

BETWEEN THE SPECIES

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Issue V

August 2005

INNOCENT THREATS

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I was fortunate to have Dr. Tom Regan as one of the professors for the defense of my doctoral dissertation. He noted that no one had, as yet, offered the following critique of his work.

In The Case for Animal Rights (1984) Tom Regan explains his philosophical defense of animal rights, commonly termed “The Rights View.” In the process, he defines “innocent threats” as dangerous moral patients; he defines moral patients as inherently innocent. He asserts that protecting those who are morally innocent always takes precedence over those who are not morally innocent. This assertion has interesting implications for Regan’s work, which have not previously been explored to the best of my knowledge.

By Regan’s account, a small child flinging poisonous darts randomly into a crowd would be an innocent threat. When an innocent threat endangers others it may be necessary to harm the innocent to avoid endangering or destroying others. Regan uses the example of a rabid dog and a rabid fox, indicating that in either case one might “harm” dangerous yet innocent non-human animals in order to nullify such a threat (Case 296, 353).

Regan writes, if rabid foxes have “bitten some children and are known to be in the neighboring woods... and if the circumstances of their lives assure future attacks if nothing is done, then the Rights View sanctions nullifying the threat posed by these animals” (Case 353). Regan does not explain “nullify,” but historically speaking to nullify the threat of a rabid fox is to *kill* the fox. It would

appear that the Rights View permits innocent threats to be eliminated for the sake of human protection (Case 353).

While the basic principle (allowing self-defense against innocent threats) seems reasonable, Regan fails to define the borders of such aggressive protective measures. Without limitations on what constitutes a “legitimate” threat, and in the absence of limits on the measures one may take in the name of self-defense, Regan’s innocent threat clause could culminate in undesirable consequences.

For example, moose roam backyards, city streets, and recreational areas in Anchorage, Alaska. Every year moose stomp people to death in fenced yards, on ski-trails, and sometimes on the main university campus. Everyone knows that dangerous encounters with moose *will* occur in the future, and that some such encounters *will* result in the death of human beings. On the basis of likely future endangerment as outlined by Regan (with regard to rabid fox) killing such possibly dangerous moose in Anchorage is also acceptable because moose constitute an “innocent threat.” Similarly, grizzly bears sometimes attack and kill hikers on trails around Anchorage. The only way to prevent such incidents is to eliminate bears. (In most of the world, that is exactly what people have done, whether by design or simply through persistence.) Therefore, according to Regan’s “Rights View” bears around Anchorage, like moose, ought to be eliminated as a necessary protection under Regan’s “innocent-threats” clause.

If we extrapolate from Regan’s rabid fox example, taking this idea to its logical extreme, *all* moose and bear might justifiably be killed because they are always and everywhere innocent threats. The farther back into the wild country human beings venture, the more likely it becomes that people will encounter “dangerous” animals, and the more likely it becomes that human lives will be lost. In Regan’s view it is legitimate to “nullify” such innocent threats. Ultimately, if taken to its extreme, all dangerous wild animals might be eradicated, including rattlesnakes, polar bear, black widow spiders, cougar—and many others.

If we are to be impartial, and to maintain consistency, as the Western philosophic tradition insists, Regan’s allowance for innocent threats might also

endanger the lives of many people. Although Regan's discussion of "innocent threats" deals with situations where moral patients harm moral agents, he offers no indication that the same would not be true in the opposite situation.

Humans—more than any other animal—pose a danger to innocent others, and people are often ignorant of the damage they do; such dangerous people therefore qualify as innocent threats.

For instance, the vast majority of Western hunters kill for recreation. They kill because they consider hunting a worthwhile and enjoyable way to spend time—and because they do not acknowledge (or even consider) that killing animals for food is completely unnecessary for human survival, and that such "sport" causes tremendous hardship and harm to other living beings. (In fact, hunters usually assert that they do their victims a *favor* by preventing overpopulation!) Thus hunters needlessly endanger and destroy thousands of animals every year, and may be said to do so innocently (out of ignorance).

Regan's "innocent threats" clause justifies the killing of rabid fox that *might* bite (out of fear or in self-defense), and also the killing of ignorant—and therefore innocent—human beings that slaughter deer. To eliminate *other* species when they pose an innocent threat, but *not* to eliminate humans in comparable situations, is inconsistent. Are we not equally morally obliged to defend the hunted from ignorant (and therefore innocent) yet dangerous hunters? According to Regan's Rights View, the answer seems to be "yes."

There are yet other intriguing possibilities. Regan asserts that one who has lost their innocence through unjust actions has forfeited their equal inherent value (Case 323). While those who have lost their innocence in such a manner still ought to be treated with respect (are still due just treatment), the injustices borne by unfortunate individuals grant those individuals privileges above those who perpetrate such injustices.

In The Case for Animal Rights, Regan posits a lifeboat with four humans and one dog vying for space. Regan concludes that the dog ought always and perpetually to go overboard (for various reasons which are not relevant to my point). But this assertion does not seem consistent with Regan's treatment

regarding loss of innocence.

If consistently applied, how would Regan's assertion of loss of innocence affect these hapless sea-bound citizens? Regan accuses those who buy and consume flesh of being immoral—of sacrificing innocent lives for no good reason. He states: “those who support current animal agriculture by purchasing meat have a moral obligation to stop doing so” (Case 394). It is reasonable to assume that Regan would make a similar assertion about any common yet unnecessary human exploitation of non-human animals, from attending circuses to buying cosmetics tested on animals.

Determining “loss of innocence” would require that human beings be scrutinized in order to discover whether or not they have exploited other-than-human animals. Flesh and dairy-eaters, leather and fur-wearers, and those who have used other subjects-of-a-life for science projects—as well as any and all individuals who support these actions—have jeopardized their otherwise equal right not to be harmed. If *even one* of the humans on the lifeboat has been eating bits of bodies from innocent moral patients, each of whom share equal inherent value and the equal right not to be harmed in Regan's philosophy, the dog will *not* be thrown overboard according to Regan's Rights View. On the contrary: loss of innocence amongst at least one of the four life-boat clinging humans is almost certain. Consequently, according to Regan's views with regard to “loss of innocence” the dog is the *least* likely to be thrown overboard.

Furthermore, Regan clearly asserts that *nonhuman animals are always innocent moral patients*. Consequently, dogs (birds, cats, snakes, and *any* other nonhuman animal) *cannot* jeopardize their chance for a spot on the lifeboat while humans will almost surely be guilty of treating other animals as if they did not have equal inherent value—thereby forfeiting *their* place on the raft. According to Regan *only* nonhuman passengers are *incapable of forfeiting their rights* because they are *inherently innocent*. For the dog to go overboard, as Regan suggests, the humans must have a spotless record with regard to their treatment of nonhuman life. This seems highly unlikely.

In any and all scenarios humans are likely to have jeopardized their

innocence in relation to—and with regard to—other species, while other-than-human animals remain inherently innocent in Regan's Rights View. Contrary to Regan's conclusion, if members of the lifeboat are chucked overboard one by one—*the survivor will almost surely be the dog.*