**Covert Animal Rescue: Civil Disobedience or Subrevolution?[[1]](#footnote-1)**

**Abstract:** Iargue that we should conceive of illegal covert animal rescue as acts of “subrevolution” rather than as civil disobedience. Subrevolutions are revolutions that aim to overthrow some part of the government rather than the entire government. I argue that this framework better captures the relevant values than the opposing suggestion that we treat illegal covert animal rescue as civil disobedience. If animals have rights like the right not to be unjustly imprisoned and mistreated, then it does not make sense that an instance of animal rescue will be justifiable only if it meets criteria for justified civil disobedience, like the requirement that the civil disobedient not rescue more animals than would be necessary in order to communicate their message. Thus the framework of subrevolution is a more apt way to analyze animal rescue.

 Organizations like the Animal Liberation Front (ALF) sometimes engage in illegal, covert non-human animal rescue (henceforth animal rescue): they illegally remove non-human animals from locations where the non-human animals are being mistreated, and in doing so they violate the law and attempt to avoid being identified as having done so.[[2]](#footnote-2) Tony Milligan has argued that some forms of animal rescue should be understood as civil disobedience (Milligan 2017a). Similarly, Jennifer Welchman argues that some covert acts of ecosabotage should count as civil disobedience, and her argument would mean that most animal rescue would count as civil disobedience (Welchman 2001).[[3]](#footnote-3) In this article I suggest that there are good reasons not to classify animal rescue as civil disobedience. Instead, we should classify animal rescue (and similar forms of resistance, like the Underground Railroad) as a form of subrevolution, which is revolution that is aimed not at the entire replacement of a government but rather the elimination or replacement of some part of a government.

**1. Why We Shouldn’t View Animal Rescue as Civil Disobedience**

One way to determine whether animal rescue counts as civil disobedience would be to define civil disobedience and then check to see whether animal rescue fits the definition (Martin 1990, 296–8). Typically the answer is no. This is because most definitions of civil disobedience include one or more of four requirements that are at odds with animal rescue: publicity, acceptance of punishment, nonviolence, and communicative intent. Publicity requires that the civil disobedient carry out their disobedience in full view of the public, which necessitates revealing their identity, whereas animal rescue is carried out covertly (Bedau 1961, 656; Lang 1970, 156; Smart 1978, 256; Rawls 1999, 320–21; Regan 2004, 194; Mancilla 2012; Celikates 2016, 38; Edyvane and Kulenovic 2017; Allen and von Essen 2018b, 270; Delmas 2018, 42). Related to publicity is the requirement that the civil disobedient accept punishment for their actions. Acceptance of punishment is related to publicity because one cannot accept punishment without publicity, nor is it typically easy to act publicly but to avoid punishment. Because the two are linked like this, almost everyone who endorses the publicity requirement also endorses the requirement that the civil disobedient accept punishment.[[4]](#footnote-4) Nonviolence requires that the civil disobedient refrain from violence, but animal rescue necessarily involves “property” damage (because those who are rescued count as property)[[5]](#footnote-5) and the destruction of property like locks and cages, and many definitions of violence entail that property damage is violent (Bedau 1961, 661; Lang 1970; Corlett 1997, 250; Rawls 1999, 320–22; Regan 2004, 194; Mancilla 2012; Delmas 2018, 42).[[6]](#footnote-6) Communicative intent requires that civil disobedience be undertaken for symbolic purposes, and it is hard to see how most animal rescue can count as communication in this sense (Smart 1978, 256; LaBossiere 2005, 318; Brownlee 2012, 23; Cooke 2013, 29; Adams 2018).[[7]](#footnote-7) As Welchman points out, if civil disobedience is about communication, “if the public release of six captive minks from a rancher’s stock of 60 would draw media attention to the plight of ranch minks, then releasing six minks could be acceptable as a form of address, but releasing all 60 simply because it saves minks would be excessive and uncivil” (Welchman 2001, 104). Thus civil disobedience as typically conceived seems like a bad fit for animal rescue.

 There is a problem with this easy answer. Although many definitions of civil disobedience include the above four characteristics, others include only some of the four, and some lack all four. Most appositely, Welchman and Milligan both reject the typical definitions and offer alternate definitions according to which animal rescue qualifies as civil disobedience. One way to respond would be to offer a comprehensive definition of civil disobedience which excludes animal rescue. However, that is not my goal here.[[8]](#footnote-8) Instead, I will aim to refute Welchman and Milligan’s arguments in favor of defining animal rescue as civil disobedience. Many of my arguments against Welchman and Milligan are informed by three points. The first is that we should be reluctant to broaden the definition of civil disobedience too much. Second, subrevolution is a more natural fit for animal rescue. Third, a proper respect for non-human animal rights should incline us towards seeing animal rescue as subrevolution rather than civil disobedience. By ‘animal rights’ I refer to both the colloquial sense of the term, which includes not just those who support a deontological moral status for non-human animals but also those who afford moral status to non-human animals on the basis of something like utilitarianism (like Peter Singer), and also to the more technical sense of the term which picks out theorists like Tom Regan (Singer 2009; Regan 2004). Here I assume *arguendo* that some pro-animal rights stance is correct. The view I assume is one strong enough to render much factory farming unjust, such that rescuing those trapped in a factory farm is at least *prima facie* justified.

**1.1 Welchman**

 Welchman offers five reasons to consider animal rescue as civil disobedience.

*Avoiding Harsh Labels*

 First, Welchman argues that if we cannot count animal rescue, ecosabotage, and similar acts as instances of civil disobedience, then “the activities of groups like Greenpeace and GenetiX Snowball would have to be classified as harassment, vandalism, or even terrorism,” which “seems plainly ridiculous” (Welchman 2001, 98). This is something of a false dichotomy, because there are less loaded terms that could apply to animal rescue, like ‘rescue’ and ‘liberation.’ Assuming though that Welchman is correct to suggest that harsh terms are the only alternatives to civil disobedience, it is far from clear that it makes sense to count animal rescue as civil disobedience for the sake of preventing it from counting as vandalism or terrorism. There are three reasons for this.

 First, counting something conceptually as civil disobedience is no guarantee that it will be treated as such by the law or by the public, especially if the method for accomplishing this is by expanding the definition of civil disobedience quite widely. Doing so might instead cause the philosophical understanding of civil disobedience to diverge from other understandings of the term. This is not necessarily objectionable, but if it is possible to avoid, we should try to do so, because otherwise it may turn out that philosophers are not even talking about civil disobedience when we discuss the actions we label as such. Instead, we are talking about our own separate concept, which we confusingly label ‘civil disobedience.’

 This leads to a second reason to avoid agreeing with Welchman. The assumption behind Welchman’s argument is the idea that harassment, vandalism, and terrorism are morally objectionable in ways that civil disobedience is not. This is suggested by the choice of loaded terms, like ‘harassment’ rather than ‘pressure,’ ‘vandalism’ rather than ‘property destruction,’ and ‘terrorism’ rather than ‘politically motivated violence against non-combatants.’ But there is a cost to arguing that harassment, vandalism, and terrorism are bad, and that therefore animal rescue (which is good) must count as something else. Doing so necessarily rules out justified harassment, vandalism, and terrorism on behalf of non-human animals. But if we take animal rights seriously, especially in its more radical deontological forms, then it is far from obvious that harassment, vandalism, and terrorism for the sake of non-human animals ought to be clearly unjustifiable and that we ought to resist these labels (Hardman 2021). To attempt to avoid classifying actions as, say, vandalism is to suggest that if the actions were vandalism they would not be justifiable. But, if vandalism is ever justified, then it is justified in order to prevent, say, widespread torture and slaughter, both of which are faced by many non-human animals. Thus to attempt to avoid harsh labels is to grant an objectionable premise, which is that there is no hope of justifying harsh actions done for the sake of non-human animals. The premise is objectionable because it grants that non-human animals do not deserve significant moral consideration.

 Finally, once we abandon the traditional Rawlsian paradigm of civil disobedience, it is not clear why civil disobedience on the one hand and harassment, vandalism, and terrorism on the other would be mutually exclusive categories. For us to count animal rescue as civil disobedience for the sake of not counting it as harassment, vandalism, terrorism, or something else, we would need a reason to think that civil disobedience as a category is exclusive of these sorts of actions. But if we widen the category of civil disobedience in the way Welchman suggests, we accomplish precisely the opposite. However strong our reasons are for thinking that civil disobedience rules out things like harassment, surely these are weakened if not entirely eliminated by an approach like Welchman’s. Welchman herself wishes to count some “violence, threats of violence, covert acts of sabotage, blackmail, and even assault” as civil disobedience (Welchman 2001, 105). Why not therefore at least countenance treating harassment, vandalism, terrorism, and similar actions as possible methods of civil disobedience? Without any positive reason to view the categories as mutually exclusive, we are left without a good reason to classify animal rescue as civil disobedience in order to prevent us from having to classify it as one of these other things.

*Pragmatic Categories*

 Second, Welchman argues that because “the point of creating and recognizing a social category like ‘civil disobedience’ is presumably pragmatic – we want a conceptual instrument which will allow us to regularly and reliably distinguish a form of social behavior for legal, political, or moral purposes – continued reliance on a category so at odds with social practices seems unwarranted. And since, for better or worse, news media, political commentators, and activists themselves do as a matter of fact look to philosophers and political theorists for help in such matters, it is arguably not only unwarranted, but actually irresponsible not to comment on this state of affairs” (Welchman 2001, 99). Welchman (let us assume) is right to point to pragmatic concerns, but this is a reason to be careful about making sure the concept of civil disobedience doesn’t expand too much, especially in ways that put the expansion at odds with popular understandings of the term. If civil disobedience as a category grows to include practically any form of resistance, including covert and potentially violent forms like animal rescue, then we risk turning the category into something which is not seen to merit the respect which civil disobedience is currently afforded.

*Underground Railroad*

 Third, Welchman suggests that if we accept something like the Rawlsian understanding of civil disobedience, which requires (among other things) openness and communicative intent, then we cannot classify one paradigmatic example of civil disobedience, the Underground Railroad, as civil disobedience. This is because those who assisted fugitive formerly enslaved individuals by helping them escape to safer locations were neither acting openly nor doing so with communicative intent. It is true that if we aim to avoid a capacious understanding of civil disobedience, this will in some instances require us to narrow the term such that certain cases, including certain paradigm cases, no longer fit. But the alternative, which requires widening the term, also has its own risks, as noted above. Moreover, accepting every possible edge case as a reason to widen the term would require us to widen the term to the point of uselessness, so we at least need some criteria for which edge cases to accept and which to reject.

 Below I suggest that subrevolution gives us one way to make the distinction. Subrevolution marks out an area of resistance which is under-theorized and which is also conceptually distinct from civil disobedience. It is also a category which fits well with certain examples, like animal rescue and the Underground Railroad. In the latter case, the Underground Railroad is plausibly seen as subrevolution because its aim was to remove one sort of governmental authority, namely the part which secured the continued subjugation of enslaved people, while leaving intact the rest of the government. There were other ways to resist slavery, like through civil disobedience or through violently replacing the entire government apparatus. But the Underground Railroad was neither of these. It was instead a subrevolution. Thus although we perhaps lose one important paradigm case of civil disobedience, we lose it in virtue of having gained conceptual clarity in the form of a new nearby concept which better describes both the paradigm case of the Underground Railroad and other similar acts of resistance, like animal rescue.

*Communication*

 Fourth, Welchman suggests that the central claim of the Rawlsian paradigm, the communication thesis, should be abandoned, because it implausibly entails that releasing more animals than necessary in animal rescue would count as uncivil. Rather than accept Welchman’s suggestion, instead we should accept the conclusion that releasing more animals than necessary is uncivil. This better accords with the fact that keeping the animals confined in inhumane conditions is itself a grave injustice, one which requires or at least renders justifiable an uncivil response. There are some actions so heinous as to render a purposefully civil response at best unnecessary and at worst an expression of disrespect to those who are harmed by the action. One might think, for instance, that civilly resisting slavery when one could instead uncivilly resist slavery would express disrespect to enslaved people. This is especially true if one’s civil resistance would entail only rescuing enough enslaved individuals to make a point, leaving others enslaved, and if one’s uncivil resistance would only include violence against property (by for instance breaking chains and setting enslaved people free) and not any violence against the slavers themselves. Our actions express our values, and there may be some people to whom we do not owe civility, and even people to whom we have a duty to express incivility. This is plausibly true with respect to slavers, and if one takes the claims of animal rights seriously, then it is plausibly true with respect to those from whom non-human animals would be rescued via animal rescue.

 Thus Welchman faces a dilemma. She can accept that sometimes we ought to be uncivil, but at the cost of giving up her argument that animal rescue should be seen as civil disobedience, because now animal rescue no longer counts as civil. Or, she can deny that we sometimes ought to be uncivil, at the cost of implausibly arguing that the animal rescuer who can make their point by releasing fewer than every mink has a duty of civility not to release every mink.[[9]](#footnote-9)

*Broadening the Definition*

 Fifth, the solution Welchman herself endorses is that we widen our conception of civil disobedience to refer to “an illegal act intended directly or indirectly to frustrate laws or legally tolerated practices, within the bounds of civility” which entails that “we must recognize that violence, threats of violence, covert acts of sabotage, blackmail, and even assault, are all means by which laws and legal practices might be obstructed. Such acts are not all obviously incompatible with maintaining sociability. Direct assaults upon personal security pose perhaps the greatest threat to sociability, so we might argue that both violence and threats against persons should be excluded altogether. But violence against property, whether public or covert, is another matter” (Welchman 2001, 105). This is much too broad. Sabotage and blackmail, however justifiable they might be, are not a good fit for civil disobedience. If they are, then the term is simply too broad to pick out anything more narrow than resistance that involves “maintaining sociability,” and if sociability includes blackmail, then the category is vast. It’s not clear why we should so broaden the definition of civil disobedience if we have both broader terms already available and also more narrow substitute terms to cover actions which would otherwise be subsumed under the broad notion of civil disobedience, especially given the pragmatic costs of broadening the term and the ways in which this broader term fails to line up with some of the most compelling defenses of civil disobedience which advert to its principled nature (Scheuerman 2018, 143). Recently, the civil disobedience literature has moved in the direction of accommodating just such a broader term, typically “resistance” (Mancilla 2012; Caney 2015; Finlay 2015; Hidalgo 2015; Allen and von Essen 2018a; Delmas 2018; Scheuerman 2018, 140; Pineda 2019). Here (and elsewhere) I suggest subrevolution as the substitute narrower term (Weltman, manuscript b.).

**1.2 Milligan**

*Getting the Job Done*

 Like Welchman, Milligan cites the Underground Railroad as a reason to classify animal rescue as civil disobedience. He argues that if we discard the communication requirement, as Welchman would have us do, then civil disobedience would include forms of direct action like animal rescue which are not about protest and which “bear a closer resemblance to the activities of the Underground Railroad whose objective was to *get the job done*” (Milligan 2013, 20). Because the Underground Railroad was once a paradigm of civil disobedience before the Rawlsian account became orthodox, we should be willing to go back to that earlier account.

 This argument helps illustrate the dangers of broadening the notion of civil disobedience too much. There are innumerable ways of getting the job done. One of the distinct features of civil disobedience, one might think, is that it points to a group of actions which are restricted in a moral way, where this restriction is conspicuous and part of the reason that one might hope the civil disobedience will succeed. The civil disobedient tries to get the law changed by publicly breaking it or by publicly protesting it illegally, and they do so in a manner which makes it clear that their means are persuasive (aimed at convincing others to enact structural changes) rather than direct (fixing the problem by themselves). In other words, the goal is not to immediately get the job done, but to inspire systemic change, even at the cost of purposefully binding one’s hands. Civil disobedience might sometimes incidentally get the job done, as when the law that one breaks is the law that one protests, but it gets it done in a piecemeal, temporary fashion, and often in a much less efficient way than breaking the law covertly (because the civil disobedient runs a high risk of being arrested, thus rendering further lawbreaking difficult, and because the civil disobedient swears off uncivil albeit effective tactics, including perhaps violence in any form, even against property). The open acceptance of punishment also has an aspect of self-sacrifice which demonstrates one’s moral convictions, and the same can be said for non-violence. If we lose all of these things in favor of the pragmatic goal of getting the job done, we water down civil disobedience to an undue degree and leave the concept empty.

*Sacralizing Civil Disobedience*

 Second, Milligan argues that we don’t want to frame civil disobedience in a way that includes the idea that the civil disobedient accepts punishment, or at least accepts the risk of punishment, because this risks idealizing civil disobedience and turning it into an action fit only for saints (Milligan 2017a, 286, 292). It also makes the concept “too masochistic, too religious (in a special sense), and too close to a form of spiritual sacrifice” (Milligan 2013, 21–23). It is hard to square this with open animal rescue, which is not too masochistic, religious, or close to spiritual sacrifice on Milligan’s own analysis, this despite the fact that open rescue entails an acceptance of punishment (Milligan 2017b). Since openness and acceptance of punishment are also aspects of the Rawlsian paradigm, which is explicitly secular and also modeled off of protest in America against the Vietnam War, which was itself hardly masochistic or religious, Milligan’s claims are not particularly compelling.

*Openness*

 Similarly, Milligan argues against the requirement that civil disobedience must be public, such that it rules out covert actions like animal rescue. Even with covert actions, he argues, “arrest is more a matter of *when* rather than *if*,” and thus “it is not at all obvious that overt and covert rescue really do differ in terms of readiness of activists to *accept* arrest as the price of their dissent” (Milligan 2017a, 291). Thus even if we retain the requirement that the civil disobedient accept punishment, we need not retain the publicity requirement. It’s not clear that knowledge of one’s eventual arrest entails acceptance of arrest, at least insofar as one strenuously aims to avoid the arrest and counts oneself as successful if one never ends up arrested.[[10]](#footnote-10) If the goal were simply to delay rather than to avoid punishment, an animal rescuer ought to keep a list of their crimes on file, along perhaps with evidence, and turn this over when they are eventually caught, so as to make sure they do not avoid punishment once it is no longer possible to put it off. Animal rescue carried out like this might merit the title of civil disobedience, but this is not how animal rescuers operate. By definition, animal rescuers are at least *trying* to avoid arrest, because to invite arrest would be to engage in open rescue. Both open rescue and animal rescue are covert *before* the rescue is carried out, so as to avoid being foiled. They differ only in that the open rescuer later makes their identity known, so as to give the authorities an opportunity to press charges. If one really treats one’s actions as an inevitable path to arrest, because one thinks one’s identity will become known at some point in the future, one is closer to open rescue than animal rescue.

*Combating Misconceptions via Redefinition*

 Fourth, Milligan suggests that if we understand animal rescue as civil disobedience, then “such claims, if advanced systematically, might help to combat the misconception that such activism goes hand-in-hand with violence against persons” (Milligan 2013, 25). However, once we drop the communication requirement or otherwise expand our definition of civil disobedience to include animal rescue, we are forced to accept a capacious concept which, as Welchman points out (and endorses) will include actions like sabotage and assault.[[11]](#footnote-11) Since the idea that animal rescue involves violence against humans is already a misconception, it is hard to see how counting animal rescue along with sabotage and assault as civil disobedience will disabuse people of their misconceptions about animal rescue, rather than introduce a new misconception about civil disobedience, which is that it does not rule out violence against humans.

 Moreover, it’s not clear that civil disobedience rules out violence against humans. Milligan himself suggests that civil disobedience requires merely a “largely successful commitment to *try* to avoid violence,” and some conceptions of civil disobedience allow for violence against humans (LaBossiere 2005; Moraro 2014; Milligan 2017a, 287). Milligan’s hypothesis seems to be that public respect for the idea of civil disobedience will cause people to abandon their misconceptions about the violent nature of groups like the ALF. But an alternative hypothesis is that once civil disobedience swells to include not just peaceful public protestors but masked activists breaking into farms or labs, people will import their misconceptions about groups like the ALF to the idea of civil disobedience generally. This is especially something to worry about if, due to speciesist prejudices, people are liable to avoid reaching conclusions that would justify the actions of groups like the ALF. If the choice is between respect for civil disobedience and denying the legitimacy of animal rescue, it is hard to see why we should be sanguine about the likelihood of people opting for the former.

 Think for instance of the petition to label Black Lives Matter as a terrorist group, which in 2016 gathered 140,000 signatures in two weeks.[[12]](#footnote-12) If mere opposition to white supremacy suffices to convince some people that a non-violent protest movement is terrorism, then actual violence (albeit against property)[[13]](#footnote-13) in support of non-humans will likely fail to remedy misconceptions about whether animal rights groups are violent against humans, and may just make the situation worse. As Milligan points out, there are already many “implausible attempts to associate [the actions of groups like the ALF] with domestic terrorism” (Milligan 2013, 26). Why think that the label of civil disobedience will cleanse animal rescue of its undeserved stigma, rather than transfer that stigma to civil disobedience?

*Shorter Sentences*

 A similar response applies to Milligan’s fifth claim that understanding animal rescue as civil disobedience could help make the case for shorter sentences for those who engage in animal rescue (Milligan 2013, 26). Why be confident that the shorter sentences attached to civil disobedience will remain if the concept is widened to include new actions like blackmail and vandalism? What if instead the result is that civil disobedience will no longer be seen to merit shorter sentences? Again, given the prejudices against groups like the ALF which exist already, it is difficult to see why we should be optimistic.

*Options*

 Milligan’s final set of arguments for conceiving of animal rescue as civil disobedience is that both the publicity requirement and the communicative requirement can be safely jettisoned from a definition of civil disobedience (Milligan 2017a, 288–96). The chief issue with this suggestion is that no matter how good a case we can make for discarding any particular requirement for any particular reason, and no matter how much room those arguments leave for understanding animal rescue as civil disobedience, at best this would only *permit* us to classify it as such.[[14]](#footnote-14) If we are not forced to do this, we would still need some further positive reason to see animal rescue as civil disobedience, especially in light of the many issues mentioned above. Given the costs of classifying animal rescue as civil disobedience, we should be reluctant to do so if there is another viable option. I suggest that there is, and it is to this option that I now turn.

**2. Why We Should View Animal Rescue as Subrevolution**

 First, I will define subrevolution. Second, I will articulate a conception of sovereignty according to which animal rescue can be understood as subrevolution. Third, I will explain why we should view animal rescue as subrevolution.

**2.1. What is Subrevolution?**

 A subrevolution is a revolution with less than total aims. A revolution attempts to replace a government of a country with another government via non-legal means. A subrevolution instead attempts to replace some part of the government, or to eliminate that part entirely, via non-legal means. So for instance a revolution in Bolivia would aim to illegally eliminate the current government of Bolivia in order to replace it with a new government. A subrevolution in Bolivia would aim to illegally eliminate, say, the Bolivian government’s water administration and either replace it with a new administration or just leave regulation of water outside the Bolivian government’s ambit.

 More precisely, a revolution aims to remove the current government’s sovereignty entirely in order to substitute a new sovereign, whereas a subrevolution aims to remove the government’s sovereignty over some particular aspect of life, like the government’s sovereignty over money, water, religious worship, or anything else a government might control, and to substitute a different arrangement of sovereignty. Thus for the purposes of this article, a government is an entity exercising sovereign control over some area of life.[[15]](#footnote-15) If for instance activists in the United States act with the goal of abolishing Immigrations and Customs Enforcement (ICE) through illegal means like slashing tires on ICE vans, blockading ICE offices, or even attacking ICE employees and ICE detention centers, they would be engaging in subrevolution by attempting to eliminate or replace the current United States federal government’s control over immigration enforcement.[[16]](#footnote-16)

 It is common to distinguish between civil disobedience and revolutionary action (Lang 1970, 156; Scheuerman 2018, 42). Delmas describes both as subsets of the larger category of “resistance” (Delmas 2018, 40).[[17]](#footnote-17) Joseph Raz compasses both “Revolutionary Disobedience,” which “is a politically motivated breach of law designed to change or to contribute directly to a change of government or of the constitutional arrangements (the system of government),” and “Civil Disobedience,” which “is a politically motivated breach of law designed either to contribute directly to a change of a law or of a public policy or to express one's protest against, and dissocation from, a law or a public policy” (Raz 1979, 263). Subrevolution nicely fits in to this division by representing resistance that is a more limited form of revolution while nevertheless being distinct from civil disobedience.

 Elizabeth Oljar suggests that “one reason for describing civil disobedience” contrary to Milligan’s proposal is that this helps “to distinguish it from principled political revolution. On some accounts, including Rawls's, the aim of civil disobedience is partial reform or change consistent with accepting the overall legitimacy of the political system, and this is a kind of deference to the political status quo. Revolutionaries, by contrast, do not accept that their system is nearly just, or only in need of partial reform” (Oljar 2014, 291). Oljar’s point highlights one additional reason to refrain from expanding the concept of civil disobedience the way Milligan and Welchman suggest: to do so would be to subsume subrevolution, revolution, and other forms of resistance under civil disobedience, but conceptually it helps to keep these distinct. Analogously, it is important to distinguish between revolution and voting for a new regime, because conceptually there is much that sets these two apart, even if both constitute a way of replacing a government. So, it would not be a good idea to define revolution as any method of replacing the government rather than any illegal method, because to do so would subsume voting under revolution. For similar reasons it is important to distinguish between revolution and civil disobedience, even if both involve breaking the law in order to challenge authority.

 Although the two concepts are distinct, civil disobedience and subrevolution can overlap. Civil disobedience is one tactic through which one can engage in subrevolution. This is because civil disobedience entails breaking the law, and if by breaking the law one attempts to replace or eliminate some portion of the government, one engages in subrevolution. To the extent civil disobedience requires anything more than mere lawbreaking, though, like publicity, communicative intent, conscientiousness, non-violence, acceptance of punishment, or any of the other typical features in theories of civil disobedience, then most subrevolutionary acts will not count as acts of civil disobedience. Slashing the tires of ICE vans while nobody is watching and then leaving before one can be caught, for instance, would constitute subrevolution but not civil disobedience according to almost all theories of civil disobedience. Moreover, many acts of civil disobedience do not aim for the replacement or removal of sovereign power over some aspect of life, but instead aim simply for different exercises of that power, or at altering actions of non-governmental actors, or for the creation of government power where before there was none.[[18]](#footnote-18) For instance, one might engage in civil disobedience to attempt to get the government to regulate pollution that it does not currently regulate.

**2.2. Donaldson and Kymlicka on Sovereignty**

 In order to conceive of animal rescue as subrevolution, we need to conceive of human relationships with non-humans in some way which connects with the idea of sovereignty, because sovereignty is what is altered or eliminated by subrevolution (and revolution). Sue Donaldson and Will Kymlicka offer a vision of human and wild animal relationships in terms of sovereignty that can help us begin to build a framework. Donaldson and Kymlicka suggest that in order to properly respect the rights of wild animals, we must conceive of them as having sovereignty over the territory they inhabit (Donaldson and Kymlicka 2011, 156–209). Humans “ought not to intervene in the internal workings of wild animal communities… in ways that undermine their autonomy, effectively placing them under permanent and systemic human management,” although we do have duties to offer assistance “when this is consistent with respect for sovereignty,” like helping avert a natural disaster or assisting a particular non-human animal who is in trouble (Donaldson and Kymlicka 2011, 187). This requires that we refrain from encroaching on wild animal territory for our own benefit or becoming excessively involved in managing their affairs. They also discuss our duties to domesticated non-human animals and “liminal” non-human animals who live among us but not with us, suggesting that the former should be treated as citizens and the latter as “denizens,” a category similar to citizenship but which entails fewer interactions, rights, and responsibilities with respect to the denizens (Donaldson and Kymlicka 2011, chaps. 2 and 7). Although these discussions are not framed in terms of sovereignty, the notions of citizenship and denizenship rely on the idea of a sovereign state in which the non-human animals are citizens and denizens, and thus we can see the entire theory as one which relies on a notion of sovereignty and political relationships which incorporates non-human animals.

 I am not suggesting that we adopt Donaldson and Kymlicka’s entire theory, just that we adopt a framework like theirs for thinking about sovereignty. Human treatment of non-humans is not just a matter of iterated individual interactions or even just large-scale patterns of treatment. Most interaction between humans and non-human animals takes place in a politicized context according to which non-human animals, just like humans, are afforded certain rights and responsibilities by the relevant political authorities. This means that we can and should ask all the questions we traditionally ask about political systems and their relations to humans about non-human animals. For instance, if the law fails to protect some portion of humans for unjustifiable reasons, this is an injustice that ought to be remedied. We can say the same about failures to protect non-human animals.

 In terms of sovereignty, what this means is that we can speak broadly of regimes when it comes to their treatment of non-human animals, just like we can speak broadly of regimes when it comes to their treatment of humans. But, as the notion of subrevolution makes clear, we can also speak of political units smaller than regimes. So for instance we can talk about ICE’s treatment of migrants in the United States who are under its authority, or the Department of Agriculture’s treatment of non-human farm animals who are under its authority.

 We now have the tools necessary to see what it would mean to classify animal rescue as subrevolution. Prior to being rescued, the non-human animals are subject to a sovereign power, or to a subset of a sovereign power, which licenses their confinement. Freeing them effects a transition in sovereignty: they are no longer subject to a sovereign regime or to a subset thereof which licenses confinement. Instead, they are subject to a new sort of sovereign power (or subset), namely the sovereign (or subset) which applies to their new situation. If they are set free into the wild, then they become subject to a form of wild animal sovereignty, which entails being subject to a new sovereign entirely (although not the sort that Donaldson and Kymlicka defend). If they are cared for by humans (like the rescuers, or confederates of the rescuers), they become subject to the sovereign regime governing pet ownership. Liminal non-human animals are freed from a system of legal regulation that mandates their confinement and are now subject to the subset of sovereign power which has authority over the treatment of liminal non-human animals.

 Notice that for both domesticated and liminal non-human animals, their freedom is practical, not theoretical. In principle they are still subject to exactly the same laws as before, or, even more precariously, in principle they still belong to whatever business they were liberated from. This is because their transfer from one subset of sovereignty to another was illegal and thus liable to be reversed. Thus one might think that it is impossible to liberate non-human animals via subrevolution unless one wipes out, for instance, the Department of Agriculture. However, it is a mistake to divide practical sovereignty from theoretical sovereignty, and doubly a mistake to privilege the latter (to the extent we can even separate the two). If a caged rabbit is freed into a forest and thus becomes liminal, and if recapture is for all practical purposes impossible, then an effective subrevolution has taken place, albeit on a tiny scale. It doesn’t matter what the law on the books says any more than it mattered to France that the law on the books said that Louix XVI was still king. Once he was practically overthrown, the revolution had succeeded.[[19]](#footnote-19)

**2.3. The Advantages of Classifying Animal Rescue as Subrevolution**

**2.3.1. Keeping Civil Disobedience Narrow**

Classifying animal rescue as subrevolution helps keep the definition of civil disobedience narrow, which is beneficial for all the reasons described above. It helps preserve the lofty moral status of civil disobedience, and thus hopefully helps the civil disobedient secure more lenient sentences from judges and more positive evaluations from the general public. It allows the definition of civil disobedience to retain the core notions advanced by Rawls, Cohen, and the many who followed them. It enriches our conceptual landscape by preventing us from having to subsume almost all principled illegal action under the heading of civil disobedience.It also allows us to retain some more narrow features that are attached to some conceptions of civil disobedience, like the notion of fidelity to the law or the notion of communicative intent (Rawls 1999, 320–22).

**2.3.2. Respect for Animal Rights**

As was also noted above, subrevolution is a better fit for animal rescue than civil disobedience with respect to non-human animal rights. Civil disobedience centers on the idea of breaking the law, but its goals are explicitly not to undermine the government entirely, either with respect to some aspect of life (subrevolution) or with respect to everything (revolution).

 This is doubly true when it comes to fidelity to the law, communicative intent, publicity, acceptance of punishment, conscientiousness, and nonviolence (especially nonviolence in the sense of avoiding damage to property). Each of these notions, all of which are central to many conceptions of civil disobedience, sits ill with treating non-human animals with the respect that they ought to be afforded according to animal rights views.

 Fidelity to the law is arguably inappropriate in cases of deeply unjust regimes which license genocide, mass incarceration, and other widespread injustices. One might even have a duty actively oppose the law (Finlay 2015, 42-52; Shelby 2016; Delmas 2018). Even if one’s duty is not to oppose the law, one at least may have a duty to engage in resistance that clashes with fidelity to the law, thus ruling out civil disobedience on some understandings of the term. If even the mildest suggestions of animal rights advocates are correct, then most societies are engaged in deep injustices on a massive scale. With respect to non-human animals, fidelity to the law may not be required.

 Communicative intent clashes even harder with animal rights when applied to animal rescue. As discussed above, Welchman correctly notes that “if the public release of six captive minks from a rancher’s stock of 60 would draw media attention to the plight of ranch minks, then releasing six minks could be acceptable as a form of address, but releasing all 60 simply because it saves minks would be excessive and uncivil” (Welchman 2001, 104). But of course it would express grave disrespect to the 54 unreleased minks if one were to refrain from releasing them on the grounds that this would be “excessive and uncivil” and hence not justifiable as an act of civil disobedience. Thus if civil disobedience requires communicative intent, as most theorists argue, then it will require animal rescuers to rescue only as many as they need to make their point. This restriction is sensible if applied to the typical sorts of acts of civil disobedience: if one needs to block roads, for instance, one ought not to block more than necessary in order to communicate one’s message. But this restriction is ridiculous if one takes seriously the notion that non-human animals have an important moral status of their own.

 The publicity requirement, and the related requirement that one accept punishment, put a damper on the efficacy of animal rescue. One cannot rescue animals in jail. These requirements are plausible requirements for civil disobedience for many reasons, and they are thus present in many accounts of civil disobedience. But they make effective animal rescue quite difficult. It is little solace to a non-human animal that their potential rescuer is displaying deep moral conviction in a jail cell.

 Conscientiousness is a requirement that I did not discuss above. It requires that the civil disobedient act from a serious, principled moral conviction (Rawls 1999, 319–23; Brownlee 2012, 1; Delmas 2016, 681–82). As a requirement for civil disobedience, this makes sense. We do not want to license too much lawbreaking for too many reasons. The core idea of civil disobedience seems to be a moral one, and the paradigm examples are of actors with a strong conscience. Conscientiousness also supports the various other typical features of civil disobedience: by acting publicly, accepting punishment, and refraining from violence even when one suffers violence, one lives one’s moral convictions. The merits of conscientiousness are less compelling when considering deep, vast, urgent injustices that are amenable to partial remedy through direct action, like those visited upon non-human animals.

 In other words it is overly picky to require any sort of strong conscientiousness on the part of those resisting a deeply unjust regime, like Nazi Germany or the “eternal Treblinka” of slaughterhouses, when less conscientious rescues can be effectively undertaken, albeit in a piecemeal fashion (Patterson 2002). Unless conscientiousness is watered down entirely to the tautological suggestion that one ought to act morally, it will rule out animal rescue on the part of anyone whose motivations are, for instance, anger at the mistreatment of one’s fellow creatures. Someone who just wants to free the caged, and who is not willing to accept the punishment for doing so or refrain from violence rather than do what is necessary, might not count as a civil disobedient, but we might plausibly think they are still responding correctly to the moral demands which are engendered by the rights of non-human animals. It would be not just naïve but almost oxymoronic to call for only “conscientious” resistance in the Warsaw Ghetto, and in any case, doing so would express a failure to grasp the gravity of the situation. When circumstances are unjust enough, confining oneself merely to conscientious civil disobedience may require giving up opportunities for effective direct action, which would mean leaving some individuals in a sorry state.

 Nonviolence, and especially stringent nonviolence which rules out not just violence against living things but also against property, is similarly in tension with non-human animal rights. At the very least, any being’s rights to life, freedom from torture and confinement, and other basic rights will almost always override property rights and render property damage permissible or even obligatory if this is what it takes to secure those rights. This is doubly true if the property that is being damaged belongs to those who are culpably violating the rights in the first place. Moreover, one common justification for nonviolence as a criterion for civil disobedience is that civil disobedience is about communicating a message, and violence (even against property) distracts from one’s message. As Martin Luther King, Jr. puts it, one wishes to communicate a point via nonviolent protest, and “anything else detracts from that point and interferes with confrontation of the primary evil against which one demonstrates. Of course, no one wants to suffer and be hurt. But it is more important to get at the cause than to be safe,” and thus one has reason to commit to nonviolence in protest rather than to engage in self-defense (King, Jr. 1992, 129). “That's always the problem with a little violence,” he suggests:

You know what happened the other day, and the press dealt only with the window breaking. I read the articles. They very seldom got around to mentioning the fact that 1,300 sanitation workers are on strike, and that Memphis is not being fair to them... They didn't get around to that. (“I’ve Been to the Mountaintop” speech, 3 April 1968)

Thus it behooves the civil disobedient to refrain from violence so as to communicate their message more effectively. But the animal rescuer is not trying to communicate a message: they are trying to directly rescue beings from oppression.[[20]](#footnote-20) So the animal rescuer ought not to be seen as engaging in civil disobedience or as being subject to constraints like nonviolence so as to better ensure their message gets across. Their message, such as it exists, is irrelevant. The rescue is what is relevant.

**2.3.4. Animal Sovereignty, Animal Rescue, and Subrevolution**

Another benefit of classifying animal rescue as subrevolution is that there is a natural fit between the two. The narrow goal is to rescue prisoners from cages, but the broader goal in animal rescue is to subvert the oppressive nature of society by helping non-human animals transition to life under a regime that better respects their rights. Just as the Underground Railroad focused not just on freeing enslaved people in the moment but on ensuring their continued future as free people, animal rescuers are plausibly seen as aiming for more than the mere release of non-human animals at one point in time. The sort of mindset that endorses animal rescue is a revolutionary one, not merely ameliatory.

**2.3.5. Militant Imagery**

 One final minor point counts in favor of seeing animal rescue as subrevolution: Milligan makes much hay out of the ALF’s “balaclavas and combat fatigues” and suggests that “while this may have been a persuasive political image on the radicalized left in 1976, it is far less so for our own times. The ALF has, however, remained stuck with an image that was already out of step with political realities by the 1980s and that has become utterly untenable in the aftermath of the attacks of 9/11” (Milligan 2017a, 284).[[21]](#footnote-21) It may be true that this sort of faux militancy is a public relations disaster out of proportion with whatever benefits it might engender.[[22]](#footnote-22) One response the ALF could give is that this imagery is effective at recruiting and motivating the sorts of radical, revolutionary activists that are needed to carry out ALF operations. It may also be the case that, for the same reasons incivility is called for in certain situations, a militant style of dress also communicates the gravity of the situation. However, whatever the merits or lack thereof to the ALF’s choice of imagery, it does seem to clearly set the ALF and similar groups apart from civil disobedients. The subrevolution label, meanwhile, aligns perfectly well with this sort of imagery. The rescuers are dressed like revolutionaries. Thus this is evidence that subrevolution is a more apt label for what animal rescuers are in fact doing, even if Milligan is right to argue that they would be more effective if they were to do otherwise.

**3. Objection: Small Rescues Aren’t Subrevolutions**

One might worry that subrevolution is not an apt concept for animal rescue, at least with respect to small scale animal rescue. Wiping out the Department of Agriculture and replacing it with an institution which better respects non-human animal rights or freeing thousands of rats or cattle might constitute a subrevolution, but rescuing merely one or a dozen animals is not subrevolutionary.[[23]](#footnote-23)

 One might have similar worries about the usage of terms like “civil war” and “terrorism.” Civil war and terrorism both pick out (broadly) political violence of some sort: civil war is political violence between combatants within a state and terrorism is political violence against noncombatants. (These definitions are illustrative stipulations. Those with other understandings of either term can make the relevant substitutions.) How much political violence must be committed before it counts as civil war or terrorism? If a revolutionary group kills a state’s soldier, is this a civil war? If an extremist stabs one politician, is this terrorism? I think we are inclined to answer negatively to the first question and affirmatively to the second question, but it is not clear that there is any principled reason for setting the limit as high as we do for civil war or as low as we do for terrorism. It is also not clear that it matters. Political violence of a level insufficient to count as civil war is still important to think about, even if it only counts as incipient civil war.

 The same goes for subrevolution. If one wishes to reserve the term only for large scale resistance of the relevant kind, this is a terminological dispute rather than a substantive one. Matthew Noah Smith for instance defines revolution in part as something “achieved through means (revolutionary activities) that involve the spectacular rejection of the authority of both the target institution and its rules” (Smith 2008, 408). This definition captures the spirit of thinking that a revolution must be something extraordinary, like beheading Louis XVI. One might attach a similar limitation to subrevolution such that only spectacular animal rescues could count as subrevolutionary.

 My own preference is to apply the notion of subrevolution broadly, even to small scale acts of resistance like the rescue of a single animal. One reason to apply the notion broadly is that it makes no more sense to limit subrevolutions only to large scale events than it does to limit sovereign authority to large scale events. It would make no sense to say that a racist police officer who pulls over a black driver in a traffic stop in order to intimidate the driver is not exercising state authority because this interaction is small and limited, and so it similarly makes no sense to say that freeing a single person from an authoritarian state is not a repudiation of state authority because this action is small and limited.

 Moreover, a sequence of small and limited actions can sometimes add up to large actions, as when a series of traffic stops and similar actions on the part of the state together constitute widespread racial oppression. If at some point adding up enough small things counts as a large thing, we must either pick some point in between, or accept that small things can count. It is cleaner to accept that small things can count, both as oppression and as subrevolution.

 This way of thinking about revolutions accords with some popular usages of the term. We speak of children rebelling against their parents even if the children do not aim to legally emancipate themselves or otherwise spectacularly slip the yoke of parental rule. In a patriarchy we might label a woman’s disobedience of her husband a revolutionary action, even though in doing so she does not overthrow the entire patriarchy.[[24]](#footnote-24) We could say the same thing about subrevolution.

 However, nothing of substance turns on this. We could instead reserve subrevolution for larger scale actions.[[25]](#footnote-25) This is merely a terminological dispute, and I have no objections to finding a new term to refer to small acts of resistance which do not rise to the level of subrevolution, so long as we do not make any further claims about normative differences between these small acts of resistance, on the one hand, and subrevolution, on the other.

 There is not much of a case for limiting civil disobedience only to large scale action, so we still have to decide whether small scale animal rescue does or does not count as civil disobedience. For the reasons noted above, we should not classify it as such.

**4. Conclusion**

 I have not said anything about one of the key issues regarding animal rescue: when (if ever) is it morally permissible, and when (if ever) is it morally obligatory? Nor have I covered related issues, like when violence would or would not be justified in order to undertake animal rescue or other forms of subrevolution for the sake of non-human animals. These are important topics which I do not have the space to resolve. However, by using the conceptual framework of subrevolution, we can undertake an analysis which better accords with non-human animal rights, and which thus delivers more normatively sensible answers to these further questions. The civil disobedience framework for understanding animal rescue sits ill with a respect for the rights of non-human animals, and it is precisely this sort of respect which needs to be the cornerstone of any sensible analysis of the morality of animal rescue. The subrevolution framework, which is already set up to deal with rights (because it already works for human-centric revolutions, and thus with human rights) is therefore a perfect tool for evaluating the morality of animal rescue.

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2. Other forms of rescue include legal non-human animal rescue, like saving a cat trapped in a pipe, and open rescue, in which some or all of the activists do not attempt to conceal their identities (Regan 2004, 195; Milligan 2013, chap. 11). I do not discuss these other forms of rescue. [↑](#footnote-ref-2)
3. Siobhan O’Sullivan, Clare McCausland, and Scott Brenton’s approach to civil disobedience may also compass animal rescue in certain instances (O’Sullivan, McCausland, and Brenton 2017). The same goes for Steve Vanderheiden (Vanderheiden 2005, 435–36). [↑](#footnote-ref-3)
4. Exceptions include Piero Moraro and me (Moraro 2018b; Weltman 2020). One further complication is the difference between “penalization” and “punishment” – David Lefkowitz argues that the civil disobedient must accept the former but not the latter (Lefkowitz 2007; Brownlee 2008; Lefkowitz 2018; Brownlee 2018). One of Brownlee’s arguments against Lefkowitz is that accepting penalization cannot be symbolically important in the way Lefkowitz claims, because to be symbolic like this, the acceptance of penalization would have to be voluntary, but it is not (Brownlee 2018, 294). One might think that by choosing to engage in open rescue rather than covert rescue, one does in some sense agree to be penalized in ways that mitigate this concern. [↑](#footnote-ref-4)
5. Cf. (Hadley 2009b, 366). [↑](#footnote-ref-5)
6. Tom Regan, for instance, classifies most animal rescue as violent because of the property damage it causes (Regan 2004, 188). Cf. (Hadley 2009b, 376 fn15). [↑](#footnote-ref-6)
7. Communicative intent is the core of what Moraro calls the “standard view” of civil disobedience, which builds on Rawls’s approach (Moraro 2018b, 504). Welchman and Milligan both charge the Rawlsian view of civil disobedience (which also stems from Carl Cohen) with obscuring civil disobedience proper and with cloaking the ways in which animal rescue can count as civil disobedience (Cohen 1971; Welchman 2001; Milligan 2017a, 286). [↑](#footnote-ref-7)
8. I think it is probably not possible to define civil disobedience in strict terms which clearly delineate it from other actions (Brownlee 2004, 339). For discussion of this topic see (Weltman, manuscript c). [↑](#footnote-ref-8)
9. For a distinction similar to that between communication and rescue, see John Hadley’s discussion of the distinction (drawn by Mark Rowlands) between “acts of rescue” and “attempts to change society” (Rowlands 2002; Hadley 2009a, 171). [↑](#footnote-ref-9)
10. Similarly, knowledge of one’s likely mugging does not entail acceptance of being mugged (Thomson 1971, 58–59). [↑](#footnote-ref-10)
11. Expanded definitions of civil disobedience might also license practices like kidnapping (Moraro 2018a). [↑](#footnote-ref-11)
12. https://www.economist.com/open-future/2018/08/09/black-lives-matter-is-not-a-terrorist-organisation [↑](#footnote-ref-12)
13. If one can be violent against property. [↑](#footnote-ref-13)
14. I offer a number of other responses to Milligan’s points in (Weltman, manuscript a). [↑](#footnote-ref-14)
15. If only states are sovereigns, then all governments are state governments. If, however, other groups, like corporations, can be sovereign, then revolutions and subrevolutions can target these sovereigns too. Thus for instance one can launch a revolution or subrevolution against private governments of the sort described by Christopher McMahon and Elizabeth Anderson (McMahon 1994; 2013; Anderson 2017). In McMahon’s terms, ‘government’ refers just to states, but this is a terminological rather than a substantive disagreement. Anderson explicitly adopts the term ‘government’ to describe non-state sovereigns (Anderson 2017, 41–48). Nothing below turns on one’s views of whether sovereignty can belong to private actors like corporations. I thank an anonymous reviewer for this journal for suggesting I clarify this point. [↑](#footnote-ref-15)
16. For a fuller discussion of subrevolutions see (Weltman, manuscript b). [↑](#footnote-ref-16)
17. For the difference between civil disobedience and revolution see (Delmas 2016, 682). On resistance and revolution see (Finlay 2015, 20–21). [↑](#footnote-ref-17)
18. The line between the replacement of power and the different exercise of power is a blurry one, but this does not mean there is no distinction to be drawn (Weltman, manuscript b). [↑](#footnote-ref-18)
19. This is an oversimplification, but the point is hopefully clear. For further discussion see (Weltman, manuscript b.). Notice that this is true whether the relevant sovereign is the government (according to which the rabbit was subject to the sovereignty of the government) or a private corporation (according to which the rabbit was subject to the sovereignty of the corporation). [↑](#footnote-ref-19)
20. Animal rescue is a paradigmatic example of “direct action” (Liddick 2006; Cordeiro-Rodrigues 2016; Allen and von Essen 2018b; Scheuerman 2018, 87; Hardman 2021). [↑](#footnote-ref-20)
21. See also Milligan’s discussion of “the military imagery of army-building” (Milligan 2017a, 291). [↑](#footnote-ref-21)
22. It is *faux* militancy because the ALF is a radically non-violent organization which avoids harm not just to humans but also to non-human animals, which is more than even most other non-violent movements can claim, since many members of, say, the Student Nonviolent Coordinating Committee saw nothing wrong with eating meat. [↑](#footnote-ref-22)
23. I owe this suggestion to Gary Comstock. An anonymous reviewer for this journal raises the same point. They ask, for instance, whether helping someone escape from North Korea would count as subrevolutionary, since it leaves the government intact. [↑](#footnote-ref-23)
24. I thank Sofia Huerter for raising these points about small revolutions. [↑](#footnote-ref-24)
25. Suggestions along these lines were urged by Kaila Draper, David Killoren, and Raja Halwani. An anonymous reviewer suggests one option: distinguishing between subrevolutions and microrevolutions, where the latter are small acts that can scale up to subrevolutions if there are enough of them. Since I think this is all a terminological dispute I do not go into more detail on this. For extensive discussion of subrevolutions as a concept see (Weltman, manuscript b). For a discussion of the same topic with respect to civil war see (Sambanis 2004; Cartwright and Runhardt 2014). [↑](#footnote-ref-25)