Reply

Amy Liszt

In responding to Ms. Finsen's comments on my paper, I am struck once again by how difficult it is to keep deliberation upon the ideal separate from utilitarian considerations. And although I feel that Ms. Finsen in her comments does not always succeed in doing this (or perhaps does not value the attempt) I am grateful for her criticism, which is obviously propelled by a fierce regard for animals. I have taken up my subject out of desperation about the fate of laboratory and factory farm animals and out of a deep admiration for humans pure and determined enough to put themselves in danger in order to rescue animals. I have attempted in my paper, however, to avoid any discussion peripheral to the point of whether the act of animal liberation can have a claim to validity.

I. Structural Violence

Ms. Finsen reacts sharply to my assertion that in structural violence the actor/act/victim relationship is broken, and that the perpetrator of violence must not be its author and that not the perpetrator is to be sought, but rather the system must be changed. Ms. Finsen cites my example of hunger in Ethiopia and rightly remarks that the fact that we all know why it is happening implicates us in the violence. She brings her own example of the Exxon spill and pleads here for the punishment of the corporate executives for their part in the disaster. But why only the captain of the ship or the president of the company? What about the stockholders who are the financial supporters and the beneficiaries of Exxon? What about all of us who use oil and gasoline every day, who pollute our environment and don't care in the least what this means for future generations, or—if we care—still continue to use fossil fuel? We are all guilty, so how shall we be punished? Putting the president of Exxon in jail does not speak to the Exxon spill. It is a case of amputating the dangling legs of sleepers to make them fit in the inadequate bed of common law. What about all the meat-eaters who are implicated in the hunger in Ethiopia, who not only know what the connections are, but continue their destructive behavior? How shall we punish them?

Who shall be put in jail for the crimes against the people of Ethiopia?

Ms. Finsen remarks, "In discussing the killing of a healthy baboon in a laboratory experiment, Liszt says that 'the agent which transported the violence is the structure of science itself.' But this is only partially right, for without individual willing experimenters no baboons can be killed." But also this is only partly right, for without us taxpayers and tablet-swallowers, no experimenter would have work. Ms. Finsen's procrustean solution is to hold some people responsible for the sins of the multitude because the multitude cannot be accommodated by the legal system. But this will only create scapegoats. And the system will only accommodate itself to this little attack through the institution of liability insurance, etc.

Ms. Finsen rightly points out that at the Nuremberg Trials individuals were hanged for their crimes. I'm sure I needn't point out the fact that thousands went unpunished and tens of thousands were implicated in ways that might not be punishable: giving information to the SS about the whereabouts of Jewish families; not offering water to a thirsting prisoner; jeering at a wearer of the yellow star; not wearing the yellow star oneself as a sign of solidarity; not hiding a Jewish person; not writing outraged letters to the newspapers; not circulating flyers; taking up an academic position vacated by a Jew carried off to the camps; buying a house for a pittance which had been seized by the Nazis from a Jewish family. The list is long and tragic. The hangings of the few Nazis, who were picked out of the mass of war criminals, can only be understood as the expression of outrage and desperation. It was not classic justice. The condemned were certainly guilty. But they were also scapegoats. Germans today speak sardonically of the executions, because the war criminals still live among us here in Germany and the majority continued unscathed in their climb to the top of society. I used the example of the Nuremberg Trials to show that the laws of the land may be immoral, that individuals may be more moral than the laws of the

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land, and that resistance to immoral laws must be treated differently than resistance to moral laws.

II. Defending the Liberation of Animals

Ms. Finsen says she has difficulty understanding my "terminology" although I have used standard definitions for the terms I have used where I have not specifically defined them otherwise.

I do, in fact, mean by the term "liberation" the physical removal of animals from danger, the removal "from harm's way."

1. Legitimacy

By "valid" I mean "well-founded and particularly applicable to the particular matter or circumstances" (*Oxford English Dictionary*, 1975, p. 3586). With the word "legitimate" I mean "conformable to law or rule; sanctioned or authorized by law or right; lawful; proper" (*op. cit.*, p. 1600). By "law" and "right" I mean the deepest and oldest sense of the words: *natural* law and *natural* right as recognized at the Nuremberg Trials and which, as I have tried to demonstrate, logically extend to animals.

Ms. Finsen's claim that "that the Nazis could be held responsible for their crimes has something to do with the fact that they were violating a quite universally held principle" is, firstly, clearly untrue—the Nazis and the German people for instance did not hold to this principle—and, secondly, an invalid conclusion. "Universally held principles" may be the basis for brute force or "Faustrecht" but are not the basis for determining the morality of an act.

2. Necessity

The "necessity" of which I speak here—as I have tried to demonstrate by referring to the animal liberator's "more demanding moral framework" and her "press of necessity"—is that necessity which only becomes operant after a certain level of awareness is reached. It is the "necessity" which I feel to keep meat out of my body and house but which my neighbor Herr Wedekind does not feel. I have not made a statement to the effect that everyone is required to free animals, but that for the liberator, it has become a necessity.

Ms. Finsen repeatedly stresses in her reply to this section that we are all complicit in structural violence.

Given that we are not feral, this is true by definition and the very proof of my assertion that our legal apparatus is inadequate to cope with structural violence.

Ms. Finsen stresses her belief that boycott and passive resistance are more effective measures in changing the structures of violence. But judging methods of changing the structures is clearly not my theme. I am judging animal liberation on the variables of legitimacy, necessity, and aptness as a method of righting the wrong being done to the individual animal at risk. Hiding a Jewish family in the attic in 1944 in Hamburg was not an effective means of challenging fascist ideology. But it was the only effective solution for its victims.

3. Aptness

Ms. Finsen rightly remarks that animal liberation is at least the most effective means to prevent injustice to the particular animals involved. I have not tried to claim more. Whether it is also effective in bringing the problem of animal abuse before the public or whether it may be a counterproductive measure in the end, bringing the animal rights movement into the realm of terrorism, is not my theme. Utilitarian considerations are inappropriate to a paper concerned with the "rightness" of animal liberation. These tactical deliberations belong to discussions within the various animal rights groups.

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