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Green victimology and non-human victims

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Abstract
This article explores the tensions and interplay between human and non-human environmental victims from the point of view of eco-justice. The article begins by sketching out the broad contours of green victimology as a newly emerging area of intellectual engagement. Human victims of environmental harm are not widely recognised as victims of 'crime'. Moreover, within the category 'victim', the non-human environmental victim is seldom considered worthy of attention. From an eco-justice perspective, victimhood can be conceptualised in terms of environmental justice (the victim is human), ecological justice (the victim is specific environments) and species justice (the victim is animals, and plants). Hierarchies of victims between and within each of these categories can be identified. One response to these hierarchies is to assert the notion of 'equal victimhood' (based on the notion, for example, that all species should be considered equal or that the natural environment has its own intrinsic worth). However, the eco-justice approach adopted in this article argues that context (both social and ecological) is vital to understanding and responding to specific instances of environmental victimisation. Particular circumstances must be taken into account in the conceptualisations of victimisation and in the moral weighing up of interests and harms in any given situation.

Keywords
Non-human environmental victims, eco-justice, hierarchy of victims, environmental victimisation

Introduction

Green or environmental victimology refers to the study of the social processes and institutional responses pertaining to victims of environment crime (White, 2015). Typically, it is humans who are the primary focus of such study (Hall, 2013). As explored in this article, however, non-human entities, such as trees, rivers and animals, can also be construed as victims of environmental harm, and the present article aims to discuss these sorts of victims.

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The article explores the tensions and interplay between human and non-human environmental victims from the point of view of eco-justice. Specifically, the intention is threefold: to highlight the victim status of non-human entities as an emerging and important area of concern within green criminology specifically and victimology more generally; to consider the position of non-human entities within hierarchies of victimisation; and to critique the notion of 'equal victimhood' for human and non-human entities through consideration of situation-specific problems.

The article begins by sketching out the broad contours of green victimology as a newly emerging area of intellectual engagement. The novelty of this research area is that human victims of environmental harm are themselves not widely recognised as victims of 'crime' and, moreover, within the category 'environmental victim', the non-human entity is seldom considered worthy of attention. The relative dearth of concern about and official reaction to both sets of victims is in itself indicative of complex relations of power, control and interest.

From an eco-justice perspective (White, 2013), victimhood can be conceptualised in terms of three overlapping spheres of justice and victimisation: environmental justice (where the victim is human); ecological justice (where the victim is specific environments); and species justice (where the victim is animals and plants). In this framework, who or what is victimised is significant, as are the reasons why those who are harmed are considered victims, or not. This, too, is a central theme of the present work and is further discussed below.

Hierarchies of victims (human and non-human) between and within each of these three spheres can be identified. One response to these hierarchies is to assert the idea of 'equal victimhood' (e.g. based on the notion that all species should be considered equal or that the natural environment has its own intrinsic worth). However, the approach adopted in this article argues that context (both social and ecological) is vital to understanding and responding to specific instances of environmental victimisation. That is, particular circumstances must be taken into account in the conceptualisations of victimisation and in the moral weighing up of interests and harms in any given situation.

Non-human entities as environmental victims

Environmental harm has traditionally been ignored, downplayed or trivialised, socially and legally and, thus, so too, has its victims (Hall, 2013; White and Heckenberg, 2014). In a report that maps the contours of environmental crime and victimisation, for example, Skinnider (2011: 2) observes that 'historically research on environmental crime has lacked the theoretical and methodological depth applied to other traditional crimes'. In part, this is the result of perceptions of environmental crime as 'victimless' to the extent that 'they do not always produce an immediate consequence, the harm may be diffused or go undetected for a lengthy period of time' (Skinnider, 2011: 2). This is further compounded by the condoning of environmentally harmful activities by governments, industry and, in some cases, particular communities and society as a whole. As a result, 'victims of environmental harm are not widely recognised as victims of "crime" and thus are excluded from the traditional view of victimology which is largely based on conventional constructions of crime' (Skinnider, 2011: 2).

Moreover, environmental victimisation is not a solely human experience. Recent criminological commentary, for example, has given attention to non-human animals as 'victims' (while recognising that, in law, in most jurisdictions, non-human animals cannot be classed as victims of crime) (Flynn and Hall, 2017). This article has broadly embraced a 'social harms' approach to defining victimhood (Pemberton, 2016), sometimes referred to as 'zemiology' (Hillyard and Tombs, 2007),

which asserts that legal definitions are too narrow and fail to acknowledge important types of harm. Specific study has, therefore, been directed at how harm to non-human animals in particular circumstances is socially and legally constructed (Sollund, 2017). What makes a social harm 'social' is the fact that it does not stem from natural causes but is intrinsically caused by humans. However, whereas social harm is generally defined in terms of human needs, rights and wellbeing (Pemberton, 2016), green criminology has been concerned with the non-human element as well as the human (White, 2013). This extends beyond simply the additional consideration of non-human animals as victims.

Rivers, mountains, animals and plants, and specific ecosystems, for instance, can all be considered 'victims' in particular circumstances (Cullinan, 2003; Preston, 2011). Indeed, more expansive definitions of rights and justice extend the definition of 'victim' to include the non-human across various conceptual domains. An eco-justice perspective frames this in terms of the particular subject or object that is harmed (White, 2013):

> *Environmental justice* – **the victim is humans**
> environmental rights are seen as an extension of human or social rights so as to enhance the quality of human life, now and into the future;
> *Ecological justice* – **the victim is specific environments**
> human beings are merely one component of complex ecosystems that should be preserved for their own sake;
> *Species justice* – **the victim is animals, and plants**
> animals have an intrinsic right not to suffer abuse, and plants not to suffer the degradation of habitat to the extent that threatens biodiversity loss.

Investigations of environmental crime and the victims of environmental crime, therefore, not only have to contend with relative disinterest in the topic area, but also the complexities that arise when and if environmental, ecological and species justice are finally taken seriously.

Environmental victimisation occurs in different forms and takes place in diverse locations. It is ubiquitous, although there are important qualitative differences in relation to the nature, dynamics and seriousness of the harms as these pertain to non-human animals, ecosystems, plant species and human populations.

Commentators such as Stone (1972) have employed the term 'natural object' to describe non-living entities such as rivers, mountains and oceans. Fauna, or animal life, is ordinarily dealt with through use of the term 'animal', which can be sub-divided into, among other categories, 'native wildlife' and 'threatened species', while flora (plant life) is ordinarily referred to under the broad category of 'vegetation' (Bates, 2013; Sankoff and White, 2009). Ecosystems have been defined in key international conventions as 'a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit' (Secretariat of the Convention on Biological Diversity, 1992). Together, these entities comprise what can be described as non-human environmental entities.

Natural objects, trees and forests, for example, have historically lacked legal rights as such (and, as part of this, legally acknowledged agency or volition). It is argued by some that the inherent interests of natural objects ought to be protected through legal actions by the objects themselves, with humans serving as their guardians or trustees (Cullinan, 2003; Stone, 1972).

Consideration of the non-human environmental entity incorporates discussions at different levels, from individual landscape features and specific living entities through to particular

ecosystems. Any ecosystem is made up of abiotic components (air, water, soil, atoms and molecules) and biotic components (plants, animals, bacteria and fungi) (Merchant, 2005). When destruction, degradation or diminishment of these occurs in a manner deemed in environmental law to be criminal, then harm can be said to have occurred. This refers to instances in which flora and fauna, and the habitats and landscapes of which they are a part, are legally determined to be harmed by particular acts and omissions, as expressed in specific legislation.

Not all environment laws and courts deal with environmental crime per se, nor are all harms perpetrated against non-human environmental entities considered to be criminal in nature. With regard to eco-crimes and environmental harms more generally, deviancy as defined by regulatory and criminal justice agencies frequently refers to deviation from particular standards and licensing provisions. As Bricknell (2010) points out, the label of environmental crime tends to be applied to specific activities that are otherwise lawful or licensed, such as (illegal) fishing, (illegal) hunting and (illegal) logging. This metric (i.e. one based upon standards, quantities and quotas) extends to wildlife protection just as it does to pollution levels.

An important consideration with regard to harm suffered by non-human environmental entities is the extent to which such entities are, can and should be afforded legal protection on the basis of their intrinsic worth. It is notable in this respect that in some cases involving harm to non-human entities, 'surrogate victims', who are recognised as representing the community affected (including harms to particular biotic groups and abiotic environs), have been accepted by a particular court for the purposes of restorative and remediation processes. For example, a river was represented at a restorative justice conference in New Zealand by the chairperson of the Lower Waikato River Enhancement Society and, more generally, the 'environment' is considered a 'victim' in New Zealand law and environment court judicial practice (Hamilton, 2008, 2014).

Public interest environmental litigation has also been used to establish future generations as victims of environmental crime, with the victims also including the environment and non-human biota, although the success of such litigation is contingent upon where cases are tried and under what circumstances (McGrath, 2008; Mehta, 2009; Preston, 2011). High Court cases in India have upheld general principles of public interest in adjudicating environmental matters pertaining to polluted waters (Mehta, 2009), but similar efforts in Australia to protect certain species have been less successful (McGrath, 2008). A persistent feature of this type of litigation, however, is that it tends to reproduce the idea of a separation of humans from nature, and to be premised on human self-interest rather than the intrinsic value of the non-human environmental entities as such (Rogers, 2012). The enhancement of animal welfare laws, plus legal reform and court decisions in some jurisdictions that lean towards formal recognition of particular species as rights-holders (e.g. dolphins, whales and apes), are also indicative of broad trends towards both legal standing for and appreciation of the harms experienced by non-human entities. A recent decision by India's Minister of Environment, Forest and Climate Change to ban dolphin shows is significant as well, with the Central Animal Authority issuing the statement that 'Cetaceans . . . - should be seen as "non-human persons" and as such should have their own specific rights' (Bancroft-Hinchey, 2013).

Ecocentrism

Defining 'victimhood' is, ultimately, a matter of perspective and philosophy. Ecocentrism, for example, refers to viewing the environment as having value for its own sake apart from any instrumental or utilitarian value to humans (Berry, 1999; De Lucia, 2015; Preston, 2011).

Fundamentally, it is based upon several key principles that relate to the intrinsic value of nature (including flora and fauna) (Williams, 2013). Protection of the environment may be based on either one of or a combination of the conceptions of the *rights of* nature (both as a subject with rights, or an object worthy of protection) and *duties to* nature (its intrinsic worth, which therefore imposes a moral obligation and duty of care) (Fisher, 2010).

A fundamental aspect of ecocentrism is to see entities such as animals, plants and rivers as potential rights-holders and/or as objects warranting a duty of care on the part of humans, since their interests are seen to be philosophically significant (i.e. deserving greater respect and formal recognition) (Schlosberg, 2007). This can be contrasted with conventional treatments of environmental protection that focus on rights of humans, and that, moreover, frequently define the 'environment' in human-centred or anthropocentric terms (see Council of Europe, 2012). Anthropocentrism privileges humans and human interests over and above non-humans and their interests (De Lucia, 2015). Ecocentrism, on the other hand, views nature as having intrinsic value. From an anthropocentric perspective, harm to the environment is only of consequence if it is measured with reference to human values (e.g. economic, aesthetic, cultural) (Lin, 2006).

A tripartite or composite eco-justice perspective, as described earlier, is premised upon enhanced legal and social recognition of non-human interests. The Ecuadorian Constitution, for example, which was adopted in 2008, has provisions relating to the 'rights of nature', which assert that 'Nature or Pachamama, where life is reproduced and exists, has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution'. Such pronouncements should perhaps be read as aspirational (as well as inspirational) in the sense that while they do proclaim the importance of recognising and acknowledging certain rights, there is little in the way of concrete and specific guidance as to how they might best be implemented (Walters, 2011). Nonetheless they lend support to the view that:

> The biosphere and non-human biota have intrinsic value independent of their utilitarian or instrumental value for humans. When harmed by environmental crime, the biosphere and non-human biota also are victims. The harm is able to be assessed from an ecological perspective; it need not be anthropocentric. (Preston, 2011: 143)

Support of the extension of legal rights to natural objects is also expressed in the form of Earth Law where, for example, it is argued that all things have the right to 'be' and to 'do' in ways that reflect their core or defining trait or characteristic, including abiotic or non-living entities such as rivers. For example, Earth Law as applied to a river would incorporate the following conception of rights:

> A fundamental river right (that is, the riverine equivalent of a human right) would be the right to flow. If a water body couldn't flow it wouldn't be a river, and so the capacity to flow (given sufficient water) is essential to the existence of a river. Therefore, from the perspective of the river, building so many dams across it and extracting so much water from it that it ceased to flow into the sea, would be an abuse of its Earth rights. (Cullinan, 2003: 118)

Different approaches within this broad paradigm are discernible. For example, a 'rights of nature' approach places emphasis on the status and legal standing of the non-human. An 'ecocide' approach is primarily concerned with preventing harms to the environment (Higgins, 2010).

Ultimately, these initiatives do converge in attempting to provide a legal basis for enhanced protection of the environment in its own right.

Regimes of environmental protection incorporate both anthropocentric and ecocentric approaches. The history of environmental law is a history of evolving gradations of anthropocentrism and ecocentrism (Pelizzon and Ricketts, 2015). Nonetheless, anthropocentrism, while privileging humans over non-humans, can express a moral concern for nature. This can involve an ethic of responsibility *to* nature as well as responsibility *for* nature, albeit framed in terms of human interests (Donnelly and Bishop, 2007; Fisher, 2010). Protecting the environment for human benefit, for example, is evident in international agreements such as the Rio Declaration (1992), which explicitly acknowledges the environmental rights of humans, not intrinsic environmental rights as such (United Nations, 1992). However, nature's intrinsic value has also been recognised in recent decades, for example, in the Convention on Biological Diversity (1992). The non-human is increasingly recognised for its intrinsic, as well as instrumental value.

The intrinsic rights of nature have also been acknowledged in specific laws recently passed in New Zealand. These pertain to Te Urewer (land) and Te Awa Tupua (water). The laws acknowledge *this* land and *this* river as each having their own mana (its own authority) and mauri (its own life force). This is in a similar vein to developments in Ecuador and Bolivia; here, the landscape/river is personified – it is its own person and cannot be owned – and this is established through legislation that recognises its status as a legal person. This means that nature (in its various manifestations) is recognised as a subject within law. In the case of the Te Urewera Act 2014, the land is to be preserved in its natural state, introduced plants and animals exterminated and the Tuhoe people and the Crown are to work together in a stewardship role. Similarly, the Te Awa Tupua Act 2016 grants legal recognition to the Whanganui River and provides for a co-management regime involving the Whananui Iwi and the Crown.

To be granted rights is to simultaneously establish the conditions of victimhood insofar as rights can be violated and, thus, wrongs committed against the rights-holder. This is an important development, although in and of itself a rights-based argument is not essential in supporting a call for the recognition of non-humans as victims of harm (Flynn and Hall, 2017).

Ambiguities and hierarchies of victimisation

To consider whether the non-human entity has suffered victimhood is to presume that it has been subjected to some kind of criminal harm. Yet, environmental crime is typically defined on a continuum ranging from strict legal definitions through to incorporation of broad harm perspectives (Bricknell, 2010). As noted earlier, cutting down trees and pulling species out of the ocean are not intrinsically criminal or proscribed activities from the point of view of the law. It is the *context* that makes something allowable or problematic. Assessment of actual harm can be captured through historical analysis, legal precedent and empirical research. Assessment of potential harm is based upon evaluation of uncertainty and estimates of probability. Cost-benefit analysis is driven by expediency and threshold acceptance, that is, agreeing to environmental harm that is consciously induced and intended because of the greater good. When dealing with environmental matters, therefore, a court or the relevant administrative authorities (wildlife officers, park rangers, environmental protection agency) ideally have to take into account various and diverse calculations of harm, risk and utility.

Harm is not necessarily the same as victimisation, especially if the latter is interpreted as applying strictly to humans. For example, environmental victimisation has been defined as specific

forms of harm that are caused by acts (e.g. dumping of toxic waste) or omissions (e.g. failure to provide safe drinking water) leading to the presence or absence of environmental agents (e.g. poisons, nutrients) that are associated with *human* injury (Williams, 1996). Management of these forms of victimisation is generally retrospective, and involves a variety of legal and social responses (Hall, 2013). Importantly, the central actor in this definition is humans (not non-human animals or ecosystems). Much the same can be said of re-conceptualisations of environmental rights as 'human rights' in that the selfsame concept is premised upon notions of humanity.

Nonetheless, the law does allow for a modicum of protection for the non-human as well as the human. This is reflected, for example, in legislation pertaining to endangered species and protected areas (Bates, 2013). However, these categorisations simultaneously denote differential value pertaining to landscapes and creatures. Thus, what is deemed to be a potential 'victim' is determined by specific legal definitions and social valuing. For example, in New South Wales, the National Parks and Wildlife Act 1974 (NSW) defines a wide range of terms including, for example, 'animal', 'bird', 'critically endangered species' (by reference to the Threatened Species Conservation Act 1995) and 'fauna'. With regard to harming of protected and locally unprotected fauna, exemptions from prosecution include, among other things, where the act constituting the offence was done under and in accordance with or by virtue of the authority conferred by a general licence, occupier's licence, commercial fauna harvester's licence, an emu licence or a scientific licence. The harming of fauna provisions also do not apply in cases of harming fauna for sale and fauna dealers in respect of the harming for the purposes of sale of any dingo, ferret, fox, hare or rabbit or any fauna of a species that the Governor declares not being threatened interstate fauna or threatened species, populations or communities. In other words, the status of 'victim' is entirely contingent upon licensing provisions, and the specific type of animal deemed to be worthy of protection. How flora and fauna are characterised thus directly influences their status as potential victims and/or objects eligible for legal protection. This reflects what has been described as 'hierarchical speciesism', whereby some animals are more unequal than others with regard to policy, laws and responses to harm (Flynn and Hall, 2017).

To take this further we can consider the case of non-human animals more generally. From an eco-justice perspective, the kinds of questions that need to be asked include why some species are favoured by human communities and some are not valued at all. Animals are categorised and utilised by humans in many different ways that range from factory farming through to their use in laboratories. Different criteria inevitably provide different ways in which to categorise different species (Herbig and Joubert, 2006; O'Sullivan, 2009). Figure 1 distinguishes animals according to two main criteria (wildlife/domesticated), and within each of these categories according to how the animal is perceived relative to human needs (service to/service for). These are inherently anthropocentric categorisations in the sense that the ways in which animals are classified reflect human interventions over time, and human notions of usefulness. Yet, regardless of their human-centric origins and character, such descriptions are essential in assessing matters of animal rights and animal welfare as these are presently constituted in law and social practices.

Depending upon human use, animal welfare (and rights) are protected differentially depending upon species and circumstances. Animal protection laws operate strongly when it comes to companion animals, for instance, but are much less restrictive in the case of pigs grown for eventual slaughter. On the other hand, animals considered 'pests' have few rights and are frequently responded to with systematic violence. In Australia, for example, the animals deemed to be 'wild pests' include feral cats, wild dogs, foxes, feral goats, feral pigs, feral horses, rabbits, donkeys, camels, cattle, buffalo and rabbits. It is estimated that there are 2.6 million feral goats, 1 million

Wildlife

- Introduced wild
  - invasive/pests (e.g. cane toad in Australia);
  - valued (e.g. trout in Tasmania);
  - ambiguous (e.g. camels and wild donkeys in central Australia).
- Native species with a value of their own
  - avian (e.g. kookaburras, cockatoos);
  - marine (e.g. whales, sharks);
  - aquatic (e.g. Murray river cod, marron);
  - terrestrial (e.g. koala, kangaroo).
- Economic wild animals
  - recreation (e.g. fish);
  - food (e.g. mutton birds);
  - eco-tourism (e.g. birdlife, crocodiles);
  - collectables (e.g. lizards, exotic fish).
- Wild animals as threat/pest
  - to agriculture (e.g. kangaroos);
  - to pastoral industry (e.g. dingoes);
  - to surfing/recreation (e.g. sharks);
  - to angling (e.g. galaxia fish).

Domestic animals

- Economic animals [humans doing something to them]
  - farm animals (e.g. pigs, cows, chickens);
  - aquaculture animals (e.g. fish, prawns, oysters);
  - research animals (e.g. rats, mice);
  - exhibited animals (e.g. lions, tigers, bears).
- Economic animals [them doing something for humans]
  - law enforcement (e.g. dogs);
  - industrial/transportation animals (e.g. oxen, horses);
  - recreation/racing/rodeos (e.g. horses, dogs);
  - performing animals/circuses (e.g. lions, monkeys).
- Non-economic animals [other human purposes]
  - companion animals (e.g. cats, dogs, exotic fish, rabbits);
  - hunting/sport companions (e.g. horses, dogs).

Figure 1. The categorisation of animals from an anthropocentric perspective.
Source: White, 2011: 65.

donkeys, 200 million rabbits and 300,000 feral camels, among other feral animals (McEwen, 2008: 31). The sheer numbers of these animals, combined with the predatory and/or competitive nature of their presence relative to 'native' species is considered a major problem. In current practice, cruelty is often ingrained in the mass methods of control that are utilised, thereby illustrating and reflecting the degraded status of those animals covered under the rubric of 'feral'.

The human killing of different animals for ostensibly distinct purposes is, therefore, accompanied by specific value judgements, which precludes the animal that is killed from being considered a 'victim'. Beirne (2014) argues that the killing of animals by humans ought to be described as a form of *theriocide*:

> Theriocide refers to those diverse human actions that cause the deaths of animals. As with the killing of one human by another (e.g. homicide, infanticide and femicide), a theriocide may be socially acceptable or unacceptable, legal or illegal. It may be intentional or unintentional. It may involve active maltreatment or passive neglect. Theriocides may occur one-on-one, in small groups or in large-scale social institutions. The numerous sites of theriocide include: intensive rearing regimes; hunting and fishing; trafficking; vivisection; militarism; pollution; and human-induced climate change. (Beirne, 2014: 56)

Animal killing and suffering are ingrained in the mass production of animals for food and are evident in poor living conditions, terrible transportation situations (as seen in the live export trade), cruel slaughterhouse techniques and conditions, and overall disregard and disrespect of so-called food animals. Yet, for the most part, these types of theriocide are deemed legitimate and acceptable in countries like Australia and the United Kingdom. For instance, millions of cattle, sheep, goats, deer, pigs and poultry are considered exempt from cruelty provisions that make it an offence not to provide an animal with adequate exercise. The laws regulating the use of animals in research allow animal suffering to be justified so long as it is not 'unnecessary', which in practice may mean that anything goes. In some jurisdictions, indigenous people who practice traditional and, at times, very cruel hunting, are exempt from prosecutions for animal cruelty (Voiceless, 2009). Meanwhile, animals are killed and maimed for a wide variety of reasons and in different contexts that include (White, 2016: 182):

- being homeless: shelters frequently only take animals for a specified period of time, after which they are killed;
- for entertainment: this includes events such as cock fighting, dog fighting and the blooding of greyhounds for racing and recreational fishing;
- for food: not only mass production and factory farming, but also specific religiously prescribed procedures for killing animals that may be inherently problematic and cruel;
- for military and policing purposes: putting dogs and other animals at risk in war and civil policing operations;
- for collection: private trafficking and containment of exotic animals; and the treatment of animals by staff and by the public in circuses and zoos;
- for pleasure: the abuse of animals for sexual gratification, such as bestiality, and including bestial pornography involving humans and non-human animals; and
- for service and sale: the mass production of animals, for example in the form of 'puppy mills', in which excessive numbers of animals are quarantined in order to maximise breeding and the sale of offspring.

These examples and more point to the entrenched nature of much animal killing and suffering (Beirne, 2014; Spapens et al., 2014; Voiceless, 2009).

Additional questions can be asked regarding the use of animals in service roles, including within criminal justice institutions (such as courthouse dogs sitting with child victims and animal therapy programmes involving prisoners). Taking into account the welfare, rights and potential suffering of animals, there are legitimate concerns over whether and how to use animals within these settings (Graham and White, 2015), especially given the heightened emotions in criminal justice contexts and how these may impact upon the welfare of non-human animals.

Animals are differentially exploited and harmed, or protected and cherished, and this occurs under the veneers of legitimacy and legality. This is indicative of a hierarchy of victims with regard

The hierarchy of victims from an anthropocentric viewpoint	
Broad categories of victims	Victims within the categories
Humans	Wildlife is their livelihood
	Property owners
	Rangers
	Disease from consumption
	Poachers
The state	Invaded by introduced species
	Developing country exploiting wildlife
	Corrupt
Non-human animals	Charismatic mega-fauna
	Mammals
	Birds and reptiles
	Insects
Plants	Trees
	Collectible flowers (i.e. orchids)
	Other flora
The environment	Well-known hotspots
	Hotspots
	Less diverse regions
	Less known or unknown regions

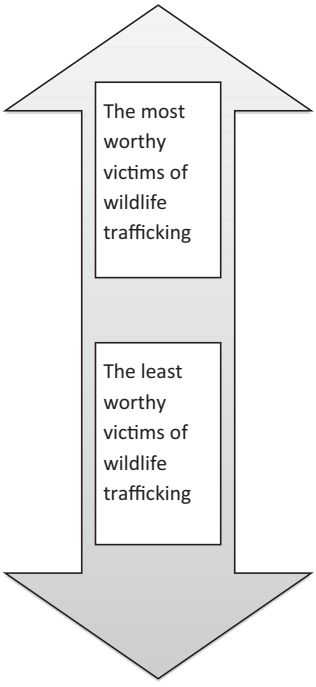

Figure 2. The hierarchy of victims of wildlife trafficking.
Source: Wyatt, 2013: 74.

to environmental victims. Such a hierarchy is also illustrated in the work of Tanya Wyatt, who discusses the social construction of a wildlife trafficking victim from an anthropocentric viewpoint (Wyatt, 2013). This is shown in Figure 2.

As mentioned previously, green criminology has, until recently, been less concerned with non-human animals and specific biospheres than the interests and wellbeing of humans. In this regard it is useful to heed the lessons of critical victimology that being and becoming a victim is never socially neutral (Davies et al., 2017; Fattah, 2010). This holds as true for environmental victimisation, such as harm to non-human animals, as it does for other sorts of victim-making (Flynn and Hall, 2017). A more expansive definition of environmental victimisation alludes to the inclusion of the non-human into the moral equation. For example, ecological notions of rights and justice see humans as but one component of complex ecosystems that should be preserved for their own sake, as supported by the notion of the rights of the environment. As Smith (1998: 99) puts it:

> By extending the moral community we are attributing intrinsic value to creatures and other natural things, as ends in themselves rather than the means to some set of human ends . . . In ethical terms, any set of moral rules should consider these duties toward non-human animals, the land, forests and woodland, the oceans, mountains and the biosphere.

This perspective asserts notions of interconnectedness with and human obligations to the non-human world. All living things are bound together, and environmental matters are intrinsically

global and trans-boundary in nature. Ecological justice demands that the way in which humans interact with their environment be evaluated in relation to potential harms and risks to specific creatures and specific locales as well as the biosphere generally. This involves critical analysis of human intervention in the affairs of the natural world (White, 2013).

Weighing up the costs of victimhood

So, should we collapse the hierarchy of victims and assert that all entities are equal in the greater scheme of things? Is the solution to what is perceived to be the unjust differential treatment of non-human environmental entities simply to adopt an 'equal victimhood' approach and design policies and practices accordingly? If so, how could this apply in concrete circumstances and with respect to situation-specific problems?

Acknowledgement of 'victim' status is indeed crucial to understanding the ways in which environmental harm affects both humans and non-humans. However, this means locating creatures and environments within their unique ecological niche and context. It also means examining events and contemporary human practices from the vantage point of history and geography. For green victimology, a major challenge is to develop conceptual and scientific tools whereby 'value' and 'harm' can be measured, compared and evaluated. There are, invariably, conflicts involving the different interests and rights of humans, specific ecosystems and animal and plant species. How best to respond to these conundrums is precisely the main task of green victimology in the future.

For example, if analysis of victimisation is pitched at too high a level of abstraction, this will only reinforce rigid definitions and absolutist positions (e.g. humans come first; the earth is most important; any harm to animals is bad). This can preclude closely considered analyses of specific situations. An absolutist approach may contend, for instance, that humans should not, in any way, interfere with animals. This is the crux of a strong rights-based approach that argues for the abolition of animal exploitation through both legal and non-legal change and for the legal recognition of rights for animals. Central to this approach is changing the legal character of animals from property to legal, rights-bearing entities (see Francione, 2010; Wise 2001, 2004). The intention is to prevent the exploitation of non-human animals, both with regard to their products (such as milk, eggs and wool) and their lives (as in the case of animals killed for food). Any type of poisoning, trapping or hunting is seen as wrong, even when justified in terms of certain species impinging upon others (e.g. attempts to eradicate foxes in Tasmania). In essence, veganism is set as the baseline for politics and the moral rights of each individual animal are asserted (Svard, 2008). Thus, Francione (2008: 2) argues that the animal rights position seeks to abolish all animal use: 'The abolitionist position rejects regulation on theoretical grounds (even "humane" animal use cannot be justified morally) as well as practical grounds (regulation does not sufficiently protect animal interests and even facilitates the continued social acceptance of animal use)'. Again, the solution is presented as veganism, which means not eating meat, dairy, eggs, honey and other animal products, or wearing or using animal products or products tested on animals.

As explained by Regan (2010), the recurring challenges faced by the animal rights view include questions about where to draw the line that separates animals, including humans and other animals, from each other. To put it differently, which class of animals 'deserves' the rights and respect accorded to humans? One response is that:

> Basic rights are possessed by those animals who bring a unified psychological presence to the world – those animals, in other words, who share with humans a family of cognitive, attitudinal, sensory, and volitional capacities. These animals not only see and hear, not only feel pain and pleasure, they are also able to remember the past, anticipate the future, and act intentionally in order to secure what they want in the present. They have a biography, not merely a biology. (Regan, 2010: 37)

While the great ape obviously qualifies under the terms of this description, the status of fish, such as salmon, is bound to be more controversial. It is notable in this respect that the charity called People for the Ethical Treatment of Animals (PETA) has recently organised campaigns intended to raise the status of fish (equivalent in some respects to 'humanising' animals via anthropomorphic representations). This is done primarily through the strategy of relabelling fish as 'sea kittens', presumably on the premise that people are less inclined to eat the cute and cuddly (as implied in the descriptor). After all, 'who could possibly want to put a hook through a sea kitten?' (PETA, 2009). This is part of a concerted effort to create a positive image for fish that is intended to deter people from using them for food and to present them in a completely new way.

Moral equivalence between species, however, can work against the real, immediate needs of human communities. From an animal rights perspective the eating of the flesh of animals is problematic and is seen to constitute major social harm. In practical terms, though, what do we say to people who traditionally eat fish, for example, as their main source of protein? How realistic is veganism in regional environments, such as the Arctic tundra and the Australian desert, within which humans have survived for millennia by eating a wide range of protein sources including animals?

Situation-relevant appraisals view intervention as a matter of contingency and 'doing the right thing' within specific social and ecological contexts (Anderson, 2004). In some cases, non-interference or hands-off management should be strictly adhered to from the point of view of environmental ethics:

> Animals live in the wild, subject to natural selection, and the integrity of the species is a result of these selective pressures. To intervene artificially is not to produce any benefit for the good of the kind, although it may benefit an individual bison or whale. (Rolston, 2010: 604)

This ethic may shift in cases where wild animals are affected by human-induced changes. In addition, it can change where an endangered species is involved: 'Duties to wildlife are not simply at the level of individuals; the ethic is that one ought to rescue individual animals in trouble where they are the last tokens of a type' (Rolston, 2010: 605). In general, though, it is expected that individual animals living in the wild 'do not have a moral right to our direct protection and provision, even if they need it to survive', nor do they have a right to our assistance to protect them against animal predation (Anderson, 2004: 284).

The rescue and protection of endangered species involves new types of ethical decisions and complex issues relating to individual and species harm.

Wolves were reintroduced to Yellowstone National Park in the mid-1990s, having been eradicated there early in the 20th century. The restoration earned protests from some in the ranching community. Such a restoration arose, according to most advocates, from a duty to the wolf as a species, coupled with the fact that the wolf was historically, and ought to be again, the top predator in the Yellowstone ecosystem. Conservationists also realise that problem wolves will have to be

relocated, sometimes killed, and believe this is an acceptable killing of individuals in order to have the wolf species present. It removes wolves who turn to killing sheep or cattle, not their natural prey; it also protects ranchers against losses. In the recommended mix of nature and culture, if we are to have wolves, we must kill wolves (Rolston, 2010: 605).

Such a view may seem to be anathema to animal rights advocates who believe in the sanctity of animal life as an absolute value rather than as a circumstantial privilege.

As has been observed by some writers (Cazaux, 1999), consideration of human practices that are detrimental to the wellbeing of animals, such as humans being instrumental in the loss and fragmentation of habitat, tend to focus on the effects regarding *animal populations* of a certain species (matters pertaining to the threat of extinction). Less attention is paid to the consequences of broad trends for the wellbeing of animals as *individual subjects*. It is not only the recalcitrant and uncontrollable wolves who may end up being killed. The logic of species protection, over and above respect for the individual animal, means that in some instances animals are killed for no apparent reason or justification. In Norway, for example, efforts to protect the endangered polar fox species have nonetheless been accompanied by the killing of individual creatures that did not fit into the existing breeding programme (Sollund, 2012). Their deaths served no apparent purpose, but their value (or lack thereof) was reflected in the actions taken to kill them. Respect and acknowledgement of the right of these individual creatures to live is confounded by the human emphasis on collective survival.

Much of the work of animal rights activists is rightly intended to challenge existing hierarchies of value and to affirm the intrinsic value of animals. Building upon these foundations, the task of green victimology is to carefully weigh up human and non-human interests within specific social and ecological contexts. Bennison (2010) observes that conflicts of interest – between environments, humans and animals – ought to be evaluated not only from the point of view of moral criteria (such as animal rights or animal welfare) but ecological criteria too, and by considering the total environment. It is argued that:

> Killing domesticated animals that have escaped and established themselves in ecologically destructive nonendemic wild populations should only occur if it can be justified scientifically, culturally, ethnically, and morally. That justification is dependent on the protection of, for example, an endangered species in an area where that species has little chance of survival, and only upon ensuring that the nonhuman animals killed would not suffer in any way. Taking the life of any individual is in reality a denial of their intrinsic value, and denying such value in any individual should not be taken lightly. (Bennison, 2010: 194–195)

For green victimology, this implies several interrelated tasks. What needs to be weighed up is not only the type and degree of harm as it pertains to humans, ecosystems and animals, but also the type and degree of harm in particular places (including global spaces), and how these harms impact upon humans, ecosystems and animals over time (White, 2013).

Close scrutiny of the conditions pertaining to humans and non-humans also reveal instances of shared victimisation, as in the case of climate change, illegal fishing and air pollution, in which many different species and ecosystems are affected, somehow. There are also instances of specific victimisation, as in the case of some plant and animal species being vulnerable to harm but which may be unacknowledged due to remoteness of location or general human devaluing of species. As with humans, there will be differing degrees and durations of harm, injury and, in some cases, suffering as this pertains to animals and natural objects.

Conclusion

In the end, acknowledgement of the intrinsic worth and value of non-human environmental entities is vital from the point of view of an ecocentric approach, but this does not mean that instrumental uses of these by humans are, thereby, rendered unimportant. Indeed, it is possible and logical to view humans *in* nature as necessarily using nature for their own ends. To argue otherwise, as implied in some commentaries, has been described as at best a paradox and at worst meaningless (Donnelly and Bishop, 2007: 96). For example, intrinsic and instrumental aspects of the Ecuadorian Constitution include on the one hand a statement that 'nature is entitled to respect from humankind' and, on the other, a testimony that 'humankind is under an obligation to respect nature and at the same time is entitled to benefit from nature' (Donnelly and Bishop, 2007). The instrumental use of nature can, nonetheless, be guided by ecocentric considerations, such as doing the least amount of harm in the process of using it. As Eckersley (1992: 57) observes:

> Humans are just as entitled to live and blossom as any other species, and this inevitably necessitates some killing of, suffering by, and interference with the lives and habitats of other species. When faced with a choice, however, those who adopt an ecocentric perspective will seek to choose the course that will minimize such harm and maximize the opportunity of the widest range of organisms and communities – *including ourselves* – to flourish in their/our own way.

At the heart of ecocentrism is the notion that non-human environmental entities have intrinsic value, where

> Intrinsic value refers to the ethical value or worth that an object has in itself or for its own sake. In this sense an object with intrinsic value may be regarded as an end in itself and therefore at least capable of having the right to be itself. (Williams, 2013: 273)

Such considerations need to be at the forefront of green victimology as it continues to grapple with the complex problems posed by harm to and victimisation of non-human environmental entities such as trees, rivers and animals.

Legislation and international agreements

Convention on Biological Diversity (with annexes), concluded at Rio de Janeiro on 5 June 1992, registered ex officio on 29 December 1993

Constitution of the Republic of Ecuador 2008, Article 71

National Parks and Wildlife Act 1974 (NSW)

Rio Declaration, United Nations Doc. A/CONF.151/26 (Vol.1), reprinted in 31 ILM 874 (1992) (Rio Declaration)

Te Awa Tupua (Whanganui River Claims Settlement) Bill 2016 (NZ)

Te Urewera Act 2014 (NZ)

Threatened Species Conservation Act 1995(NSW)

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