relative interests are comparable to dogs. McMahan says this of dogs' time-relative interests:

> [It] seems that even adult human life tends to contain its share of exuberant joys that rival in intensity those experienced by dogs. They are simply not so conspicuous as they are within the lives of dogs, where they dramatically punctuate days otherwise given over to torpor and sleep. Human well-being, by contrast, is more continuous, dense, and varied, so that the ecstatic moments, which may be more diffusely spread over longer periods, are less salient. And what fills the intervals between these moments is normally altogether better than the dull vacancy of a dog at rest…. In general, therefore, the quantity of life that an animal loses in dying is less than that which a person loses. (McMahan, 2002: 196)[16]

Let's assume McMahan is right that dogs lose less by dying than humans do, at least on average, and thus that the same goes for pigs. Mark Rowlands, another defender of animal rights, concurs with McMahan. Again comparing dogs' interests to humans' interests, Rowlands writes,

[14] For an insightful critique of Regan's conclusions about the *Lifeboat Dogs* case, see Abbate (2015b).

[15] Cf. McMahan (2016).

[16] Notably, McMahan (2002: 420) condemns animal rights militancy for these reasons.

> [It] is difficult to see that dogs orient much of their present behavior, and discipline many of their present desires, on the basis of their conception of how they would like their future to be. And, if this is right, then the typical dog has far less invested in its future than the typical human, who does orient her behavior and discipline her desires on the basis of such a conception…. Therefore, it would…be irrational to save the life of a dog [over the life of a human]. (Rowlands, 2002: 88 and 89)

Rowland's claim is that it's *pro tanto* impermissible to *save* a dog's life over a human's. That generalizes to *killing* a human to save a dog. Given our prior assumption that the loss of a dog's life is equally bad as the loss of a pig's life, it follows that killing a human to save a pig is *pro tanto* impermissible. Molly Gardner, in the course of defending her Attenuated Rights View, makes claims similar to McMahan and Rowlands. After commenting that humans typically live longer than dogs, she adds:

> More importantly, even a typical year in the life of a normal human contains more value for the human than a typical year in the life of a normal dog contains for the dog. It is this difference in the severity of the harm [of death], rather than a difference in the species of the one who would be harmed, that grounds the difference in moral judgments. (Gardner, 2016: 129)

Each of these philosophers claims that dogs lose less in death than humans do. By assumption, then, so do pigs. Moreover, since this claim, if true, would apply to many kinds of animals, let's assume that the following thesis is true:

> COMPARATIVE HARM THESIS: An animal's death is itself morally less bad than a human's death.

With these assumptions in hand, we have the makings of an argument against the ANIMAL RIGHTS THESIS. If true, this will undermine (3) in *The Militancy Objection to the animal rights thesis.* Now, the argument:

The Narrow Proportionality Argument Against the ANIMAL RIGHTS THESIS

1. Defensively killing human Nour to save an animal's life is permissible only if it's narrowly proportionate. [Assumption]
2. Killing human Nour in defense of an animal's life is narrowly proportionate only if human Nour's death wouldn't be morally worse than the animal's death. [From the NARROW PROPORTIONALITY THESIS]
3. An animal's death is itself morally less bad than a human's death. [COMPARATIVE HARM THESIS]
4. So, defensively killing human Nour to save an animal's life isn't morally permissible. [From 1–3]

Each of these premises has considerable support in the literature. Denying any of them would therefore be extremely controversial. We could risk denying them, and indeed I will suggest a tentative strategy for rejecting (1).

To begin, I'll point out that (1) tacitly assumes that defensively killing someone in a narrowly disproportionate way entails impermissibility. That assumption is problematic. To see what I mean, consider the following example:

> *Lucky Youngster*: 20-year-old Driver will non-culpably kill 80-year-old Pedestrian unless Pedestrian kills Driver. Both Driver and Pedestrian will live equally good lives and die at 100 years of age.[17]

What does the NARROW PROPORTIONALITY THESIS imply about this case? It implies that if Pedestrian killed Driver, she would impose a *worse* harm on Driver than Driver threatens to Pedestrian. This is because if Driver killed Pedestrian he would deprive her of only 20 years of life, but if Pedestrian killed Driver she would deprive him of *80 years* of life.

Some philosophers think this implication is unproblematic. Kerah Gordon-Solmon (2017), for example, endorses it. She makes clear, however, that the degree of responsibility of Driver matters in determining how much defensive harm he's liable to. She claims that if Driver were threatening a fellow 20-year-old with 80 more equally good years to live, then Driver would be liable to be killed by the 20-year-old pedestrian (2017: 127–128). She also claims that if Driver *culpably* threatened the 80-year-old Pedestrian, then Driver would be liable to be killed (2017: 127).

I think we have good reason to be suspicious of this position. At first glance, it appears to imply that elderly people are almost never permitted to defend themselves lethally against younger people. But that's not quite right on Gordon-Solmon's view because they *would* be permitted to do so if they were facing off against younger people who *culpably* threatened them. But if that's true, then narrow proportionality isn't a *strict* requirement for permissible defense, because the 80-year-old Pedestrian is permitted to kill the 20-year-old culpable Driver *even though* she would thereby impose far more harm on Driver than he poses to her. And, at any rate, it strikes me as implausible to think that the non-culpable Driver in *Lucky Youngster* would avoid liability on narrow proportionality grounds if, say, he non-culpably threatened *four* 80-year-old pedestrians, each of whom would live 10 more years of equal quality to Driver.[18]

Perhaps a threat's degree of responsibility is *internal* to narrow proportionality: culpable threats are liable to more harm, non-culpable but responsible threats are liable to less, and so on. In other words, what counts as narrowly proportionate harm in a given case is a combination of the harm you pose *and* how you pose it. Indeed, this is a common and plausible view of narrow proportionality.[19] But if that's true, then humans who culpably threaten animals will be liable to be killed even if killing

[17] This example is a more described variant of an example given in McMahan (2005).

[18] For those keeping track of the math, that's a combined 40 years for the elderly pedestrians and another 80 years for Driver. Since imposing 80 years of lost life is twice as bad as imposing 40 years of lost life, preventing the latter by causing the former appears to violate narrow proportionality.

[19] Gordon-Solmon (2017: 127, fn. 8) suggests that responsibility is internal to, or necessary for, narrow proportionality. I'm assuming the same is true of *degrees* of responsibility with respect to what counts as narrowly proportionate (or disproportionate) in a given case.

them would impose more harm on them than they pose to animals. And humans who non-culpably threaten animals (as many factory farmers do) will be liable to be seriously injured. Either way, animal rights militancy appears to evade the force of narrow proportionality, and so (P1) is dubious.

Fortunately, we needn't deny any of the premises, including (P1), to salvage the ANIMAL RIGHTS THESIS. Let's assume that the argument above is successful in that it shows why it's impermissible to kill Nour to save an animal's life. Does this show that killing Nour in *Zookeeper* is impermissible? I don't think it does. One reason is that it *misidentifies* what's morally objectionable about killing Nour in *Zookeeper*. Consider a similar example:

> *Sickly Zookeeper*: Same as *Zookeeper*, but this time Nour is sick and has only a week to live. The pigs, by contrast, have decades to live.

Killing Nour in this case wouldn't be narrowly disproportionate. She has fewer long-term interests than the pigs do: less to live for, and less time to live for it. Making this change to Nour doesn't make killing her any more morally seemly, however. (If anything, it makes it seem worse.) This gives us reason to think narrow proportionality isn't what makes it wrong to kill Nour.

There's a more decisive reason to believe this, however. The conclusion of the *Narrow Proportionality Argument* is that "killing human Nour to save *an* animal's life isn't morally permissible." In other words, the argument entails the.

> CONDORCET THESIS: It's narrowly disproportionate to kill one human to save the life of one animal.

But this says nothing about killing one human to save *multiple* animals, and it's multiple animals at risk of imminent harm in *Zookeeper*. The same is true in most cases of animal rights militancy and rescue, to boot. What's more, the CONDORCET THESIS is a claim only about killing. It makes no claims about nonlethal forms of harming. If we considered a variant in which Nour caused the pigs to suffer immensely and we could prevent this by shooting Nour in the leg (a painful injury), it would be difficult to maintain that shooting her in the leg was narrowly disproportionate.[20] Because so many threats to animals are threats of suffering, as if often the case in the enormous industry of factory farming, the narrow proportionality is bound to fail. We should reject it.[21]

[20] Nozick (2013: 41) claims it's impermissible to inflict slight discomfort on a human in order to spare 10,000 animals from extreme suffering. Nozick makes this claim as an example of what we're forbidden to do to non-liable parties. He makes no claim about what we may do to liable parties, such as Nour. The same is true of Regan in his comments on the *Lifeboat Dogs* case: He claims no amount of animal sacrifice is disproportionate, but he fails to consider liable parties like Nour whose interests are discounted.

[21] There may be other ways of denying or weakening the ANIMAL RIGHTS THESIS. I lack the space to explore them here.

3.2 Limit moral liability

Maintaining the background theses and assumptions, it is apparent that any account of Nour's case cannot entail that Nour acts *permissibly*, since Nour unjustly goes against the rights of the pigs.[22] What remains possible is that Nour acts *excusably*. To act excusably is, in this sense, to avoid culpability for one's actions. While non-culpable ignorance is not the only means by which Nour can avoid culpability, it is one way. For Nour's case, we might suppose that Nour is unaware that animals have rights, or perhaps she rejects that view for principled reasons that are not obviously implausible.

Defenders of the ANIMAL RIGHTS THESIS might use this in one of two ways. First, to explain why it's permissible to engage in harmful defensive action against Nour, but *less permissible* than it would be against, say, the prison guards. Second, to explain why it's *impermissible* to engage in harmful defensive action against Nour. On the former view, Nour's non-culpable ignorance is not sufficient to eliminate her liability to defensive harm, but it is enough to make her less liable than the guards. On the latter view, Nour's non-culpable ignorance is sufficient to make her not liable to defensive harm.[23] Consider the following case from Gideon Rosen:

> …consider an ordinary Hittite lord. He buys and sells human beings, forces labor without compensation, and separates families to suit his purposes. Needless to say, what he does is wrong. The landlord is not entitled to do these things. But of course he thinks he is. Moreover, we may imagine that if he had thought otherwise, he would have acted differently. In that case he acts from moral ignorance in our sense. (Rosen, 2002: 64-5)

As Rosen would have it, the Hittite lord is non-culpably ignorant of the slave's rights because "chattel slavery was *simply take for granted*," and "it would have taken a moral genius to see through to the wrongness of chattel slavery" (2002: 65, 66).

I shall assume for argument's sake that Rosen is right about the Hittite lord: namely, that the lord is non-culpably ignorant for his wrongdoing. Still, non-culpable ignorance cannot diminish liability in the slave case or in the guards case, and for the same reason: because slaves and individuals in concentration camps still possess a right to engage in defensive harm against their brutal oppressors, which implies a third-party permission to defensively assist them against their oppressors.[24] As Hadley explains,

[22] Any plausible moral theory on which the ANIMAL RIGHTS THESIS is true will condemn Nour's actions, since her actions would be morally comparable to someone guarding a prison filled with humans who will shortly be unjustly killed.

[23] It's thus an assumption of the diminished liability approach that it's impermissible to defend human slaves *even if* pacifism is false. As I argue below, this is false. Slaves are permitted to defend themselves with violence, if anyone is.

[24] Kaufman (2010) develops a similar case against the view that it's impermissible to harm innocent aggressors in self-defense. Cf. Kaufman (2009: 78-9).

> …if people who harm animals are not liable in terms of being responsible for unjustified harms without an acceptable excuse, then moral agents who buy and sell, confine, mutilate without anesthetic, infect with disease, kill for pleasure, and otherwise use rights-bearers as tools will not be legitimate targets for proportionate third-party defensive violence. Such a conclusion would be radically at odds with common sense, if the rights-bearers concerned were human animals of comparable capacities, fetuses aside, and makes the claim that animals have valuable lives worthy of protection ring hollow. (2009: 169)

Or consider a case in which my kidnapper is a convinced solipsist, though she grants that she treats me in ways that would be morally monstrous if I were real. She tells me that if she were convinced to abandon her solipsism (which she holds quite sincerely), she would immediately set me free and turn herself in. There again, it is implausible to suppose that I lack defensive rights against my kidnapper, and therefore also implausible to suppose that third parties lack a permission to defensively assist me against my kidnapper. Commenting on the appeal to diminished liability, John Hadley comments:

> 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. (Hadley, 2009b: 55)

Imagine making this move with respect to human rights: You can avoid making people liable to defensive harm by keeping them ignorant about human rights. Such concealment is itself morally wrong. Moreover, the objection assumes that by *concealing* the truth of animal rights from human persons, you thereby make or keep them *non-liable* to defensive harm, including third-party defensive harm. If that were true, one could easily make one's children morally immune to defensive harm by maintaining their ignorance about everyone's rights. Then, no matter whom they unjustly attack, they are not liable to defensive harm. This seems implausible. From these considerations, therefore, we should conclude that Nour's non-culpable ignorance is insufficient to make her non-liable to defensive harm or to defensive assistance.

There is another objection in the conceptual neighborhood. As we have seen, what matters is not liability per se, but permissibility. There might be reasons beyond liability that make animal rights militancy impermissible. One such reason is contractarian in nature. Mark Rowlands (1997) offers a contractarian defense of animal rights. He also rejects animal rights militancy for contractarian reasons, arguing that militancy is impermissible because it's unlikely to succeed:

> In the impartial position, then, it would be irrational to choose a world that contains, in addition to non-violent, illegal, attempts to change society, animal rights terrorism. Such terrorism is not necessary for achieving the goals that provide its *raison d'etre*. If you turn out to be an animal, you will, in all probability, not be helped by terrorist action. And if you turn out to be human, you may be harmed by it. And, any suffering that you thereby endure, is gratuitous and unnecessary. Therefore, in the impartial position, it would be

> irrational to choose a world that contains animal rights terrorism. Therefore, in the real world, it is immoral to endorse such terrorism. And that, I think, is why animal rights terrorism is not morally acceptable. (Rowlands, 1997: 193)

Rowlands doesn't deny that the intended victims of those militant acts are liable to defensive harm. All he denies is that it's permissible to defensively harm them. Christopher Tollefsen offers a similar objection to a militancy objection to the view that fetuses have rights, writing:

> If this is correct, then the most plausible interpretation, according to common morality, of violence which is directed against abortion providers and clinics, is that such violence is rebellion, for it is political in nature: it is violence in deliberate contravention to the laws of the state, and with reformatory purposes in mind. In its purposes, and in its means, such action is revolutionary. … It is a requirement upon any just rebellion that [it will likely succeed]. … Any rebellion against the established laws of a society, carried out on the grounds that they are grossly unjust, which does not involve a force of rebels substantial enough to have hope of success, must degenerate, I believe, into terrorism or guerilla warfare, both of which are illegitimate considered as rebellion because, *inter alia*, they are uses of violence which have no hope of success. (Tollefsen, 1997: 310)

A likely chance of success is thus a requirement in the view of both Rowlands and Tollefsen. For both of them, animal rights militancy is unlikely to succeed, making the violence inflicted gratuitous and therefore impermissible. Christopher Kaczor makes a similar but somewhat different point along these lines:

> …since abortion is legal in most countries, killing an abortionist is an act of vigilante justice which, like other acts of vigilante justice, is *prima facie* wrong… it is tremendously difficult to overcome the presumption against such violence, due to the likelihood of even worse injustices taking place in the breakdown of social order brought about by vigilante justice. (Kaczor, 2015: 220)

Unlike Rowlands and Tollefsen, Kaczor appeals not to the low likelihood of successfully protecting the victim's rights, but to the high likelihood of violating others' rights. Both objections appeal to underlying moral principles regulating the permissibility of third-party defensive violence, which I shall call the SUCCESS PRINCIPLE and the VIGILANTE PRINCIPLE, respectively. I shall understand these principles as follows:

> SUCCESS PRINCIPLE: Third-party defensive violence is permissible against an unjust aggressor only if that violence stands a reasonable chance of success.
> VIGILANTE PRINCIPLE: Third-party defensive violence is permissible against an unjust aggressor only if that violence would not likely bring about worse injustices.[25]

[25] A stronger variation of the VIGILANTE PRINCIPLE might be that such violence is permissible only if it would be *unlikely* to bring about worse injustices. On this interpretation of the moral requirement, a mere lack of a positive likelihood is insufficient. What's needed is a *negative* likelihood (i.e., an unlikelihood).

Perhaps the most significant issue with these principles is that they *don't* imply that it's impermissible to kill Nour. In the *Zookeeper* case, killing Nour *does* stand a reasonable chance of success and it *isn't* likely to bring about worse injustices.[26] While *Zookeeper* is fictional, it's nonetheless a possibly true case in which it would be impermissible to kill her, and thus any true moral view must explain the wrongness. Since the animal rights militant would have a reasonable chance of success and would not likely bring about worse injustices, neither the SUCCESS PRINCIPLE nor the VIGILANTE PRINCIPLE can plausibly explain the impermissibility of killing Nour.

There are further reasons to reject the SUCCESS PRINCIPLE and the VIGILANTE PRINCIPLE. On the SUCCESS PRINCIPLE, recall Rowlands' claim that because there's no reasonable chance of success to stop unjust aggressors who target animals, the violence inflicted upon those unjust aggressors would therefore be gratuitous. But some, like Suzanne Uniacke, deny this claim:

> Although harm inflicted in self-defense is not needless simply in virtue of its being unlikely to succeed, as an instrumental aspect of the justification of self-defense the condition of necessary force does require *some* prospect of success. In practice this means that *B* must believe both that the force he uses is capable of fending off *A*'s threat to some extent and also that the degree of force he uses is not excessive. *B* can believe the former even if he thinks the prospect of success is low. (*B* can consistently believe: It is unlikely that I can fend off *z* unless I use force *x*; and there is only a small chance that if I use force *x* I will fend off *z*.) (Uniacke, 2014: 66)

Is Uniacke right about this? It seems to me that she isn't, but for reasons that help point to an important objection. If *B*'s employment of force *x* is insufficient (either by itself or when coupled with the employment of other defensive measures like *y*) to fend off threat *z* and *B* knows that, then I don't see how *B*'s employment of *x* can count as a *defensive* measure against *z*. That is, if *B* knows that *x* won't help him rebuff the threat, then it seems that *B* isn't using *x* to defend himself against *z*.[27] As a result, *B*'s use of *x* to rebuff *z* cannot be justified as a defense against *z*. Daniel Statman (2008) considers cases where rape victims are incapable of preventing their rapes but still inflict harms on their rapists. He comments that the SUCCESS PRINCIPLE seems to imply that the rape victims have acted impermissibly because they will not succeed. This implication, thinks Statman, is false:

Footnote 25 continued
Thus, in cases where the probability of bringing about greater injustices hovers at 0.5, or where there is no better reason to believe that greater injustices will be brought about than that they won't be, it's wrong (on the stronger VIGILANTE PRINCIPLE) for third parties to engage in defensive violence.

[26] Or, per the above footnote, it's *unlikely* to bring about worse injustices.

[27] Might *B* *mistakenly* believe that employing *x* will prevent *z*? No, because (per Uniacke's stipulation) *B* knows that *x* won't prevent *z*. Imagine that *B* used something else he believed wouldn't help him successfully defend against *z*, like singing opera. If *B* sang opera, would he be employing it as a defensive measure? The answer, it seems to me, is that he obviously wouldn't be.

> The suggestion that, in all these cases, if the victims estimated that their use of force would not prevent the evil, they would be morally prohibited from using force, is unacceptable. (2008: 666)

Helen Frowe joins Statman in thinking that the SUCCESS PRINCIPLE would be false if it had these implications:

> Requiring capitulation [to unjust aggressors in cases where the harm will not be averted] does indeed seem to be, as Statman claims, a *reductio* of a moral theory of self-defense. But I don't think any plausible account of self-defense—including those based upon the accounts of liability to defensive harm that are under discussion here—would prohibit these killings. (Frowe, 2014: 111)

John Hadley (2009a: 174–5) considers an example in which Nazi scientists perform hypothermia experiments on Jews, claiming that the Jews were permitted to engage in defensive violence against the Nazis even if they would have failed to avoid the harms of hypothermia. Statman suggests that we explain the permissibility of defensive harming in these cases by appealing to *honor*:

> …since whenever Aggressor threatens Victim, he is thereby also threatening, secondarily, Victim's honor, Victim is permitted to carry out otherwise immoral measures against Aggressor even if, by so doing, Victim will not block the primary threat, provided that in this way Victim can reasonably hope to save her honor. (Statman, 2008: 670)

It would take us too far afield to discuss the merits of Statman's proposal. What it shows, however, is that defensive measures that do not avert the primary threat might nevertheless avert some secondary threat and might be rendered permissible on those grounds. Moreover, the SUCCESS PRINCIPLE falsely implies that rape victims, Jews subjected to hypothermia experiments, and slaves subjected to unspeakable torture aren't permitted to defend themselves against the primary threats they face if they stand no reasonable chance of doing so. As Statman and others suggest, we should reject such a view. By implication, we should reject the view that third-party defense against unjust aggressors who target animals is impermissible unless it will reasonably succeed. To avoid this implication, Rowlands distinguishes between *efforts to change society*, on the one hand, and *acts of rescue*, on the other. He then offers the following example and commentary:

> Suppose you live in a society that condones slavery. You, however, having understood the role of the principles of equality and desert in the moral thinking of your society, oppose this. One day you witness a slave owner beating one of his slaves, and you decide to rescue the slave. This sort of situation has a certain, what we can call, *immediacy*: action is called for as a matter of urgency. You can try an alternative approach—for example, seeking to convince your fellow citizens of the injustice of slavery—but this would take time, and will in no way improve the predicament of the slave who is now being beaten. Therefore, you decide to step in and rescue the slave. This is, then, an act of rescue. (Rowlands, 2002: 185–186)

These are precisely the conditions of the *Zookeeper* case in which Nour must be killed to save the animals. Thus, they plausibly permit killing Nour in that case. Moreover, the circumstances of the slave are transparently analogous to the circumstances of many animals who won't be saved unless a third party intervenes both *now* and *violently*. As Hadley observes,

> It is reasonable to suggest that third-party defensive violence on behalf is likely to be effective in many instances, at least on too many occasions for [defenders of the ANIMAL RIGHTS THESIS] to successfully avoid an absurd conclusion. (Hadley, 2009a: 175)

The Militancy Objection, then, does not appear to be solved by the SUCCESS PRINCIPLE because the principle is either false, too rarely applicable, or implies a permission to kill Nour grounded in preventing a non-primary wrong.

This brings us to the VIGILANTE PRINCIPLE according to which third-party defensive violence is impermissible if it would likely lead to even greater injustices. I argued above that Nour's case is not like this, and thus the VIGILANTE PRINCIPLE doesn't offer grounds to think killing Nour is impermissible. Moreover, the VIGILANTE PRINCIPLE suffers from some of the same problems that afflict the SUCCESS PRINCIPLE. For example, it will doubtfully apply very often, since many acts of animal rights militancy will not lead to greater injustices. However, it seems to me that the problem with the VIGILANTE PRINCIPLE is that it makes matters *worse* for defenders of the ANIMAL RIGHTS THESIS. To see why, let's begin by considering the following example:

> *American Civil War*: The United States, divided roughly into the Northern States and the Southern States, participate in the many evils of slavery: Slaves are routinely tortured, raped, and killed in ways that violate their basic moral rights. The Northern States object and end slavery in their territory, but the Southern States persist. After many protests and extended negotiations, the Northern States wage a civil war against the Southern States to prevent the evils of slavery. Over the course of the war, many innocent people die, but not as many as are saved.

I shall assume for the sake of argument that the actions of abolitionist vigilantes, such as John Brown when he and freed slaves violently attacked slaveholders at Harper's Ferry, were impermissible.[28] What seems uncontroversial is that Brown's actions would have been permissible had he banded together with the Northern States' army as a combatant against the Southern States, since it was permissible for the Northern States to wage war against the Southern States as doing so was necessary to end the horrors of slavery. With that in mind, consider the following example:

[28] This implication, too, strikes me as counterintuitive. John Brown fought in defense of slaves, acting more or less precisely as Rowlands envisions. It seems to me that if pacifism is false, then Brown surely acted permissibly.

> *Canadian War*: When it comes to harming animals, the people of Nunavut are having none of it. They therefore end all animal agriculture, factory farms, and the like in the country and create a safe and secure sanctuary for animals in Nunavut. The United States, meanwhile, continues to violate the basic moral rights of animals. After many protests and extended negotiations, Canada declares war on the United States in an effort to prevent the evils of animal abuse. Over the course of the war, many innocent humans die, but more innocent animals are saved.

Animal abuses in the United States are no less frequent than slave abuses were (in fact, they are *more* frequent) and, on the ANIMAL RIGHTS THESIS, not less impermissible with respect to the basic moral rights that are violated.[29] The VIGILANTE PRINCIPLE doesn't imply that Canada is permitted to wage war against the United States to defend animal rights. However, that's precisely its problem. The principle condemns the actions of vigilante groups like the Animal Rights Militia for killing Nour, but not Canadian Mounties for doing the same thing. It therefore condemns animal rights vigilantism, but not animal rights *warfare*.[30] What's counterintuitive about the ANIMAL RIGHTS THESIS isn't that it permits you to kill Nour as a vigilante, but that it permits you to kill Nour at all. This gives us strong reason to think that the VIGILANTE PRINCIPLE isn't a satisfactory reply to the Militancy Objection.

3.3 Endorse militancy

Still another option is to deny (6), which claims that harming Nour is not permissible. Perhaps it is not so implausible to claim that inflicting defensive harm on Nour is permissible. After all, it would be permissible if Nour were guarding *human* victims, and Nour's non-culpable ignorance is insufficient to rule out liability to defensive harm. Nour violates, or intends to violate, an individual's right, and we are therefore obligated to defend that individual against her wrongful aggression.[31]

But are we obligated? Members of the Animal Liberation Front—a group recognized by the U.S. government as a domestic terrorist group—do not kill or even injure animal researchers, but they face severe criminal penalties simply for freeing animals and burning animal laboratories. Such penalties, whether they are exacted or merely risked, would place enormous burdens on individuals. Far greater penalties would be enacted were the individuals in question to *attack* animal researchers, even if it were necessary to save the chimpanzees. A lifetime in prison,

[29] A war in defense of mistreated animals might in some ways be easier to wage permissibly than a war in defense of slaves. Concerns about wide proportionality, for example, would be less of a concern, since there were millions of slaves but *billions* of abused animals. This will effectively permit a larger number of non-liable persons to be (unintentionally) killed, since the number of animals who would be saved would be considerably larger.

[30] If the VIGILANTE PRINCIPLE *did* condemn animal rights warfare in *Canadian War*, it would also condemn the war waged by the Northern States in *American Civil War*, which is implausible.

[31] Kagan (2019: 255) signals an openness to this view. For the fuller discussion, see 252–258.

execution, and the like are hardly outcomes that are reasonable to expect moral agents to bear, and thus there is no *duty* to engage in defensive assistance in those cases.

Still, *some* moral agents might be obligated to engage in defensive assistance: namely, agents who will not get caught or even run a serious risk of getting caught. Indeed, there are agents for whom there is *no* risk of getting caught (e.g., particularly stealthy animal liberators) or who would face no burdens even if they were (e.g., politically powerful individuals with numerous outstanding favors). In the absence of other burdens, these agents would be obligated to engage in defensive assistance, and therefore obligated to defend the animals against Nour. Moreover, the denial of (P6) does not imply that moral agents are *required* to be militant, only that they are *permitted* to be militant. Cheryl Abbate, for example, seems committed to the view that many of us are indeed permitted to engage in animal rights militancy against certain humans on the grounds that they are liable to defensive harm:

> I conclude that (1) in cases in which human beings are culpable for posing an unjust threat to nonhuman animals, human beings are fully liable to defensive harm and thus are not justified in harming nonhuman animals in order to defend themselves, and (2) in cases in which human beings are morally responsible (but not culpable) for posing an unjust threat to animals, they should at least share in the costs of their actions. (Abbate 2020: 108)

Thus, on Abbate's view, *culpable* threats are *fully* liable to defensive harm, and *non-culpable but morally responsible* threats are *partially* liable. If human beings are liable to such defensive harms, then they are surely liable to them when doing so requires (or is helped by) third-party assistance.

What sort of threat is Nour? She will unjustly kill the pigs unless she is killed.[32] Nour, therefore, is analogous to an unarmed lookout at a human prison who will call armed guards if 'sympathizers' attempt to free the prisoners. Even so, we might inquire whether Nour is a culpable threat. On Abbate's view, what follows if she is a culpable threat?

> Since there is fault in both the *act* and the *agent*, [culpable aggressors] are fully liable to be killed and they should suffer the cost of their own wrongdoing by not harming the animal in self-defense, since they could have avoided these costs by refusing to perform the unjust action, while, on the other hand, the nonhuman animal did not have a choice. Furthermore, it is a *matter of justice* that these men suffer the costs of their wrongful actions rather than allowing these costs to be imposed upon the nonhuman animals. (Abbate 2020: 122)

[32] Perhaps we should distinguish between *posing* a threat and *aiding* a threat. But even if we do, aiding a threat is surely going to entail liability to defensive harm, at least when one aids a threat in a morally responsible way, as Nour does. For example, perhaps only Assassin threatens to kill you with a gun, but I hold you in place for the kill shot. Moreover, perhaps I am unaware that Assassin is acting wrongly in doing so—for example, perhaps I mistake Assassin for a police officer doing their duty.

But *is* Nour a culpable threat? I suspect so, but I admit to being unsure. In particular, I am unsure whether Nour's failure to recognize the basic moral rights of animals is a failure for which she can reasonably be held culpable.[33] Suppose, then, that she isn't culpable. The non-culpable responsibility for posing a threat, on Abbate's view, entails at least *some* liability on Nour's part. It's not clear exactly what Nour is liable to in Abbate's view, but her view seems to imply that it's less than culpable threats. But is it so much less that Nour isn't liable to be *killed*? Plausibly not, for we might suppose that the individual who unjustly kills human prisoners isn't culpable for the threat he poses. Perhaps, for example, he is given compelling but misleading evidence that the human prisoners are liable. Even so, he seems liable to defensive harm. At the very least, it seems permissible to harm or kill him if doing so is necessary to free the innocent prisoners, regardless of whether the executioner is liable. Liability to defensive harm and the permissibility of defensive harm are logically distinct: If Nour is liable, it doesn't follow that it's permissible to harm her; and if it's permissible to harm Nour, it doesn't follow that she's liable.[34] What matters here, on the militancy view, is that since the prison executioner of humans can be permissibly killed, so can Nour.

What is the scope of animal rights militancy? That is, how many individuals are liable to defensive harm? It's hard to say, but it includes workers in other animal-related professions (e.g., zookeepers, animal researchers), workers in other countries, and other animal abusers (e.g., people who abuse their animal companions). However you do the math, the number of real-world individuals who can be permissibly killed under the militancy view is simply enormous. To make matters worse, that is only a small sampling of cases in the actual world. Militancy has more problems than that. In addition to all these cases, there is an infinite host of possible worlds brimming over with other cases.

Let's be clear on what this means: Agents are permitted to defensively assist animals against many animal researchers, hunters, farmers, (some) combatants in warfare, and poachers. In short, millions of people. And they are permitted to do this *now*. What matters here is not the *number* of people liable to be killed, but the *kind*

[33] See, for example, section 3.2 where the solipsist and the person uneducated about human rights provide examples of appeals to ignorance. It seems to me that *both* persons are culpably ignorant because two reasonable *pro tanto* reasonable expectations are that individuals recognize that there are sentient individuals distinct from themselves and that it's impermissible to harm such individuals without a sufficiently good reason. It also seems to me that neo-Cartesian views of animals are false and obviously so, or at the very least that it's reasonable to expect most humans to recognize animal sentience since we think it's reasonable to hold most humans morally and legally responsible for animal abuse. However, I can't defend these positions at length here. These disputes are somewhat peripheral, however, since it seems permissible to harm the convinced solipsist whether or not they are culpably ignorant. The same, therefore, will be true of the lookout, Nour, certain animal researchers, and so on.

[34] Someone is liable to harm just in case you would not wrong them by harming them. Thus, even if you harm a liable individual and thus don't wrong them, you might in doing so still wrong *someone else*, and thus it might be impermissible to harm the liable individual. Moreover, even if it's permissible to harm someone, it doesn't follow that they're liable to be harmed. For example, it might be permissible to harm them as an unintended side effect of preventing some immense harm. For more on distinction between liability and permissibility, see Frowe (2014: 188).

of people who are liable to be killed.[35] What seems implausible about the militancy option is that implies these people are liable.[36]

3.4 Endorse Pacifism

What options are left? If we suppose that the ANIMAL RIGHTS THESIS is true, which entails that the Permission Thesis is true, then we must say that animals have certain defensive rights. But if they have certain defensive rights, this raises the question whether they are permitted to defend themselves against Nour. If not, then either Nour did not wrong them, or she did but some other consideration makes it impermissible to defend against her. By hypothesis, Nour would wrong them, which also entails that the animals neither forfeited nor waived their rights. By the Rights Thesis, no utilitarian considerations or other rights trump the animals' rights. As those are the only two possibilities, it's impossible that some other consideration makes it impermissible for the animals to defend against her, which rules out non-culpable ignorance as a basis. Finally, if we suppose that *Nour* is liable to defensive harm, then we must suppose *everyone like Nour* is open to defensive harm, which entails that an immense amount of harming and killing is permissible.[37] If we disabuse ourselves of these options, including the latter option, then we must concede that animals have rights but that they (and therefore we) are not permitted to engage in defensive violence. The final option, then, is that moral agents are required to be pacifists.

On this view, moral agents are forbidden from using violence in all cases, including self-defense and defensive assistance. That may appear to be incompatible with the PERMISSION THESIS, but it need not be. Instead, it merely shows that there are limits on what agents can permissibly do in defense of others, a conclusion which

[35] Hadley's appeal to factors like contributory causation appear to commit him to the view that it is the *number* of liable individuals that generates the counterintuitive nature of the Militancy Objection. Indeed, in his abstract, he refers to the problem as the Multiple Inappropriate Targets Problem. Whereas Hadley and I differ in our interpretation of the problematic nature of the Militancy Objection, our interpretations are not incompatible. Moreover, Hadley's concerns appear to overlap with a similar problem in the broader literature on the ethics of self-defense. See Hadley (2009a: 168). For more on the more general problem, see McMahan (2011: 24).

[36] Here's an objection: Militancy doesn't permit us to *kill* all of these people (or people in comparable professions), since doing so would in many cases be *disproportionate* to the harms they threaten to impose on animals. For example, some animal researchers neither kill nor physically injure animals. At most, they imprison animals. Killing those animal researchers to free the imprisoned animals, then, would be objectionably disproportionate. But this objection fails for two reasons. First, the objection relies on the dubious assumption that killing (for example) kidnappers is objectionably disproportionate. It isn't at all obvious that *human* abductees aren't permitted to kill their kidnappers if doing so is necessary to escape. Second, the objection assumes that the intuitive implausibility of the militancy view is restricted to its moral implications for killing, but that's false. Suppose that Nour was guarding not animals who will soon be killed but animals who will soon be tortured, and that in order to rescue them it's necessary to torture Nour. The view that Nour is liable to such harm is again counterintuitive.

[37] If pacifism is true, is *anyone* liable to defensive harm? As I pointed out in footnote 59, liability doesn't entail actual permissibility (and nor does actual permissibility entail liability). By implication, *impermissibility* does not entail non-liability. Thus, even if pacifism entails that assault is always impermissible, it doesn't follow that no one is liable to defensive assault.

itself is not altogether surprising. After all, no one supposes that agents are permitted to do just *anything* in other-defense. Thus, pacifism implies that agents are permitted to defensively assist the pigs, but not in violent ways.

Nevertheless, pacifism would impose very restrictive limits on the PERMISSION THESIS, and would also require some potentially radical revisions to commonsense beliefs about defensive violence.[38] Consider the broad host of wrongful aggressors pacifism forbids us to harm or kill in the actual world. According to the FBI, there were approximately 1,165,383 reported violent crimes in the United States in 2014. A little over 1% of those crimes were murders, and a little over 7% were rapes.[39] These numbers, moreover, reflect only *reported* violent crimes in *one year* in *one country*, and still the number of violent offenses totals well over one million.[40] Now, consider that pacifism implies that third parties weren't permitted to defend these victims with violence.

What seems apparent, then, is that pacifism is as controversial a moral thesis as militancy is, but for different reasons. The apparent problem with militancy is that it implies that we are permitted to attack too many individuals, whereas the apparent problem with pacifism is that it implies that we are permitted to attack too few.[41] The central problems with pacifism and militancy are therefore two sides of the same coin. Again, with pacifism, the central problem is that it implies we are *forbidden* to harm or kill individuals it seems obvious we are *permitted* to harm or kill. With militancy, the central problem is that it implies we are *permitted* to harm or kill individuals it seems obvious we are *forbidden* to harm or kill. The central problem of both views, then, is *discrimination*: Pacifism forbids us from killing would-be murderers in self-defense, but militancy permits us to slit the throat of a 17-year-old working a night shift at the zoo. These problems are central to pacifism and militancy in the sense that they are the most frequently cited and counterintuitive problems of the views.

[38] Does pacifism *falsify* the Permission Thesis? As stated, the Permission Thesis merely claims that there's a third-party permission to defend animals. Typically, invoking a permission to other-defense is a way of invoking a permission to other-defensive *assault*. On that reading, pacifism falsifies the Permission Thesis. However, since there are substantive ways of defending others that do not involve assault, it seems that pacifism does not rule out every form of other-defense, and thus is compatible with a broader interpretation of the Permission Thesis.

[39] F.B.I. (2014). URL: https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/offenses-known-to-law-enforcement/violent-crime

[40] The number also reflects only crimes that actually *occurred*, and thus excludes attempted but unsuccessful violent crimes.

[41] This criticism is from Narveson (2003), who argues that pacifists "have too many friends" and "terrorists" (which I'm calling "militants") "have too many enemies." On Narveson's view, terrorism is wrong as a conceptual matter, since it condones the targeting of noncombatants who are not liable to defensive (or offensive) harm. Again, the worry here is not that the sheer number of persons liable to be defensively harmed is too many, as if there were some numerical threshold above which there is no liability to defensive harm. Rather, the worry is that these people don't seem to be liable to defensive harm at all, and since the militancy view implies otherwise in so many cases, it gets the wrong judgment in an immense number of cases.

Fortunately, the apparent epistemic impasse is resolvable. Pacifism and militancy are on an *initial* epistemic par. The former is saddled with the burden that we cannot permissibly harm a great many aggressors when it seems obvious that we can. Pacifism also has the modal implication that no possible wrongful aggressor can be permissibly harmed, even in possible worlds where doing so is the only feasible means of saving oneself or others. Militancy is thought to be false because it entails that we can permissibly harm individuals who seem morally immune from defensive attack. With militancy, too, the modal implications appear damning: worlds with immense numbers of animal abusers may be harmed or killed to protect the animals. We might even divide the actual and merely possible cases into two broad categories: harming human aggressors who will harm other human beings, and harming human aggressors who will harm animals. Militancy permits both, whereas pacifism forbids both. Our commonsense moral beliefs suggest that harming members of the former group is *pro tanto* permissible whereas harming members of the latter group is impermissible. Pacifism implies that our first commonsense belief is false while affirming the second, whereas militancy does just the opposite.

The epistemic par, therefore, is apparent. Other things being equal, we have as good a reason to accept militancy as pacifism.[42] Because of this, we should affirm pacifism, and we need not appeal to any especially controversial moral principle to do so. I shall defend two moral principles that can break the epistemic parity between pacifism and militancy. In the end, these principles support pacifism. The first principle is what I shall call the ASSUME ENDURED RIGHTS PRINCIPLE, according to which if an individual had rights prior to now and it's now unclear whether they still have those rights, we ought to presume they do. It can be represented as follows:

> ASSUME ENDURED RIGHTS PRINCIPLE: If I know Threat had rights prior to now the possession of which would, if Threat still had them, make it actually impermissible for me to harm Threat, and if there are now roughly equally good reasons to believe that Threat currently has those rights and that Threat doesn't, then it's impermissible for me to harm Threat.

[42] Helen Frowe (in conversation) objects that the epistemic par isn't apparent. She concedes that there might be epistemic parity 'downstream', at the level of applied cases, but denies that there's epistemic parity 'upstream', at the level of broad principles and ethical theory. Sometimes we use the independent plausibility of cases to determine the plausibility of moral theories and principles, and sometimes we use the independent plausibility of moral theories and principles to guide us through hard cases. Frowe claims we should rely on the independent plausibility of liability, like we did with the *Burning Barn* case in section §2, to guide us through hard cases like *Zookeeper*. Once we do, militancy will be the more plausible view. I can't offer an extensive reply here, but I'll offer one reply. Where militancy and pacifism part ways is at the crossroads of liability, and so (unless we're to beg the question against either view) we need to look elsewhere for an independently plausible moral theory or principle that advantages militancy. Where might it be? So far as I can tell, the sort of 'pre-liability' moral story of the militancy view is *the very same moral story* as pacifism: Both accept that Nour and the pigs have rights, that there's a *pro tanto* obligation against transgressing them, and so on. But if that's true, then the epistemic parity appears *thoroughgoing*: There's intuitive parity downstream with liability, and there's parity upstream due to identical background moral assumptions.

To see why the principle is true, consider an example in which it's extremely controversial whether it's permissible to kill someone defensively. Frowe considers a case like this as an objection to her view on defensive liability. She writes:

> I deny that there is a causal threshold for liability to defensive killing, such that one must make a significant contribution to an unjust threat if one is to be liable to defensive killing. But some people have objected that this means that taxpayers who finance an unjust war will be liable to attack on my view. (Frowe, 2014: 209)

Frowe goes on to defend her view from this objection, but she claims to recognize that her view is very controversial.[43] Let's assume for argument's sake that it's in fact unclear whether taxpayers are liable to defensive harm. What, then, should be our default assumption? Our options seem to be as follows:

> *Option A: Assume Liability*: We can't discern whether taxpayers are, in fact, morally liable to defensive harm. However, we will assume that they are and kill them. If we're right, then we've not wronged *them* (though we may have acted wrongly for reasons independent of liability). If we're mistaken, then we've wronged them (but may have acted permissibly for liability-independent reasons).
> *Option B: Assume Non-Liability*: Our epistemic situation is the same as in Option A. However, we will assume that taxpayers aren't liable to defensive harm and thus avoid killing them. If we're right, then we've avoided wronging them (though, again, we may have still acted wrongly for liability-independent reasons). If we're mistaken, then we've not wronged them by failing to kill them (but may have acted impermissibly for liability-independent reasons).

What ought we to prefer, morally speaking? In cases where the moral status of an individual is in doubt, some argue that we are morally culpable for killing that individual. For example, Alex Guerrero defends what he calls the DON'T KNOW, DON'T KILL PRINCIPLE:

> DON'T KNOW, DON'T KILL PRINCIPLE: If someone knows that she doesn't know whether a living organism has significant moral status or not, it is morally blameworthy for her to kill that organism or to have it killed, unless she believes that there is something of substantial moral significance compelling her to do so. (Guerrero, 2007: 78–79)

Guerrero remarks on the principle:

> The justification component is somewhat less straightforward. [Don't Know, Don't Kill] is a caution principle; it requires one to exercise caution before performing certain actions when one is in certain epistemic states, unless one has some justification for going ahead and acting anyway. The justification required in DKDK is that the person believes that there is something of substantial moral significance compelling her to act. (2007: 80)

[43] For her reply to the Taxpayer Objection, see Frowe (2014: 209–212).

The language of "substantial moral significance" is relevant here, however, because it might be seen as a reason for adopting animal rights militancy over animal rights pacifism. When humans unjustly attack animals, something of substantial moral significance will be sacrificed in either case: the life or welfare of either the human or the animal (or both). Thus, it might be thought that this renders Guerrero's principle moot with respect to the relevant cases in this paper, including *Zookeeper*.

I shall assume for argument's sake that Guerrero's principle is moot for this reason. However, it seems to me to be moot for another, more important reason: Neither the direct moral status of the human aggressor nor the direct moral status of the animal is in question.[44] What's in question is not whether they ever had rights, but whether they *still* have them. On the view that animal rights militancy is permissible, it will (typically) be maintained that the unjust human aggressors have lost their right not to be killed. On the view that animal rights pacifism is true, it will (typically) be maintained that unjust human aggressors haven't lost that right. What's agreed upon by *both* views is that both the human aggressors and the animals *had* rights prior to the incident in question.

In my view, we ought to prefer Option B over Option A because our background moral knowledge better supports it. In this case, our background moral knowledge includes knowledge of the fact that the human aggressors and the animals had the right not to be killed prior to the incident. The current epistemic parity is such that we lack sufficiently good reason to believe that anyone lost the rights they had. If that's true, then we lack sufficiently good reason to believe that they're liable to defensive harm. Thus, we should assume non-liability instead of liability.[45] The case for animal rights militancy rests on the assumption that unjust human aggressors are liable or at least should be treated as if they are, and thus a true moral principle (like the Assume Endured Rights Principle) implying otherwise entails the falsity and hence impermissibility of animal rights pacifism. Since our options are animal rights militancy or animal rights pacifism, we should endorse animal rights pacifism. There's another reason to go this route. I shall offer a defense of one further reason:

> COMPARATIVE THRESHOLD PRINCIPLE: If the permissibility threshold is higher for *k* than for *a*, M implies the permissibility of *k* and P implies the permissibility of *a*, there's no view that's all-things-considered more plausible than M or P, and there's otherwise epistemic parity between M and P, then P is more plausibly true than M.

[44] That is, assuming my arguments in Sect. 3.1 are successful.

[45] Here's another objection: Our background knowledge *also* tells us that the human aggressor is aggressing *unjustly*, which is reason enough to prefer militancy over pacifism. But the objection fails because knowing that someone acts unjustly isn't sufficient to know they're liable to defensive harm or that it's permissible to kill them. For example, I might know that you acted unjustly by failing to pay someone what you owed them, but I don't thereby know that you're liable to defensive harm or that it's permissible to kill you.

This principle, like the ASSUME ENDURED RIGHTS PRINCIPLE, is also a precautionary principle. But it's a different principle. To see why, I'll fill in the blanks further. The permissibility threshold is higher for killing than for not saving.[46] Consider.

> *Drowning Stranger*: Stranger is drowning and will die unless you jump in the water, swim over to Stranger, and pull him back to shore. But the waters are ice-cold and you'll develop a four-month bout of pneumonia if you do this.[47]

In this case, you aren't morally obligated to save Stranger. The costs to you are too great, though admittedly not as great as they are for Stranger. (Loss of life is worse than pneumonia.) Consequentialists like Peter Singer (1972: 231, 241) appear to concede that unequal but morally *comparable* costs can justify not saving others. Comparability, analogous to proportionality, is too strong, however.[48] Suppose you and I are both twenty years of age and both of us will live equally good lives until we're one hundred years of age. Suppose you kidnap me and propose to leave me moderately malnourished and unhappy for ten years, after which you'll set me free. Ten years of moderate malnourishment and unhappiness is hardly comparable to losing eighty years of good life, but I'm still permitted to kill you on commonsense moral views of self-defense. Avoiding nothing less than comparable costs, then, isn't necessary to justify not saving someone. It is, however, the standard for permissible killing. To see why, consider.

> *Life Preserver*: You've fallen into a pond and will face a four-month bout of pneumonia unless you can make my way to shore. The only way you can do this is if you pull Stranger into the pond and use their body as a floatation device. This will kill Stranger, but save you.

You act impermissibly if you treat Stranger this way. We might pick any number of explanations for this—for example, that Stranger isn't liable, or that it's impermissible to exploitatively kill non-liable parties, or that you cause far greater to another than you prevent for yourself—but it remains abundantly clear that you're morally forbidden from killing Stranger in *Life Preserver*.[49]What's permissible in *Drowning Stranger* and what's permissible in *Life Preserver* are different: You're permitted not to save Stranger in order to avoid a four-month bout of pneumonia, but not permitted to kill him for that same reason. Because the permissibility threshold is met for not saving in *Drowning Stranger* but not met for

[46] It's unclear to me whether this is logically distinct from the claim that killing is intrinsically worse than letting die. Rachels (1986) compares two examples in which you either drown your cousin or let him drown. He affirms both are impermissible but denies one violation is intrinsically worse than the other. Quinn (1989: 289) argues that even if Rachels is right that neither violation is worse than the other, it doesn't follow that the permissibility thresholds are the same.

[47] This is a modified version of Singer's (1972: 231) classic case.

[48] Cf. Tadros (2011: 252). Thomson (1971: 52) defends the stronger view that if even your bodily liberty is at stake, such that it's necessary for you to remain plugged into a violinist for nine months to save his life, that's sufficient to justify not saving his life because the cost to you is too great.

[49] For similar cases and discussion, see Frowe (2014: 51–71).

killing in *Life Preserver*, and because the cases are otherwise the same, it follows that the permissibility threshold is *higher* for killing than for letting die.[50]

Continuing with my defense of the COMPARATIVE THRESHOLD PRINCIPLE, it should be obvious that militancy implies the permissibility of killing whereas pacifism implies the permissibility of letting die. If false, militancy permits the impermissible killing Nour in *Zookeeper*. If false, pacifism prohibits the saving of tortured, guarded prisoners, since doing so requires killing the person guarding them. If my arguments in Sects. 3.1 and 3.2 are right, there's not a more plausible alternative to militancy and pacifism.

Under uncertainty, we don't know whether it's permissible to kill Nour (as militancy claims) or impermissible to save the prisoners (as pacifism claims). But we *do* know that it's *harder* to meet the threshold for permissible killing than for permissible letting die, and so the view on which there's permissible killing is *intrinsically less likely to be true* than the view on which there's permissible letting die. In other words: Because it's intrinsically harder to justify killing than letting die, any view on which there's justified killing is a view on which (comparatively, under uncertainty) successful justification is intrinsically less likely and, thus, intrinsically more likely to be unjustified. The view that's intrinsically more likely to be true (i.e., the view on which the commitments are intrinsically more plausible) is the view we should hold, at least under uncertainty. That's pacifism. Said still another way, we don't know which possible world we're in: The world in which pacifism is true, P, or the world in which militancy is true, M. Assuming epistemic parity, we should believe P and M are equidistant worlds. But given that P's commitments are intrinsically more likely than M's commitments, P is a likelier closer possible world than M, and the closer world is the one we should believe is the actual world.

Let me argue the point somewhat differently. Militancy might turn out to be the right moral view. So might pacifism. Whichever turns out to be true, their judgments will also turn out to be true, including their counterintuitive judgments regarding Nour and the prison guard. So, neither view has an advantage over the other there. But militancy might turn out to be false, and so might pacifism. Whichever turns out to be false, it'll presumably be because of misjudgments of the kind we're considering: Militancy permits killing when it should prohibit it, and pacifism forbids saving when it should permit (or even require) it. But killing, when it's wrong, is worse than not saving. Thus, militancy risks approving *worse* moral wrongs than pacifism does. This matters when we're choosing which view to believe under uncertainty because the view that permits the greater wrong is the less plausible view.

[50] The distinction has been defended extensively elsewhere. For defenses, see Hill (2018), McMahan (2009: 94), Kamm (2007: 17), and Quinn (1989).

4 Conclusion

Do animals have robust basic moral rights? If they do, those rights include the right to self-defense and the entailed third-party permissions. This appears to imply a *pro tanto* permission to kill any number of humans in defense of vulnerable animals whose basic rights are threatened, a problem I call the Militancy Objection. I then raised four possible replies and rejected three of them, concluding that the Militancy Objection is best solved by animal rights pacifism.

References

Aas, S. (2021). Vital prostheses: Killing, letting die, and the ethics of de-implantation. *Bioethics, 35*(2), 214–220.

Abbate, C. E. (2020). Animal rights and the duty to harm: When to be a harm causing deontologist. *Journal for Ethics and Moral Philosophy, 3*(1), 5–26.

Abbate, C. E. (2015a). The search for liability in the defensive killing of Nonhuman animals. *Social Theory and Practice, 41*(1), 106–130.

Abbate, C. E. (2015b). Comparing lives and epistemic limitations: A critique of regan's lifeboat from an unprivileged position. *Ethics and the Environment, 20*(1), 1–21.

Ebert, R., & Machan, T. R. (2012). Innocent threats and the moral problem of carnivorous animals. *Journal of Applied Philosophy, 29*(2), 146–159.

Fischer, B. (2016). What if Barren and Klein are right about insect sentience? *Animal Sentience, 9*(8), 1–6.

Francione, G. L. (2000). *Introduction to animal rights: Your child or the dog?* Temple University Press.

Frowe, H. (2021). The duty to save and the duty to minimize harm. In S. David, V. Peter, & W. Steven (Eds.), *Oxford studies in political philosophy.* (Vol. 7). New York: Oxford University Press.

Frowe, H. (2014). *Defensive killing*. Oxford University Press.

Gardner, M. (2016). The interspecies killing problem. In E. Mylan & L. C. Gary (Eds.), *The moral rights of animals.* (pp. 119–140). Lanham: Lexington.

Gordon-Solmon, K. (2017). Self-defense against multiple threats. *Journal of Moral Philosophy, 14*(2), 125–133.

Guerrero, A. A. (2007). Don't know, don't kill: Moral ignorance, culpability, and caution. *Philosophical Studies, 136*(1), 59–97.

Gunasekera, C. A. (2018). The ethics of killing 'Surplus' zoo animals. *Journal of Animal Ethics, 8*(1), 93–102.

Hadley, J. (2009a). Animal rights and self-defense theory. *Journal of Value Inquiry, 43*(2), 165–177.

Hadley, J. (2009b). Moral responsibility for harming animals. *Think, 22*(8), 51–55.

Hadley, J. (2009c). Animal rights extremism and the terrorism question. *Journal of Social Philosophy, 40*(3), 363–378.

Hadley, J. (2006). The duty to aid Nonhuman animals in dire need. *Journal of Applied Philosophy, 23*(4), 445–451.

Hanser, M. (1999). Killing, letting die, and preventing people from being saved. *Utilitas, 11*(3), 277–295.

Hill, S. (2018). Murdering an accident victim: A new objection to the bare-difference argument. *Australasian Journal of Philosophy, 96*(4), 767–778.

Kaczor, C. (2015). *The ethics of abortion: Women's rights, human life, and the question of justice*. (2nd ed.). Routledge.

Kagan, S. (2019). *How to count animals, more or less*. Oxford University Press.

Kamm, F. M. (2007). *Intricate ethics*. Oxford University Press.

Kaufman, W. (2010). Self-defense, innocent aggressors, and the duty of martyrdom. *Pacific Philosophical Quarterly, 91*(1), 78–96.

Kaufman, W. (2009). *Justified killing: The paradox of self-defense*. Lexington Books.

McMahan, J. (2016). The comparative badness for animals of suffering and death. In T. Višak & R. Garner (Eds.), *The ethics of killing animals.* (pp. 65–85). Oxford University Press.
McMahan, J. (2011). *Killing in war*. Oxford University Press.
McMahan, J. (2005). The basis of moral liability to defensive killing. *Philosophical Issues, 15*(1), 386–405.
McMahan, J. (2002). *The ethics of killing: Problems at the margins of life*. Oxford University Press.
Mikhalevich, I., & Powell, R. (2020). Minds without spines: Evolutionary inclusive animal ethics. *Animal Sentience, 29*(1), 1–25.
Narveson, J. (2003). Terrorism and Pacifism: Why we should condemn both. *International Journal of Applied Philosophy, 17*(2), 157–172.
Nozick, R. (2013). *Anarchy, state, and utopia*. Basic Books.
Quinn, W. S. (1989). Actions, intentions, and consequences: The doctrine of doing and allowing. *The Philosophical Review, 98*(3), 287–312.
Rachels, J. (1986). Active and passive Euthanasia. In A. Ethics (Ed.), *Peter singer.* (pp. 29–35). Oxford University Press.
Regan, T. (2004) [1983]. *The case for animal rights*. University of California Press.
Rosen, G. (2002). Culpability and ignorance. *Proceedings of the Aristotelian Society, 103*(1), 61–84.
Rowlands, M. (2002). *Animals like us*. Verso Press.
Rowlands, M. (1997). Contractarianism and animal rights. *Journal of Applied Philosophy, 14*(3), 235–247.
Singer, P. (1972). Famine, affluence, and morality. *Philosophy & Public Affairs*, *1*(3), 229–243.
Statman, D. (2008). On the success condition for legitimate self-defense. *Ethics, 118*(4), 659–686.
Tollefsen, C. (1997). Donagan, abortion, and civil rebellion. *Public Affairs Quarterly, 11*(3), 303–312.
Uniacke, S. (2014). Self-defense, just war, and a reasonable prospect of success. In H. Frowe & G. Lang (Eds.), *How we fight.* (pp. 62–74). Oxford University Press.
Williams, J. (Forthcoming). on anti-abortion violence. *Philosophy and Phenomenological Research* X.X: 1–24.