

BETWEEN THE SPECIES

Is the Radical Animal Rights Movement Ethically Vigilante?

ABSTRACT

Following contentious debates around the status and justifiability of illegal direct actions by animal rights activists, we introduce a heretofore unexplored perspective that argues they are neither terrorist nor civilly disobedient but ethically vigilante. Radical animal rights movement (RARM) activists are vigilantes for vulnerable animals and their rights. Hence, draconian measures by the constitutional state against RARM vigilantes are both disproportionate and illegitimate. The state owes standing and toleration to such principled vigilantes, even though they are self-avowed anarchists and anti-statists—unlike civil disobedients—repudiating allegiance to the constitutional order. This requires the state to acknowledge the ethical nature of challenges to its present regime of toleration, which assigns special standing to illegal actions in defense of human equality, but not equality and justice between humans and animals.

MICHAEL ALLEN

East Tennessee State University

ERICA VON ESSEN

Environmental Communications Division
Swedish University of Agricultural Sciences

Volume 22, Issue 1

Fall 2018

<http://digitalcommons.calpoly.edu/bts/>

Introduction

We explore the normative status of illegal actions undertaken by the Radical Animal Rights Movement (RARM), such as animal rescue, trespass, and sabotage as well as confrontation and intimidation. RARM typically characterizes these actions as examples of direct action rather than civil disobedience (Milligan 2015, Pellow 2014). Moreover, many RARM activists position themselves as politically anarchist, anti-statist, and anti-capitalist (Best 2014, Pellow 2014). Indeed, the US and UK take these self-presentations at face value, responding to RARM by introducing increasingly draconian legislation that treats them as terrorists (Best 2014, McCausland, O’Sullivan and Brenton 2013, O’Sullivan 2011, Pellow 2014). RARM is thus construed as “illogical, wicked and immoral—a threat to security or civil order, a product of inchoate or dangerous minds, and an act of unlawful rebellion and terrorism” (Theodossopoulos 2014, 422).

One response from scholars to this overreaction is to reconceive RARM actions not as terrorism but rather civil disobedience. Unlike terrorism, such actions do not threaten or visit physical violence against persons (Milligan 2015, Pellow 2014). Moreover, while not defined primarily as public communicative acts, many RARM acts have communicative intent like civil disobedience (McCausland, O’Sullivan & Brenton 2013; Milligan 2015). The advantage of this approach is that it would entitle RARM activists to special standing and tolerance by the state denied to terrorists (Milligan 2015). Nevertheless, it remains deeply challenging (von Essen 2016b) because of the perceived ineligibility of non-human animals as subjects of justice on whose behalf redress can be legitimately made (Wellsmith 2011).

Hence, we consider a different approach to the legitimation of RARM acts, reconceiving them in light of a recent literature on vigilantism (Trottier 2017, Serracino-Inglott 2013). Vigilantism has a 'bad rap' with most of the public and officials of the state, especially in light of the willingness of vigilantes to resort to violence unsanctioned by the state (Johnson 1996). Nevertheless, we detach vigilantism from its most publicly controversial aspect: physical violence to persons. Non-violent or ethical (Serracino-Inglott 2013) vigilantism is consistent with RARM's refusal to take violent action against persons as opposed to property (Flükiger 2008, Milligan 2015, Pellow 2014). Moreover, based on popular movies, vigilantism enjoys a cultural resonance with the public that terrorism does not (Dumsday 2009).

Vigilantism is often an expression of right-wing angst over the state not doing its job of securing justice and protecting the vulnerable from criminal aggression (Johnson 1996). This is not an anarchist rejection of legitimate state authority as much as an expression of disappointment with that state for failing to do what it is supposed to do. Nevertheless, vigilantism may also express deep skepticism about the hierarchically-ordered state (Serracino-Inglott 2013). From this alternative anarchist point of view, the hierarchal state is answerable only to powerful elites whose interests lie in exploiting the most vulnerable members of society, human or animal (Pellow 2014; Best 2014). It is thus up to ethical individuals to take charge in matters of justice, acting independently of the state and its exclusive claims to legitimate authority (Serracino-Inglott 2013).

Nevertheless, like vigilantism, anarchy can exist within the parameters of the state (Leipold 2015). Although self-avowed anarchists, RARM activists are pragmatists willing to use 'any

tool in the toolbox,' including law (Pellow 2014). However, their primary allegiance is to their own minimally defensible conception of justice (Serracino-Inglott 2013) not the principle of constitutional law (Rawls 1971). Our claim is that RARM activists are non-violent, ethical anarchist vigilantes whose foremost concern is with responding to violations of justice against vulnerable non-human animals (henceforth animals), according to their minimally defensible conception of interspecies justice.

First, we present a taxonomy of RARM direct actions. Second, we argue that these actions are neither terrorist nor civilly disobedient. Third, we reassess our taxonomy in light of ethical vigilantism. We then conclude by asking whether the state owes special standing and toleration to non-violent ethical vigilantes, defending vulnerable animals.

A Taxonomy of RARM Direct Actions

In this section, we present a brief taxonomy of the kinds of direct actions undertaken by RARM. These are direct actions, because they target persons and institutions directly responsible for grave injustices done to animals. In other words, they eschew targeting persons or institutions deemed by activists to be of high symbolic value but not directly responsible for such injustices.

We begin by following the taxonomy developed by Hadley (2009) in response to the designation of RARM by the US and UK as terrorist: (1) attacks on property, (2) attacks on persons, (3) hybrid attacks on property and persons. However, we then add a couple of distinct items to the taxonomy.

Attacks on Property

Direct actions by RARM run from minor to major property damage. These attacks mostly target animal research facilities but sometimes also target factories and fur farms. They range from “spraying graffiti, smashing windows, gluing locks, and damaging vehicles” to attacks resulting in multi-million dollars’ worth of damage, as in an attack on the animal research facility at University of California at Davis (Hadley 2009, p. 365).

Hadley focuses primarily on the intention of activists to cause economic damage or disruption to institutions responsible for injustices to animals. Such economic damage or disruption is not wanton or malicious to the extent that it aims primarily to fulfill a negative duty of justice. This is to degrade the capacity of the institution in question to continue perpetrating grave injustices against animals. Ultimately, the goal is to disincentive continued injustices done to animals by making the economic cost of such injustices too high (Seel 1997). Nevertheless, it may also produce the unintended consequence of instilling fear in the owners or users of the damaged property. To this extent, it may have a disincentivization effect based not on economic self-interest but fear. Hadley acknowledges activists may sometimes intend to cause fear in the owners or users of the property or have the dual-intention to cause both property damage and fear.

Attacks on Persons

Direct attacks on persons do not involve bodily injury to them but rather “written or verbal threats via graffiti, telephone, post, or email, or in person” (367). Indeed, the latter may entail “stalking behavior” or “intimidatory protest.” Viz., activists “will stand outside the home of an individual con-

nected to animal research, often holding graphic placards and yelling abuse but frequently just seeking to engage them, or their neighbors, in a debate about animal research” (Ibid). Nevertheless, the effect of the protest is to cause fear or alarm in the individual. Intimidation is an intended consequence. That said, however, intimidation is not wanton or malicious. Again, the intention is to fulfil a duty of justice by incentivizing the individual to desist activities perpetrating more injustices on animals.

However, incentivization through intimidation may have two different aims. One is to cause the individual to desist from doing injustice to animals out of a desire to stop the stalking and intimidation. Another is to cause the individual to desist through persuasion and debate, changing her mind about the ethics of animal research. Intimidation is thus intended as an opening move towards establishing a moral dialogue. To this extent, it may be compared to deliberative disobedience (Smith 2013). Nevertheless, intimidation obviously cannot guarantee deliberative uptake from its targets.

Hybrid Attacks on both Property and Persons

Finally, Hadley considers hybrid attacks on both property and persons, whereby activists damage property while leaving behind threatening messages “scrawled on walls or left in notes on workstations” (367). Such “threatening graffiti” might exhibit either of the above intentions. Activists likelier intend to incentivize researchers to desist from injustice to animals. Nevertheless, it is also possible that threatening graffiti instigates a moral dialogue among researchers about the ethics of their research. Hettinger (2007) contends intimidation necessarily blurs the line between attacks toward property and per-

sons: those who own property are going to be hurt by damage to it.

We find Hadley's tripartite taxonomy helpful but incomplete. Hence, we now add two other categories distinct from damage to property, persons, or both: animal rescue as well as trespass and publicity.

Animal Rescue

Hadley acknowledges animal rescue as a key mode of RARM direct action. Here, the intention is to rescue or release animals from situations in which they are the victims of grave injustice, such as animal experiment facilities, factories, or fur farms. However, he tries to treat animal rescue as a subdivision of damage to property. This is implausible for reasons he articulates. Viz., "the removal of sentient property from circumstances in which they are being mistreated does not, intuitively, seem to warrant being labeled as an instance of property damage" (p. 366).

Indeed, it is more intuitively property theft. Nevertheless, it is not theft for malicious reasons or even for personal gain. From the perspective of RARM activists, animal rescue is an act of liberation morally equivalent to liberating human slaves from the plantation-system in the Ante Bellum South (Francione and Charlton 2015), or liberating Jews or Gypsies from Treblinka (Patterson 2002).

Trespass and Publicity

Sometimes the intention of RARM activists is not to damage property or to steal anything as much as trespass on private property. This is done to gather information about injus-

tices committed against animals that are concealed from public view (McCausland, O'Sullivan and Brenton 2013, O'Sullivan 2011, Trottier 2017) notes this is an especially important public service in the case of environmental and animal harms, which are time-sensitive and difficult to monitor. To be sure, minor property damage, such as breaking locks, often results from trespass. However, the intention is not to raise the economic costs of treating animals unjustly for the property owners. Instead, it is to gain, say, video evidence of the cruel treatment of animals that activists may use subsequently for a media and publicity campaign. Such a campaign may involve 'naming and shaming' an institution and individuals who work for it. Nevertheless, it is distinct from intimidation of particular institutions and individuals insofar as trespass aims at widespread public address. In this way, it is similar to whistle-blowing (Kumar 2013).

Of course, a RARM direct action might also be a hybrid combining damage to property and persons with animal rescue, trespass and publicity. That said, however, we next wish to add two further categories overlapping the other items in our taxonomy.

Violation of Privacy

RARM direct action rarely targets the state. Instead, it usually targets private actors, businesses, universities, and individuals. To this extent, it violates private property rights, as in the cases of trespass and property damage, and the rights of individuals, deemed guilty by activists of animal cruelty, to withdraw into private life, as in the cases of stalking, intimidation, naming and shaming. Indeed, RARM activists often violate the privacy of individual deemed culpable of injustices

to animals by distributing the private information—names, home addresses, and so on—of such individual through digital media.

This stress on violation of privacy is important, because it plays a role in helping us to distinguish RARM direct actions from terrorism and civil disobedience. It also helps us to align many such actions, instead, with vigilantism.

Covertness

Often, but not always, RARM direct actions are covert in the sense that the activists conceal their identities and seek to avoid any legal penalties associated with attacks they undertake against property or persons. Here, Milligan (2015) distinguishes between actions that are covert and actions that are open in the sense that at least some activists make no attempt to conceal their identities. The orientation to covert, as opposed to open forms of direct action is often more than mere self-preservation, being a function of the political ideology of the activists, as anarchist or statist respectively.

We shall discuss this difference of ideologies shortly. In the next section, we consider why the actions in our taxonomy are not correctly categorized as terrorist or civilly disobedient.

Terrorism and Civil Disobedience

Terrorism

Are RARM direct actions instances of terrorism? The governments of the US and UK have introduced draconian legislation treating them as such. However like Hadley (2009), Yates (2011), Milligan (2015), Pellow (2014), and Best (2014), we believe this is a conceptual mistake. We offer several rea-

sons in support of this claim. While definitions of terrorism are controversial, a key feature of terrorism agreed upon by most scholars is that it entails indirect, secondary, or tertiary targeting. Indeed, terror is a function of *randomness* in targeting (Schinkel 2006; Goodin 2006). Terrorists make no discrimination between the guilty and innocent. Even if I have no direct responsibility for the injustice motivating a terrorist action, I or my children could be its victims.

However, RARM actions directly target those responsible for injustices to animals. They do not entail indirect, tertiary, or secondary targeting. Neither do they entail bodily injury to persons. They may induce fear and alarm among *targeted* individuals as previously noted. Nevertheless, this does not rise to the level of terror created by random or indiscriminate targeting. To this extent, even RARM intimidatory protests are not terrorism. Further, terrorism entails a political message that is usually directed towards the state entailing some demand for some change of state policy. As we have noted above, AR direct actions are usually directed not towards the state (with some exceptions (Seel 1997)) but rather various actors in the private sector as the primary subjects of coercion. Sometimes ordinary citizens, like recreational hunters, become the target for RARM actions, including sabotage (von Essen and Allen 2017). This is not to deny that the goal of RARM activism is sometimes also to facilitate reform of state policy, as in the case of trespassing for the purpose gathering information to be disseminated to the public. Nevertheless, the state is addressed only indirectly through the mediation of the public.

Hadley (2009) notes, however, that some RARM activism might cross a line into terrorism if the targeting becomes increasingly strained and potentially random. This might be the

case when activists resort to the secondary targeting for intimidatory protest of publicans serving drinks to animal research scientists, even though the threat of bodily injury remains absent. Walker et al. (2008) calls this proxy targeting.

Civil Disobedience

Are RARM direct actions civilly disobedient as opposed to terrorist? Civil disobedience can certainly encompass direct action targeting culpable private sector actors, as when civil rights disobedients ‘occupied’ the lunch counter at a Whites-Only Woolworth. Further, it is committed to non-violence. This entails a prohibition on causing bodily injury to persons and often, but not always, causing damage to property (Allen 2009, Corlett 2003). Nevertheless, it is strongly committed to open rather than covert protest with disobedients accepting the legal penalties for their actions. Openness is tied to public communication and the presupposition that a public informed about injustice will be motivated to challenge the state to change unjust law and policy (Rawls 1971).

Given these defining features of civil disobedience, at least some AR direct actions will qualify as civilly disobedient. For example, Milligan (2015) argues that animal rescue could so qualify as long as rescues are open or, even if covert, they satisfy general conditions of civility, such as the recognition of others and the avoidance of violence and threats. Likewise, McCausland, O’Sullivan and Brenton (2013) argue trespass qualifies as civilly disobedient provided the information gathered is used in public policy formation. Nevertheless, covert animal rescue remains an awkward fit for civil disobedience. This is especially so in the case of RARM activists whose political ideology is anti-statist or anarchist (Pellow 2014).

Indeed, civil disobedience entails ideological commitment to the liberal-democratic state and the principle of the rule of law (Rawls 1971). It presupposes that the state is an engine of justice that is open to reform through public communication when it fails to do the right thing. However, RARM activists frequently dismiss any such belief in the reformability of the state as naïve or mythological (Best 2014), given the extent to which it is captive to the financial interests of corporate elites. The reformist aspirations of trespass, for the purpose of gathering information to shape public policy, align more clearly with civil disobedience, but this orientation is difficult to reconcile with the anti-statism of RARM.

In short, politically moderate, reformist and open versions of RARM may qualify as civilly disobedient. Perhaps the clearest example of civilly disobedient direct action, in defense of vulnerable animals, is Animal Liberation Victoria, whose trespass operations satisfied key civility and openness conditions (McCausland, et al 2013). Nevertheless, it is debatable whether more radical expressions of direct action—including property damage (as necessarily also hurting people) along with threats and intimidation (which may or may not result in moral dialogue)—are *civilly* disobedient.

Vigilantism

Our purpose now is to reassess our taxonomy of RARM direct action in light of vigilantism as opposed to terrorism and civil disobedience. To this end, we begin by quickly reviewing the standard definition of vigilantism and then some adjustments to the standard definition proposed by scholars of digital media. Here, we appeal first to Johnson's (1996) definition as reconstructed by Dumsday (2009):

MICHAEL ALLEN AND ERICA VON ESSEN

Premeditation/organization (organization in the sense of an organized activity, not necessarily undertaken by a group);

Violence or the threat of violence;

This violence or threat of violence is undertaken by autonomous citizens, not agents of the state;

The vigilantism is in reaction to a breach of institutionalized values, or at least what is viewed as a breach or potential breach;

The motivation for the vigilantism is twofold: first, to control (prevent or inhibit) criminal or non-criminal, but still deviant, acts. Second, to offer greater peace of mind to members of the relevant social order (Dumsday 2009, 50).

How does this standard definition measure up against the various elements in our taxonomy of RARM direct actions? That is, attacks on property; attacks on persons; hybrid attacks on property and persons; animal rescue; trespassing and publicity; violation of privacy; covertness.

All are clearly premeditated and organized rather than spontaneous or random. Moreover, violence or the threat of violence is central to most such actions. In Johnson's definition, however, violence or the threat thereof may extend to actual bodily injury or threats of such injury. Indeed, without at least the threat of violence, vigilantism would be ineffective (Burrows 1976). However, as we stressed in our taxonomy, RARM direct action rejects bodily injury to non-human and human animals. Physical damage is limited to property, not persons.

Nevertheless, these actions are ineffective without recourse to violence and threats. Consequently, violence and threats are integral to the success of RARM direct actions. After all, the activists' intention when attacking property, persons, or both, is to *disincentivize* institutions and individuals from continuing to perpetrate injustices against animals.

This is quite different from civil disobedience in which theorists sometimes insist that civilly disobedient actions are “never a threat” (Rawls 1971) but rather invitations to the wider public to reconsider the entailments of constitutional principles. Some direct actions come closer to the civil disobedience ideal of public communication than do others. Trespassing and publicity come closest, as stressed by McCausland, O’Sullivan and Brenton (2013). That said, however, stalking, intimidation, and threatening graffiti are of a quite different order. They are neither terroristic, for the reasons we have already given, nor are they civilly disobedient modes of general public address (Allen 2009). Nevertheless, to qualify as vigilante on Johnson’s definition, such RARM direct actions must respond to a breach of institutionalized values. In this respect, however, they fail to square with this definition. Indeed, the values of animal liberation—such as species egalitarianism—are not entrenched in established social institutions. On the contrary, the established norms of society support unequal consideration for non-human and human animals.

Further, RARM direct action inhibits non-criminal acts. Here, we say ‘non-criminal,’ because animal experimentation, the factory farming of animals, and many forms of hunting—against which RARM is directed today—are legal. It may also inhibit criminal acts committed by researchers, farmers or hunters, if animal research, factory farming, or hunting vio-

lates existing animal cruelty law, as in the case of the direct actions of the guerilla animal protection group, Anti Poaching Unit, seeking to ward off illegal hunters of wolves in Sweden (von Essen 2016a). For the most part, however, RARM direct action inhibit acts that deviate not from established institutional values but rather their own non-public code of ethics. When hunt saboteurs operate in Sweden, they disregard the fact that public acceptance of hunting, today, is at a staggering 89 percent (Swedish Hunting Association, 2018). While the activists clearly believe in the moral justifiability of their operations, their code of ethics is not that of the public at large. This stands in contrast with the vigilante group, Guardian Angels of New York, that acted to protect NY citizens vulnerable to criminally deviant gangs on the subway when the NY police department failed in their duty to protect and serve. Hence, the Guardian Angels did what the public believed the law enforcement branch of the state ought to be doing but was not.

The citizens of NY saw it as uncontroversial that they ought to be protected against criminal gangs. They may have had reservations about vigilantes rather than police providing such protection, and they undoubtedly would have preferred the police to be doing their job so that a need for vigilante protect had not arisen. Nevertheless, they could clearly see a convergence of their values and those of the vigilantes. Consequently, the Guardian Angels could rightly claim to offer 'greater peace of mind' to the public. On the one hand, New Yorkers were uneasy about vigilante justice, but on the other hand, they were reassured about traveling on the subway without fear of getting mugged. In sum, public reaction to vigilantism is mixed or ambivalent. The values of the public and vigilantes may or not be aligned, but the public is reassured in an area its members care about profoundly: personal security.

However, public ambivalence regarding RARM direct action runs much deeper. Public reaction is likelier to be: ‘Well, it’s not that we like harming animals for no good reason, but animal research might save human lives and humans have to come first, don’t they? This is nothing like protecting subway commuters from criminal gangs.’ RARM direct action necessarily confronts the public with deeply troubling questions about the propriety of its present commitment to species inequality. These actions unsettle or disturb citizens’ peace of mind: ‘Oh, alright then, so conditions in the factory farm aren’t so good, but do I really have to give up eating meat?’ However, such questions arise for the public from RARM direct action regardless of the intentions of the specific RARM activists.

Consequently, RARM direct action fails to satisfy key features of Johnson’s definition of vigilantism: the values of RARM activists do not converge with those of the wider public and activists indeed disturb or unsettle the public’s peace of mind. Moreover, his definition contradicts RARM activists’ explicit disavowal of violence against person as opposed to intimidation.

That said, however, Serracino-Inglott (2013, 221) offers a revised definition of vigilantism in light of the example of the cyber-vigilantism of Anonymous; viz., a vigilante action must:

be conducted by agents not willingly accountable to the state;

be an organized or premeditated action;

be in accordance with the vigilante’s own system of minimally defensible beliefs;

be motivated by concern for the justice or the good of the community;

use violence specifically directed against the infringer of norms.

Based on his case study of Anonymous, Serracino-Inglott's definition is highly relevant to our case study of radical RARM. RARM direct action, in defense of vulnerable animals, largely satisfies Serracino-Inglott's revised definition of vigilantism. Serracino-Inglott applies his definition to the case of cyber-vigilantism. In this regard, *some* RARM direct actions—such as posting the names and addresses of animal research scientists online or the online harassment of the shooter of Cecil the Lion (Büscher, Koot and Nelson 2017)—are cyber-vigilante. Nevertheless, *most* RARM direct actions— physical property damage, physical intimidation of persons— take place in the *real world*, as opposed to in the *virtual world*. Consequently, we also apply his definition to the real world instances of RARM activism.

Serracino-Inglott and Johnson agree that vigilantism is organized and premeditated. They also agree that it entails violence or the threat of violence. Nevertheless, this is as problematic in the case of Anonymous as RARM given the former also explicitly rejects violence against persons (Serracino-Inglott 2013). Like Johnson, though, Serracino-Inglott captures the idea of vigilantism as concerned with direct targeting of the guilty, as opposed to secondary or tertiary targeting of the innocent in terrorism.

Otherwise, their definitions otherwise vary considerably with Serracino-Inglott coming closer overall to capturing the distinctive features of RARM direct action. Unlike moder-

ate AR activism aligning with civil disobedience rather than terrorism (Milligan 2014; McCausland et al 2013), RARM activists resort to covert or ‘anonymous’ operations, in either physical or virtual space. Neither RARM nor Anonymous see themselves as willingly accountable to the state and the principle of the constitutional rule of law. Like RARM, Anonymous is ideologically anarchist (Serracino-Inglott 2013). It is deeply skeptical about the hierarchically ordered state and its capacity to ‘do the right thing.’ If the Guardian Angels believed in the state and wanted it to do its job by protecting citizens, RARM and Anonymous view the state as inherently prone to corruption (Pellow 2014, Best 2014). From their shared anarchist perspective, both see it as foolish at best to expect the state reliably to do the right thing.

Autonomous citizens (Wolff 1970) must be prepared to act independently of the state to satisfy minimal conditions of justice (Serracino-Inglott 2013) according to their own assessment of the entailments of those conditions. In this respect, Serracino-Inglott corrects the major failures of Johnson’s definition we identified above. The values of RARM activists do not align with those of the wider public. Like Anonymous, RARM activists respond to breaches of *their own minimally defensible belief-system* rather than breaches of— or deviations from— socially entrenched values, institutionalized by the legal order of the constitutional state. To this extent, contrary to the Guardian Angels protecting citizens from subway muggings, RARM and Anonymous disturb or unsettle rather than restore (Johnston 1996) the public’s peace of mind.

Further, the public may be more ambivalent about the belief-system of RARM than Anonymous. For example, Serracino-Inglott (2013) argues that direct actions by Anonymous against

corporations and individuals threatening downloaders of copyrighted material with lawsuits are minimally defensible, because the public increasingly sees such copyright enforcement tactics as bordering on extortion. This inevitably confronts members of the public with difficult questions about copyright and extortion in the digital context. However, as we noted earlier, RARM direct actions confront the public with fundamental questions about the moral standing of humanity in relation to other species, its hypocrisy concerning institutionalized cruelty to exploited animals, and value of animal life as being equal or unequal to human life. Despite advances in animal rights and animal welfare in recent decades, most members of the public would likely find these questions more unsettling than questions about copyright and extortion.

Nevertheless, RARM activists can still lay claim to the minimal public defensibility of their belief-system. In this respect, Hadley (2009) appeals to a principle of third party defense in the case of a domestic dispute in man who threw his girlfriend's live kittens into a fire. Hadley contents intuitively, "if animals matter morally at all, then it is permissible to forcibly restrain someone who is about to burn animals out of spite" (369). Indeed, RARM activists could appeal to third party defense in protecting vulnerable animals as underwriting their abolitionist and liberationist belief-system. For example, they might claim the right of third party defense when rescuing or liberating animals or destroying lab equipment used to harm especially vulnerable captive animals.

That said, however, such appeals to third party defense are unlikely to resolve public ambivalence concerning RARM. Serracino-Inglott (2013) insists that vigilantes must act for the common good of the community. Saving cherished kittens

from a fiery death is surely acting for the community's good. Nevertheless, the public might, on reflection, side with non-abolitionist, non-liberationist animal welfare scholars who contend some forms of animal husbandry (Smith 2012) or therapeutic animal experimentation (Cochrane 2012) are compatible with the common good of the community. Even if that were so, however, it does nothing to undermine our claim that RARM direct actions satisfy key features of Serracino-Inglott's definition. At most, it shows that RARM activists appeal to a publicly defensible principle, but that its proper scope of application is a matter of ongoing controversy. Moreover, their motivation is clearly a concern for the community's common good, but their understanding of the common good is not widely shared by the community.

Overall, then, RARM direct actions fit Serracino-Inglott's definitional criteria for vigilantism, with the singular exception of violence. Nevertheless, as we noted above, his definition of vigilantism also fails in this latter respect in the case of Anonymous. However, he argues this final "element of vigilantism is punishment, not violence" (232). At any rate, it is a form of *reprobative* punishment, *expressing severe disapproval*. Hence, as in our earlier example, Anonymous expresses reprobation, or disapproval, for corporations and individuals threatening lawsuits against downloaders not through the institutions of the state, but rather "sentiments and sensitivities manifested in the new trends" (Pratt 2000, 153) of digital culture. As for RARM, its activists express reprobation, or disapproval, for institutions and individuals responsible for injustices to animals in factories, fur farms, scientific facilities, and so on. Indeed, they express their reprobation not through the state, but the sentiments and sensitivities of RARM's emerging activist culture (Pellow 2014). This supplements Hadley's (2009) emphasis on inten-

tionality in raising the costs of harming animals, intimidation, naming and shaming, trespassing and information dissemination, and so on. Indeed, the intent to express reprobation, or severe disapproval, underscores all of the items in the taxonomy of RARM direct actions.

Conclusion

In conclusion, we turn to the question of what, if anything, the state owes to RARM activists by way of special standing and toleration analogous to civil disobedients (Milligan 2015). Nevertheless, as anarchists and anti-statists (Pellow 2014, Best 2014), RARM activists are clearly different from civil disobedients whose allegiance is ultimately to the principle of constitutional law. To this extent, the state does not owe them any special standing and tolerance as ‘loyal’ dissenters (Allen 2017). However, even if RARM activists disavow allegiance to the constitutional regime, we contend the state does owe them some consideration and tolerance based on the ethical intentions of their direct actions in defense of animals. Indeed, as a breed of non-violent left-wing vigilantes, RARM activists show concern for justice and the common good, as they understand it. Moreover, they can satisfy at least minimal standards of public defensibility—such as third party defense—for their controversial beliefs about justice and the common good. Consequently, at the very least, the state owes it to RARM activists not to treat them as terrorists, breaching all standards of public defensibility through indirect, random targeting. Indeed, we believe the draconian penalties currently imposed on RARM activists under current US and UK terrorism laws are disproportionate and morally illegitimate.

Further, we contend the state may also owe them special standing and tolerance through leniency in criminal sentencing

(Ibid) as vigilantes for animal rights. In this respect, RARM vigilantes are in a quite different position from civil disobedients who challenge breaches of constitutional rights in cases of racism or sexism. Indeed, the constitutional order already recognizes species-specific equality among all humans. However, it does not recognize cross-species equality as a foundational principle of social justice. In this respect, we contend the reprobative function of RARM vigilantism is a consequence of the novelty of an emerging belief-system, controversially attributing equal value to the lives and suffering of animals. This places the constitutional state in the position to demonstrate tolerance for challenges to its present regime of toleration (Bohman 2003) which assigns special standing to illegal actions in defense of vulnerable humans, but not animals. Indeed, it calls upon the state to acknowledge that it might not be tolerant enough, if it resorts to draconian measures against those seeking to extend the ideal of justice to animals.

References

- Allen, Michael. 2017. *Civil Disobedience in Global Perspective: Decency and Dissent over Borders, Inequities, and Government Secrecy*. Dordrecht: Springer.
- Best, S. 2014. *The Politics of Total Liberation: Revolution for the 21st Century*. Palgrave Macmillan.
- Bohman, James. 2003. "Deliberative Toleration." *Political Theory* 31(6):757-79. doi: 10.1177/0090591703252379.
- Burrows, W.E. 1976. *Vigilante*. New York: Harper Brace Jovanovich.
- Büscher, Bram, Stasja Koot and Ingrid L. Nelson. 2017. "Introduction. Nature 2.0: New Media, Online Activism and the Cyberpolitics of Environmental Conservation." *Geoforum* 79: 111-13.
- Cochrane, A. 2012. *Animal Rights without Liberation: Applied Ethics and Human Obligations*. New York: Columbia University Press.
- Dumsday, Travis. 2009. "On Cheering Charles Bronson: The Ethics of Vigilantism." *The Southern Journal of Philosophy* 47(1):49-67. doi:10.1111/j.2041-6962.2009.tb00131.x.
- Flükiger, Jean-Marc. 2008. "An Appraisal of the Radical Animal Liberation Movement in Switzerland: 2003 to March 2007." *Studies in Conflict & Terrorism* 31(2): 145-57. doi: 10.1080/10576100701812878.

- Hettinger, Ned. 2007. "Environmental Disobedience." In *A Companion to Environmental Philosophy*, edited by Dale Jamieson. Blackwell Publishers, Inc.
- Johnston, L. E. S. 1996. "What Is Vigilantism?" *The British Journal of Criminology* 36(2):220-36. doi: 10.1093/oxfordjournals.bjc.a014083.
- Kumar, Manohar. 2013. "For Whom the Whistle Blows? Secrecy, Civil Disobedience, and Democratic Accountability." PhD diss., LUISS Guido Carli, Rome.
- Leipold, Bruno. 2015. "Political Anarchism and Raz's Theory of Authority." *Res Publica* 21(3): 309-29.
- McCausland, Clare, Siobhan O'Sullivan and Scott Brenton. 2013. "Trespass, Animals and Democratic Engagement." *Res Publica* 19(3): 205-21. doi: 10.1007/s11158-013-9214-x.
- Milligan, Tony. 2015. "The Political Turn in Animal Rights." *Politics and Animals* 1:6–15.
- O'Sullivan, S. 2011. *Animals, Equality, and Democracy*. Basingstoke: Palgrave.
- Patterson, C. 2002. *Eternal Treblinka: Our Treatment of Animals and the Holocaust*. Lantern Books.
- Pellow, D.N. 2014. *Total Liberation: The Power and Promise of Animal Rights and the Radical Earth Movement*. Minneapolis: University Of Minnesota Press.

- Pratt, John. 2000. "The Return of the Wheelbarrow Men; or, the Arrival of Postmodern Penalty?" *The British Journal of Criminology* 40(1): 127-45. doi: 10.1093/bjc/40.1.127.
- Rawls, J. 1971. *A Theory of Justice*. Belknap Press of Harvard University Press.
- Seel, Ben. 1997. "Strategies of Resistance at the Pollok Free State Road Protest Camp." *Environmental Politics* 6(4): 108-39. doi: 10.1080/09644019708414360.
- Smith, K. 2012. *Governing Animals: Animal Welfare and the Liberal State*. Oxford University Press.
- Smith, W. 2013. *Civil Disobedience and Deliberative Democracy*. New York: Routledge.
- Theodossopoulos, Dimitrios. 2014. "On De-Pathologizing Resistance." *History and Anthropology* 25(4): 415-30. doi: 10.1080/02757206.2014.933101.
- Trottier, Daniel. 2017. "Digital Vigilantism as Weaponisation of Visibility." *Philosophy and Technology* 30(1): 55-72.
- von Essen, E. 2016a. "In the Gap between Legality and Legitimacy: Illegal Hunting in Sweden as a Crime of Dissent." Doctoral thesis, Department of Urban and Rural Development, Swedish University of Agricultural Sciences, Uppsala.
- von Essen, Erica. 2016b. "Environmental Disobedience and the Dialogic Dimensions of Dissent." *Democratization* 2: 305-24. doi: 10.1080/13510347.2016.1185416.

- von Essen, Erica and Michael Allen. 2017. "The Implications of Victimhood Identity: The Case of 'Persecution' of Swedish Hunters." *International Journal for Crime, Justice and Social Democracy* 6(2): 78-94. doi: 10.5204/ijcjsd.v6i2.353.
- Walker, Edward, Andrew Martin, and John McCarthy. 2008. "Confronting the State, the Corporation, and the Academy: The Influence of Institutional Targets on Social Movement Repertoires." *American Journal of Sociology* 114(1): 35-76. doi: 10.1086/588737.
- Wellsmith, Melanie. 2011. "Wildlife Crime: The Problems of Enforcement." *European Journal on Criminal Policy and Research* 17(2): 125-48.
- Wolff, R.P. 1970. *In Defense of Anarchism*. Harper Torchbooks.
- Yates, Roger. 2011. "Criminalizing Protests About Animal Abuse. Recent Irish Experience in Global Context." *Crime, Law and Social Change* 55(5): 469-82. doi: 10.1007/s10611-011-9298-1.