

Animal Rights Extremism and the Terrorism Question

John Hadley

1. Introduction

There has been a highly organized campaign of vandalism and intimidation directed against individuals associated with animal research by militant sections of the animal rights movement in the UK and United States since the late 1970s. While most of the many hundreds of recorded incidents have involved minor property damage and threats of violence there has been a small number of major arson cases involving plastic explosives, and recently there has been a campaign of placing incendiary devices under the cars or at the homes of animal researchers.¹ In response to this long-running campaign, and after lobbying pressure from animal-user industries, lawmakers on both sides of the Atlantic have recently introduced special legislation that effectively casts animal rights extremism (ARE) as terrorism.² Speaking in support of the passage of the Animal Enterprises Terrorism Bill, the Deputy Director of the FBI's Counterterrorism Division John E. Lewis said, "The FBI has made the prevention and investigation of animal rights extremist matters a domestic terrorism investigative priority."³ After widening its statute definition of terrorism to incorporate ARE the UK government boasted, "Animal rights extremists should not be surprised to find themselves treated as terrorists."⁴

But are lawmakers getting the conceptual analysis right? Should the recent violence in the name of animal rights be classed as terrorism? Given that there are serious philosophical question marks over the moral status of animals and the justifiability of using them in biomedical research, these are reasonable questions to ask. After all, if the ethics of using animals in biomedical research is an open question, there must also be scope for debating the ethics of using violence to stop animals being used for research purposes. Perhaps animal rights extremists do not warrant the pejorative label "terrorists" but instead deserve to be known as freedom fighters⁵ consistently applying philosophically respectable views—views now regularly debated in journals such as this one?

Even if the terrorism question could be answered without having to decide whether ARE is in the service of a just cause, there is another reason for critical reflection on recent applications of the terrorism tag to animal rights violence. To date, ARE has not resulted in the single death of a human being. While it is true that extremists have been responsible for arson, making threats, damaging property, causing financial loss and, on one occasion, physical assault; and while it is

also reasonable to suggest that a track-record of taking life or limb is not necessary for terrorism, the fact that no human beings have been seriously maimed or killed does give *prima facie* grounds for suspecting that the terrorism label may have been misapplied by lawmakers and representatives of animal user industries.

The terrorism question is important because labeling a phenomenon as terrorism has deep and far-reaching implications, not only for the individuals most directly involved but also for those who may support the goals and share some of the values of the so-called terrorists but reject wholeheartedly their violent methods. People found guilty of terrorism offenses face longer sentences and harsher confinement conditions than people convicted of comparably violent offenses that are not classed as terrorism. Supporting a movement with a so-called terrorist wing is likely to bring people considerable misunderstanding from friends and family, and social admonition. Law-abiding and otherwise peaceful supporters of animal rights may be tarred with the terrorism brush and come to the attention of law enforcement officials armed with draconian investigative powers hitherto reserved for people that commit mass murders.⁶ And, as far as animal rights violence is concerned, the attribution of terrorism will have far-reaching consequences for animals, given that the fallout of pejorative labeling tends to turn people away and “de-legitimate” the movement concerned.⁷ A strong association of animal rights with terrorism in the public consciousness could undermine the credibility of the animal rights movement and set the cause of animal protection back decades.

In the following I aim to go some way toward meeting the need for a thorough explication of the phenomenon of extremist violence on behalf of nonhuman animals used for scientific purposes—ARE. First, I propose taxonomy for ARE, suggesting that we should consider there are three distinct categories of extremist actions—attacks on property, attacks on persons, and attacks which simultaneously target both, hybrid attacks. As well as serving to highlight important conceptual and ethical aspects of ARE, this taxonomy is consistent with a number of considered judgments concerning the comparative moral seriousness of different kinds of political violence. Distinguishing between attacks on property and attacks on persons, for example, reflects the intuitive judgment that intentionally attacking life and limb is generally more serious than intentionally attacking only property.⁸ As well, a taxonomic distinction between attacks on property and hybrid attacks supports the judgment that simultaneously damaging property *and* issuing threats is worse, all things being equal, than merely engaging in acts of vandalism.

I then explore whether ARE qualifies as terrorism with reference to a number of conditions for terrorism that have been proffered in the contemporary literature. Most attention will focus on the just-war innocence condition, which states that a terrorist attack necessarily targets the “innocent”; and the randomness condition, by which the distinctive feature of a terrorist action is random indiscriminate violence.⁹ The focus is on these conditions, not because I believe that they are constitutive of the correct definition of terrorism or reveal what is most distinctive

about it, but rather because their application serves to illuminate philosophically interesting aspects of ARE. The innocence condition facilitates an examination of the ethics of violence on behalf of animals in response to what is being done to them in the name of scientific research. This examination is consistent with commonsense views about the moral importance of animals, illustrated by animal welfare protection legislation and the comparative justifiability of different scientific uses for animals. The randomness condition reflects a moral distinction between extremist actions that target individuals who are directly connected with animal research and those actions that target individuals who are only indirectly connected.

2. Taxonomy of ARE

The first category of ARE involves attacks on property, as opposed to direct physical violence against life and limb. Roughly sixty percent of all reported incidents attributed to animal rights extremists in the United States during the period 1977–1993 were attacks on property.¹⁰ Ninety percent of these were instances of minor vandalism but there were three major arson attacks that the FBI deemed serious enough to classify as “domestic terrorism.” One such attack, at an animal research facility at the University of California–Davis, is reported to have caused over 4 million dollars worth of damage.¹¹ Acts of minor or moderate property damage punctuated by more serious incidents have also characterized the pattern of property damage extremism in the UK. Roughly half of all reported incidents in the UK since 2002 have involved minor or moderate property damage such as spraying graffiti, smashing windows, gluing locks, and damaging vehicles. But there have also been more serious arson attacks involving plastics explosives such as at Senate House, Bristol University in February 1989.¹²

Within the species of action “attacks on property” we can discern four distinct subspecies of actions on the basis of the intention of the activists concerned. The taxonomy needs to be intention-sensitive because otherwise some of the most philosophically interesting questions about ARE may be left unanswered. Knowing the extremist’s intentions is arguably crucial in order to answer ethical questions concerning justification and moral responsibility but also descriptive questions relating to the concept of terrorism. For deontologists, the intention to cause fear for sociopolitical purposes most likely violates the Kantian injunction prohibiting the use of moral agents as means to an end. For other theorists an intention to cause fear is what distinguishes terrorism from other kinds of political violence.¹³ I will say more about definitions of terrorism later but suffice to say now that if we accept the view that intending terror is central to the concept of terrorism, then arguably only some of the actions involving property damage carried out by animal rights extremists can be classed as terrorism. If this is correct, then we will have to settle for some other less morally loaded term for classifying actions in which the intention is, say, to cause economic damage, or gather evidence for a cruelty prosecution or publicity campaign.

Actions in which the intention is to cause economic damage or disruption to the business concerned, as opposed to fear or alarm, distinguishes the first subspecies of attacks on property. The credo of the Animal Liberation Front (ALF), for example, states that ALF's mission is to disrupt animal research by causing financial loss through damaging property. ALF enjoins those operating under its banner to "take all necessary precautions against harming any animal, human and nonhuman."¹⁴ It is important to consider here that economic damage or disruption can be caused not only by what is intended but also by what is nonintended but foreseen. It is reasonable to assume that a foreseen but nonintended effect of intentionally damaging property is to cause fear in the owners and users of the property concerned. Thus, economic loss in such cases is caused by damaging equipment, thereby imposing costs associated with replacement, invalidation of research, and cleanup, but it also can be caused by instilling fear in those that use the property concerned by serving to dissuade them from performing wealth-generating tasks.

The second subspecies is distinctive in virtue of the intention of the activists to cause fear in the owners or users of the property concerned. In contrast to the first subspecies where the intention is to cause economic damage, here such damage is merely a foreseen but unintended effect of the actions concerned. It is important to bear in mind that it is the means of instilling fear—damaging property, as opposed to life and limb—which is the distinctive feature of this subspecies of activism. The taxonomy also needs to make room within the species "attacks on property" for those actions that are distinctive in virtue of having a dual intention to cause both economic damage *and* fear in the owners or users of the property concerned. It is not difficult to imagine extremists who undertake an action with the intention to cause economic damage, but who then, after witnessing something inside the facility that acts as provocation, develop an intention to cause fear. This additional intention to cause fear can account for why damage to relatively inexpensive personal effects cherished by owners sometimes occurs in tandem with damage to expensive equipment.

Another kind of action that it is worth mentioning here are those in which property is damaged in the course of gathering evidence for publicity purposes, or in actions where the intention is to rescue or release animals. As the intention in these cases is to release animals rather than use property damage as a means to an end, these kinds of actions do not warrant being considered an altogether different subspecies of attacks on property.¹⁵ I cannot defend this claim in substantive detail here as a thorough analysis of the property status of sentient beings is beyond the scope of the present work. Suffice it to say that 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. However, while property damage in most of these cases is a foreseen but unintended side-effect, it is also reasonable to suggest that there are hybrid actions among those involving evidence gathering or the release of animals. In these cases there is a dual intention both to release the animals and also to cause economic damage (or, indeed, fear).

The second species of ARE is distinctive because it involves direct attacks on persons themselves, as opposed to property items. It is important to bear in mind, however, that in almost all instances these direct attacks do not involve bodily injury but instead involve making written or verbal threats via graffiti, telephone, post, or email, or in person. During 1993–1994, there was a particularly disturbing postal campaign in the UK which involved sending used-syringes, mouse traps, razor blades and hoax explosive devices to over 100 scientists.¹⁶ A more recent, common form of activism that can be classed here involves stalking behavior or what is referred to as “intimidatory protests.” On these occasions, activists will stand outside the home of an individual connected 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.¹⁷ Given that such attention is no doubt unwanted on the part of the victim, it is reasonable to conclude that the intention of the activists is to instill fear or alarm in the individuals concerned for the purpose of dissuading them from performing a particular action.

It is worth stressing again that, with a few exceptions, most attacks on persons carried out by animal rights extremists are notable for not involving serious physical violence.¹⁸ This is important because while it is reasonable to suggest that, intuitively, physical violence directed against a person on behalf of a non-person such as an animal is a disproportionate response to what is being done to the nonperson, it is not at all clear that making threats, let alone engaging in minor or moderate property damage, is going too far.

The third species of ARE is distinctive because it involves attacks upon property *and* persons. In such cases, activists damage property and then leave behind threatening messages, perhaps scrawled on walls or left in notes on desks or workstations. Indeed, we may want to consider threatening graffiti, arguably the most common tactic of ARE, as an instance of a hybrid attack.

It might be argued that we should consider all attacks on property as attacks on persons. On this view, leaving behind damaged property is akin to leaving behind a threatening note and all attacks on property are to be construed as hybrid attacks. But, upholding the distinction between attacks on property in which threatening messages are left behind, and attacks on property involving no threats, allow us to say that a hybrid attack is worse than an attack on property. What makes it worse is precisely the leaving behind of a note—death threats have an alarming property that damaged property does not. Upholding this distinction, moreover, preserves the intuitive difference between the seriousness of making death threats as opposed to merely engaging in vandalism.

3. Does ARE qualify as terrorism?

When seeking answers to the terrorism question it is worth bearing in mind that the philosophical landscape is dynamic and deeply contested. It is not an exaggeration to say that there are as many definitions of terrorism in the literature

as there are terrorist attacks in the real world.¹⁹ All of the leading definitions of terrorism, moreover, it is widely acknowledged, have their strengths and weaknesses and are more or less vulnerable to objection by counter-example. This has prompted some recent commentators to eschew attempting to define terrorism; instead they try to show what is distinctive or characteristic about it.²⁰ Even though I make no judgments about the efficacy of putting forward definitions, the analysis below ought to be illuminating whatever one's views about the most productive way to address the issue of terrorism. This is because most philosophers who write about terrorism and political violence fail to address the morality of ARE, even those that have quite well-developed views about the moral status of nonhuman animals.²¹

There is a kind of terrorism definition that specifies that a constitutive condition of a terrorist action is that it is unlawful. As these definitions tend to be advanced by government agencies, call these "political definitions." A representative example is the FBI definition:

Terrorism is the *unlawful* use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.²²

As a number of philosophers attest, political definitions face obvious objections.²³ If unlawfulness is a necessary condition for terrorism, then states, nonstate groups, or individuals that plant bombs in town squares or crash planes into office buildings are not committing terrorist acts—so long as their actions have legal sanction. This is unsatisfactory. The definitions commonly advanced by philosophers, however, do not include a condition pertaining to the legal status of the action; rather, in line with just war theory, the focus is on the status of the victim—call these "just war definitions." Coady, for example, defines terrorism as

The organized use of violence (or threat of violence), against noncombatants ("*innocents*" in a special sense) or their property for political purposes.²⁴

If we can accept just war definitions for the purposes of the analysis, then we are in a position to determine whether ARE qualifies as terrorism. The critical issue is whether the victims of ARE are morally inappropriate targets or "innocent" in the relevant sense.

Within just war theory, the notion of innocence is defined with reference to the concept of the noncombatant, usually someone who is not a serving member of the armed forces of the protagonist nations.²⁵ Outside the context of a war, however, the concept of innocence or being immune to violent attack is generally unpacked with reference to self-defense and justifications for violence between individuals—what Walzer calls "the domestic analogy."²⁶ Roughly, if an individual has done nothing to warrant being harmed then he or she qualifies as innocent.²⁷ Deep questions concerning the moral status of nonpersons, particularly

nonhuman animals but also human embryos, enter into our analysis at this point. Traditionally, the theory of justified violence in the domestic sphere presupposes that the actors concerned are persons—specifically, rational *Homo sapiens*. Persons are considered to be maximally morally significant with a right not to be harmed that may only be overridden for the most serious reasons. Accordingly, on the traditional view, an individual achieves the status of a legitimate target for defensive violence, if they are morally culpable for an unjustified harm to a human person.²⁸ Such an avowedly anthropocentric approach, however, leaves nonhuman animals out of the picture altogether. But, if we accept that nonhuman animals are directly morally considerable at all, then exercising violence on their behalf is an issue that any consistent moral theory must confront. It runs counter to the spirit of including nonhuman animals within the scope of morality to suggest that their interests and lives are never worth the exercise of proportionate and otherwise justifiable violence. Consider the recent case of the man who threw four live kittens into a fire during a domestic dispute with his girlfriend.²⁹ Intuitively, if animals matter morally at all, then it is permissible to forcibly restrain someone who is about to burn animals out of spite. To admit animals into the moral community but to deny them a right of third-party defense altogether, is to expose their inclusion as an empty symbolic gesture in the service of dubious claims to theoretical completeness.

Some might respond that animals are not eligible for a right of third-party defense because they lack the capacity to reason. On this view, moral agency is a necessary condition for the possession of any rights whatsoever.³⁰ But, given that it is logically coherent and ethically reasonable to extend a right of third-party defense to new born infants, comatose people, and the severely cognitively impaired, there are good reasons for thinking that the agency condition is too strict. Similarly, it would also be coherent and reasonable to extend a right of third-party defense to any non-*Homo sapiens* who have interests that are qualitatively similar to those of human bearers of a right of third-party defense. Imagine if there was a “Superchimp” or highly intelligent alien that was like a human innocent victim in every respect except for lacking the property of being a member of the species *Homo sapiens*.³¹ Denying a right of third-party defense to such an individual would be discrimination on arbitrary biologic grounds, akin to racism or sexism.

If there is no fundamental logical obstacle to exercising violence on behalf of animals, a difficult yet inescapably relevant question arises. Are scientists conducting animal research or employees of businesses supporting them doing anything to warrant being harmed? In other words, in line with the just war innocence condition, “Are scientists who harm animals, and people who support scientists who harm animals, innocent in the relevant sense?” An answer to this question requires that we place a value on the moral considerability of nonhuman animals. For many philosophers in the analytic tradition the moral considerability of an individual is determined with reference to an axiological approach known as moral individualism. On this approach, moral considerability supervenes on a

particular property or capacity that the individual is believed to possess—moral agency, sentience (the capacity to feel pleasure and pain), “sanctity,” or simply being alive are properties that philosophers have variously identified as considerability-conferring. For species-egalitarians, it is sentience or an experiential psychology that entitles an individual to equal consideration, irrespective of species. The principle of equal consideration can be applied in a number of ways depending on the theoretical approach. For deontologists the principle entails the attribution of utility-trumping rights; for utilitarians it entails that the individual’s interests are given equal weight in the utility calculus to the relevantly similar interests of others.

If we follow deontology and extend utility-trumping rights to nonhuman animals, then arguably the vast majority of people directly involved in any animal research, and perhaps many who are only indirectly involved, will fail to satisfy the innocence condition. For rightists, while there may be cases, in theory, when an experiment would achieve the requisite threshold of good consequences needed to justify the violation of animal rights, it is unlikely in the real world.³² In line with recent self-defense theory, this means that persons harming animals will acquire the status of “culpable attackers” posing an unjustified attack upon innocent victims. As culpable attackers they will be liable to proportionate and otherwise justifiable third-party defensive violence on behalf of the animals. Accordingly, on the rights views, researchers harming animals cannot logically qualify as “innocent” in the relevant just war theory sense of the term. This entails that any attacks by animal rights extremists upon the researchers cannot be classed as terrorism.

An objection from supporters of animal rights who may be concerned that this conclusion poses a theoretical problem for animal rights theory, is that to hold animals have valuable lives worthy of utility-trumping rights does not entail the extension of a right of third-party defense. But the same argument that applies to those who absolutely dismiss extending rights to animals can also be run against rightists who reject extending third-party defense beyond the species barrier. It runs counter to the logic of moral inclusion to be too selective about which rights animals are owed when clearly they can benefit from a right of third-party defense. To deny animals a right that may spare them severe pain and a premature death is radically at odds with any claim they ought to have rights that prohibit using them in medical experiments. In short, if animals are owed a right not to be tortured or killed, then they ought to be entitled to a right to have willing third parties prevent them from being tortured or killed.

If we follow utilitarianism for nonhuman animals, the consequences of using animals will determine the innocence of individuals directly involved in animal research. Consistent with its deontological counterpart, a species-blind application of utilitarian theory will likely justify very little of what now passes for legitimate research.³³ Thus, for utilitarians also, the vast majority of researchers will render themselves liable to third-party defensive violence on behalf of nonhuman animals. Utilitarians may counter that it is consistent with their theory to

adopt utility proxies that stop short of legitimating violence against researchers. In his discussion of the morality of eco-terrorism Peter Singer, for example, enjoins would-be activists to adopt the just war alternative means principle.³⁴ But utilitarianism's credentials as a progressive theory would be called into question if it did not license third-party defense on behalf of animals in at least some circumstances that are now widely regarded as legitimate cases of harming animals.

Hybrid theorists who combine deontological and utilitarian principles will likewise consider animal researchers liable to third-party defensive violence. Jeff McMahan, for example, says his view is consistent with a position he attributes to Nozick—"utilitarianism for animals, Kantianism for people."³⁵ The central tenet of this view is, "animals may be sacrificed for persons and other animals but persons may never be sacrificed for animals." But, in third-party defense cases, the relevant sense of "sacrifice" that is employed in the hybrid principle is just not applicable. It is counter-intuitive to say when a person is defending an innocent victim against a culpable attacker that the use of proportionate violence "sacrifices" the attacker in the relevant sense. This is certainly true in cases when persons are harming other persons; and there is no reason to think our understanding of the concept "sacrifice" should be any different in cases when persons are harming animals. With the Kantian constraint against sacrificing a person removed from the equation, the hybrid theorist will approach the morality of animal third-party defense along utilitarian lines. Like the utilitarian, hybrid theorists will also consider most researchers as legitimate targets and, assuming they too accept the innocence condition, they will reject any claim that ARE constitutes terrorism.

All of this is not to suggest that any of the above approaches endorses violence on behalf of nonhuman animals all things considered, it is just to point out that an unavoidable theoretical implication of a commitment to species-egalitarianism is that individuals who harm nonhuman animals for reasons which would not justify harming human beings of comparable capacities render themselves liable to third-party defensive violence. Some might think this conclusion constitutes a *reductio* of species egalitarianism.³⁶ But those tempted to think this betray a failure to understand an implication of the rival inegalitarian position. On an inegalitarian view, sentient beings from other species are directly morally considerable but not to the extent afforded by the egalitarian view. At bottom, this entails permitting research on some occasions when the egalitarian position prohibits it, and restricting violence on those occasions when the egalitarian view licenses it. But it does not entail that violence on behalf of animals will never be permissible. Intervening in cases of gratuitous cruelty for example, is consistent with the view, reflected in anti-cruelty statutes and animal welfare legislation, that animal interests matter sufficiently to warrant protection from unnecessary suffering.³⁷ This would suggest that a researcher that is acting way outside her research protocol, say, by causing a chimpanzee extreme pain for personal amusement, would qualify as a legitimate target, even on the inegalitarian view.

However, if there is another condition for terrorism that ARE fails to satisfy, then we can answer the terrorism question in the negative, irrespective of whether the researchers concerned are “innocent” in the relevant just war theory sense of the term. Recall that the just war definition of terrorism defines it as “the organized use of violence (or threat of violence), against noncombatants (*‘innocents’* in a special sense) or their property for political purposes.” But this definition also faces an objection which lends support to amending it slightly. We can imagine a case of a supporter of Political Party A knocking over the campaign table of a supporter of Political Party B on election day. Such an action qualifies as a terrorist act if we accept the just war definition as it is presently cast. The just war definition allows for politically motivated attacks on persons or property against the innocent. Unless the supporter of Political Party B has done something to warrant being harmed, and that seems unlikely in liberal democracies, then a seemingly innocuous case of property damage qualifies as terrorism.

Reflection on the polling station case would suggest that not just any act of violence can qualify as terrorism; instead, the violence needs to reach a certain level of severity.³⁸ We can thus amend the just war definition as follows:

The organized use of *sufficiently severe violence* (or threat of such violence), against noncombatants (“innocents” in a special sense) or their property for political purposes. (My emphasis)

But even after amending the definition in this manner, the just-war definition is still vulnerable to the polling booth counter-example. It is not difficult to imagine a Party A supporter violently smashing the campaign table of her rival, even viciously assaulting her in the process. This would be an act which meets the sufficiently severe violence condition but arguably does not warrant being labeled a terrorist act. Indeed, if such a case were to qualify as terrorism then there would be no such phenomenon as political violence that was not terrorism. Any organized violent political demonstration, such as the recent Sydney or Paris riots, would qualify as terrorism. This implication calls into question our amended definition of terrorism as it stands.

In his landmark text *Just and Unjust War* Walzer suggests that what is distinctive about terrorism is the randomness or indiscriminate nature of the associated violence.³⁹ For Walzer, the crucial element of terrorism is the fact that the target of terrorist violence is unsuspecting and not sufficiently identifiable in advance of the action. According to Walzer, the would-be terrorist who coordinates violence in a predictable, systematic fashion runs the risk of compromising the achievement of the basic terrorism objective to spread debilitating fear. To quote Walzer, “If one wishes fear to spread and intensify over time, it is not desirable to kill specific people identified with a regime, a party, or policy. Death must come by chance. . . .”⁴⁰

For our purposes, the addition of the randomness condition entails that the answer to the terrorism question turns on whether it involves sufficiently severe random violence.

One suggestion is that ARE fails to meet the randomness condition because its targets are readily identifiable by their association with the use of nonhuman animals for scientific purposes. On this view, because the targets are scientists who conduct experiments involving animals, or employees of facilities that supply animals for use in experiments, ARE fails to meet the randomness condition and thus cannot qualify as terrorism. In response to this, some might argue that given the use of nonhuman animals for scientific purposes is so widespread, researchers are no more identifiable as potential victims of ARE than any U.S. citizen is identifiable as a victim of paradigmatic terrorism. On this view, as the randomness condition is certainly met in cases involving American citizens and paradigmatic terrorism, then it must also be met in cases of ARE. But, this objection overlooks how the identifiability of researchers as potential victims of ARE is more analogous to the identifiability of members of the U.S. armed forces, as opposed to U.S. civilians, as potential victims of paradigm terrorism. Within the entire group of potential targets associated with the applicable grievance, say, in the case of paradigm terrorism, U.S. foreign policy, it is reasonable to suggest that there is a particular subgroup, service personnel, who are most strongly associated. Service personnel enforce foreign policy objectives, sometimes violently, whereas ordinary citizens do not. In like manner, among the group of potential victims of ARE constituted by all those associated with animal research, there is a particular subgroup—researchers and animal suppliers—that is most strongly associated with the grievance.

The tactic of tertiary or secondary targeting, however, raises the prospect that many instances of ARE may qualify as terrorism because the victims are not readily identifiable with the use of nonhuman animals for scientific purposes.⁴¹ Tertiary targeting involves attacks on the property or person of those who provide material support but are not directly connected with animal research, such as employees of financial institutions who fund or insure companies involved in animal research, garbage collectors or transport companies who service animal research facilities, local publicans who pour drinks for researchers, or even the researchers' neighbors. When we consider that these victims may have many dozens or even hundreds of clients or associates, the mere fact that they have some dealings with an animal research institution or researcher does not strongly identify them with the practice. Thus, in cases when such individuals are targeted with sufficiently severe violence then it is reasonable to suggest that ARE meets the randomness condition and qualifies as terrorism.

It could be argued, however, that given the names and addresses of the victims of ARE are often published on extremist websites, tertiary victims *are* readily identifiable. On the website of the Stop Huntingdon Animal Cruelty (SHAC) extremist group, for example, would-be extremists are provided with an extensive target list containing the details of customers, suppliers, and financiers of animal testing company Huntingdon Life Sciences (HLS).⁴² Not only the addresses of company premises but often the home addresses of employees are listed on the "target-list" webpage. Does identifying the targets in this way entail that the

randomness condition cannot be met? An answer to this question is not obvious. After all, if you knew that your name was on an extremist target list, while you could fairly claim to be angry or anxious about finding your car vandalized, you could hardly claim to be surprised. To invoke Walzer, in such circumstances we would not say that your car was damaged “by chance.” But merely being included on a target list does not in itself make an attack any less surprising from the perspective of the victim. If one has no idea that one’s name is on a target list of an extremist group then any attack is going to come as a shock. There is an additional consideration, however, which suggests we should distinguish the identifiability of those directly connected with animal research from those only indirectly connected. Most researchers who are directly connected would be aware of extremist campaigns of animal rights violence. Industry organizations such as the Association of British Pharmaceutical Industries and the Research Defence Society regularly inform members about extremist campaigns and provide up-to-date advice to potential victims. Given that such communiqués are not disseminated among tertiary industries, it would be overstating the case to suggest that individuals indirectly connected to animal research would be as well informed about the phenomenon as those who are directly involved.

One important issue related to definitions of terrorism remains to be discussed. This is the condition, stipulated in the just war definition as I cast it and also manifest in the UK government’s Terrorism Act and the U.S. AETA, that *threats* of violence to persons or property, so long as they are made for sociopolitical purposes, are sufficient for a terrorism attribution. If we accept this claim, according to either the just war definition or Walzer’s “randomness account,” a great deal of ARE may qualify as terrorism given that it frequently involves threats of serious violence.⁴³ The question to consider then is whether threats of violence amount to serious violence in themselves? An answer to this, alluded to by Walzer, is particularly pertinent to ARE. He suggests that the harm of being threatened consists in more than “merely being afraid” but rather involves, in addition, having good cause for being afraid.⁴⁴ This suggests that the track record of the extremists who are making the threats is relevant to the determination of whether threats by themselves constitute serious violence. Without wanting to downplay the *prima facie* seriousness of making threats, nor the distress of individuals on the receiving end of them, it nonetheless seems reasonable to ask the following question. Given the choice between receiving a threat from a member of ALF or a member of *al-Qaeda* (or any other group with a track record of causing serious physical harm), who would a reasonable person prefer to receive a threat from? The fact that ARE, with one or two notable exceptions, does not involve serious physical violence toward persons, and has for most part only involved minor or moderate property damage, would suggest that threats from animal rights extremists are not of a sufficiently serious order to warrant being classed as terrorism. Of course, if there is a continuation of the spate of recent attacks involving incendiary devices which, arguably, place victims at serious risk of injury, then the conclusion just offered will need to be revised.

4. Conclusion

Animal rights extremism is a complex phenomenon. Extremists have varying intentions and the range of violence they employ also varies considerably. A thorough grasp of extremists' intentions and targets is required for informed analysis of the ethics of the phenomenon and to answer the terrorism question. Two prominent conditions for terrorism were shown to have a particularly useful application in the conceptual analysis of ARE. The innocence condition can be applied after consideration of the moral status of animals and the purposes for which they are being used for scientific research. If the harm researchers inflict upon animals is unjustified then it is difficult to see how they can be "innocent" in the just war theory sense of the term. This entails that any extremist attacks upon researchers responsible for causing unjustified harm to animals cannot, logically, qualify as terrorism.

The randomness condition facilitates an attribution of terrorism that is consistent with the view that it is more serious to target an individual that is only indirectly connected to animal research than someone who is directly connected. When people who are only indirectly connected with animal research are targeted with sufficiently severe violence (or credible threats of such violence) then it is reasonable to label the extremists' actions as terrorism. But this conclusion assumes that people who are only indirectly connected to animal research are not morally responsible for the grievance that gives rise to the violence in the first place. Whether people who are only indirectly connected to animal research should be held morally responsible for any unjustified harm to animals is a question that was not explored in the above analysis.

Notes

¹For an overview of the phenomenon in the United States between the years 1977–1993 see Scott E. Hendley and Steven Weglian, *Report to Congress on the Extent and Effects of Domestic and International Terrorism on Animal Enterprises* (Washington, DC: Office of Legislative Affairs, U.S. Department of Justice, 1993). For a summary of the experience in the UK see Research Defense Society, "The First 25 Years," retrieved September 18, 2008 (no longer available), from http://www.rds-online.org.uk/pages/page.asp?l_ToolbarID=5&L_PageID=1799. For a recent incident see Jesse McKinley, "Firebombings at Homes of 2 California Researchers," *New York Times* online, retrieved July 7, 2009, from http://www.nytimes.com/2008/08/04/us/04firebombs.html?_r=1&partner=rssuserland&emc=rss&pagewanted=all&oref=slogin.

²See, for example, the U.S. Animal Enterprises Terrorism Act 2006 (AETA). The act, signed into law by President Bush on November 29, can be viewed at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:s3880enr.txt.pdf (retrieved September 18, 2008). Under the act, an individual is guilty of a terrorist act and liable for a fine or imprisonment for a term no longer than 12 months, if they cause economic damage, including loss of profits from the removal of animals less than US\$ 10,000 dollars. The penalty increases in severity as the amount of economic damage increases and if the action was intended to, or does lead to, the causing of "reasonable fear" in a person connected with an animal enterprise, or any close associate.

³John E. Lewis, "Testimony Before the Senate Judiciary Committee," May 18, 2004, retrieved July 7, 2009, from <http://www.fbi.gov/congress/congress04/lewis051804.htm>.

- ⁴Tony Blair MP and David Blunkett MP, *Animal Welfare and Human Rights: Protecting People from Animal Rights Extremists* (London: Home Office Communications Directorate, July 2004), 10.
- ⁵See Steven Best and Anthony J. Nocella, *Terrorists or Freedom Fighters? Reflections on the Liberation of Animals* (New York: Lantern Books, 2004).
- ⁶Tom Regan, "ACLU Accuses FBI of 'Spying' on Activists," *Christian Science Monitor* (May 19, 2005). Retrieved July 7, 2009, from <http://www.csmonitor.com/2005/0519/dailyUpdate.html>.
- ⁷See Thomas Kapitan, "The Terrorism of 'Terrorism'," in *Terrorism and International Justice*, ed. James Sterba (Oxford: Oxford University Press, 2003), 47–66.
- ⁸See C. A. J. Coady, "Terrorism, Morality and Supreme Emergency," *Ethics* 114 (2004): 776, and Robert E. Goodin, *What's Wrong with Terrorism?* (Cambridge: Polity Press, 2006), 47.
- ⁹See Coady, "Terrorism and Innocence," *Journal of Ethics* 8 (2004): 37–58; Igor Primoratz, "The Morality of Terrorism," *Journal of Applied Philosophy* 14 (1997): 221–22; Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), 197.
- ¹⁰Hendley and Weglian, *Report to Congress*, 15.
- ¹¹*Ibid.*, 21.
- ¹²Research Defense Society, "The First 25 Years."
- ¹³See Goodin, *What's Wrong with Terrorism?*, 45–49; and Carl Wellman, "On Terrorism Itself," *Journal of Value Inquiry* 13 (Winter 1979): 251.
- ¹⁴Credo of the Animal Liberation Front (ALF). Retrieved July 7, 2009, from http://animalliberationfront.com/ALFront/alf_credo.htm.
- ¹⁵Hendley and Weglian suggest that we should consider the release of animals as the primary intention behind all extremist actions on premises in which animals live. See *Report to Congress*, 14. In the Animal Enterprises Terrorism Act 2006 removing animals is defined as an instance of damaging property. Retrieved July 7, 2009, from http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:s3880enr.txt.pdf.
- ¹⁶Research Defense Society, "The First 25 Years," 1.
- ¹⁷See Ross Clark, "The Terror War We Can Win," *Spectator* 31 (July 2004): 12. The article claims that 212 company directors were threatened in their homes during 2003–2004.
- ¹⁸A notable exception is the serious assault on the Director of Huntingdon Life Sciences (HLS) in February 2001. See "Jail for Lab Boss Attacker," BBC News, retrieved July 7, 2009, from <http://news.bbc.co.uk/1/hi/uk/1494924.stm>. Also worth noting is a recent tactic in both the UK and United States of placing homemade explosive devices on the doorsteps of private homes. See "Animal Extremists 'More Violent,'" retrieved July 7, 2009 from http://news.bbc.co.uk/2/hi/uk_news/4290174.stm; and also "Wanted: Animal Rights Extremists," retrieved July 7, 2009 from <http://www.fbi.gov/page2/aug06/extremists080406.htm>.
- ¹⁹Coady notes the proliferation of definitions of terrorism in "Terrorism, Morality and Supreme Emergency," n.1.
- ²⁰See Goodin, *What's Wrong with Terrorism?* 1–5; and Samuel Scheffler, "Is Terrorism Morally Distinctive?" *Journal of Political Philosophy* 14 (2006): 1–18.
- ²¹Philosophers who have written at some length about both terrorism and the moral status of nonhuman animals, but who have yet to address ARE include Jeff McMahan, *The Ethics of Killing: Problems at the Margins of Life* (Oxford: Oxford University Press, 2002), 203–32; Robert E. Goodin, Carole Pateman and Roy Pateman, "Simian Sovereignty," *Political Theory*, 25 (1997); and Raymond G. Frey, "Animals," in *The Oxford Handbook of Practical Ethics*, ed. Hugh LaFollette (New York: Oxford University Press, 2003), 151–86.
- ²²Cited in Coady, "Terrorism and Innocence," 38. My emphasis.
- ²³For discussions of lawfulness as a condition for terrorism see Coady, "Terrorism and Innocence," 39; and David Rodin, "Terrorism without Intention," *Ethics* 114 (July 2004): 759.
- ²⁴See Coady, "Terrorism and Innocence," 39. Philosophers who have similar definitions include Frances M. Kamm, "Terrorism and Several Moral Distinctions," *Legal Theory* 12 (2006): 20; and Igor Primoratz, "The Morality of Terrorism," *Journal of Applied Philosophy* 14 (1997): 221–22. See also Saul Smilansky, "Terrorism, Justification and Illusion," *Ethics* 114 (July 2004): 790; and

- Kapitan, "The Terrorism of 'Terrorism'," 48. Goodin strenuously criticises just war definitions of terrorism in *What's Wrong with Terrorism?* I have included making threats in this definition because it is included in many definitions of terrorism, and in order to prepare the ground for the discussion to follow concerning the morality of making threats.
- ²⁵For a recent discussion concerning the morality of targeting noncombatants in war, see Jeff McMahan, "The Ethics of Killing in War," *Ethics* 114 (2004): 693–733. Goodin highlights the difficulty of defining innocence in *What's Wrong with Terrorism*, 11–13.
- ²⁶Jeff McMahan, "War and Peace" in *A Companion to Ethics*, ed., Peter Singer (Oxford: Blackwell, 1993), 387; and Walzer, *Just and Unjust Wars*, 58–59.
- ²⁷See David Rodin, "Terrorism without Intention," 758; McMahan, "War and Peace," 388, Goodin, *What's Wrong with Terrorism?*, 18.
- ²⁸See McMahan, *Ethics of Killing*, 420. McMahan's recent discussion of self-defensive killing also makes no reference to third-party self-defense on behalf of nonpersons. See, "The Basis of Moral Liability to Defensive Killing," *Philosophical Issues* 15 (2005): 386–405.
- ²⁹See Associated Press, "Man Pleads Guilty in 4 Kittens' Burning Death," retrieved September 18, 2008, from <http://www.msnbc.msn.com/id/15720114/>.
- ³⁰Tibor R. Machan, "Why Human Beings May Use Animals," *Journal of Value Inquiry* 36 (2002): 9–14; and H. J. McCloskey, "Rights," *Philosophical Quarterly* 15 (1965).
- ³¹Jeff McMahan invokes the "Superchimp" thought experiment in an argument against anthropocentric criterions of moral considerability. See *Ethics of Killing: Problems at the Margins of Life* (Oxford: Oxford University Press, 2002), 209–17.
- ³²The leading proponent of extending utility trumping rights to nonhuman animals is Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 1983), 392–94. The implication of Regan's view for the legitimacy of existing research is clear when he says: "Those who accept the rights view, and sign for animals, will not be satisfied with anything less than the total abolition of the harmful use of animals in science—in education, in toxicity testing, in basic research" (393).
- ³³A recent exposition of utilitarianism for nonhuman animals is Gaverick Matheny, "Utilitarianism and Animals," in *In Defense of Animals: The Second Wave*, ed. Peter Singer (Oxford: Blackwell Publishing, 2006), 13–25. The implications of Matheny's view are obvious when he says, "Would researchers contemplating an animal experiment be willing, then, to place an orphaned human infant in the animal's place? If they are not, then their use of the animal as simple discrimination on the basis of species is morally unjustifiable" (23).
- ³⁴Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1993), 310.
- ³⁵McMahan, *Ethics of Killing*, 511, n.41; and Robert Nozick, *Anarchy, State and Utopia* (New York: Blackwell, 2001), 39. Robert Garner also discusses a hybrid utilitarian/rights theory in *Animals, Politics and Morality* (Manchester: Manchester University Press, 2004).
- ³⁶See John Hadley, "Animal Rights and Self Defense Theory," *Journal of Value Inquiry* 43 (2009): 165–77.
- ³⁷Cass R. Sunstein, "Introduction: What Are Animal Rights?" in *Animal Rights: Current Debates and New Directions*, ed. Cass Sunstein and Martha Nussbaum (Oxford: Oxford University Press, 2004), 3–16.
- ³⁸Mark Rowlands, *Animals Like Us* (London: Verso, 2002), 189. The UK Government's definition of terrorism in the Terrorism Act 2000 attests to the relevance of this condition. Under the act, for an action to qualify as terrorism it must involve "serious" violence and "serious" damage to property (or threats thereof).
- ³⁹Walzer, *Just and Unjust Wars*, 197. See also Louis Pojman's definition in "The Moral Response to Terrorism and Cosmopolitanism" in *Terrorism and International Justice*, 140; also Noam J. Zohar, "Innocence and Complex Threats: Upholding the War Ethics and the Condemnation of Terrorism," *Ethics* 114 (2004): 735.
- ⁴⁰Walzer, *Just and Unjust Wars*, 197.

⁴¹In response to tertiary targeting the UK government recently introduced the Serious Organised Crime and Police Act 2005 which makes it an offense to seek to dissuade an individual, using certain means, from entering into a contractual agreement with an animal research facility. See “Animal Rights Campaigner Jailed,” retrieved July 7, 2009 from http://news.bbc.co.uk/2/hi/uk_news/england/7018843.stm.

⁴²See http://www.shac.net/ACTION/current_targets.html. Retrieved July 7, 2009.

⁴³On both accounts the victims will need to be “innocent” in the relevant sense. In the case of Walzer’s “randomness account” the threats will have to be made to secondary or tertiary targets; otherwise they would not be sufficiently random to qualify as terrorism. For a recent case of an extremist action involving threats see National Extremism Tactical Coordination Unit, “Animal Rights Campaigner Sentenced Over Threatening Letters,” retrieved July 7, 2009 from <http://www.netcu.org.uk/media/article.jsp?id=482&chkx=45466b11ec5daeec06fb6971d50e1b9e>.

⁴⁴See Walzer, *Just and Unjust Wars*, 78. The U.S. government appears to be sensitive to this point. In the AETA the threats must cause, or be intended to cause, reasonable fear in the victims. Such a condition suggests a conceptual link between the credibility of the threat and the reasonableness of the fear.