Collective Action as Relationship in Late Modernity: Animal Advocacy in a Repressive Political Climate

Catherine M. Wilson
University of Massachusetts Amherst

Follow this and additional works at: https://scholarworks.umass.edu/dissertations_2

Part of the Politics and Social Change Commons

Recommended Citation
https://doi.org/10.7275/10688268.0 https://scholarworks.umass.edu/dissertations_2/1138

This Open Access Dissertation is brought to you for free and open access by the Dissertations and Theses at ScholarWorks@UMass Amherst. It has been accepted for inclusion in Doctoral Dissertations by an authorized administrator of ScholarWorks@UMass Amherst. For more information, please contact scholarworks@library.umass.edu.
Collective Action as Relationship in Late Modernity: Animal Advocacy in a Repressive Political Climate

A Dissertation Presented

by

CATHERINE M. WILSON

Submitted to the Graduate School of the University of Massachusetts Amherst in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

September 2017

Sociology
Collective Action as Relationship in Late Modernity: Animal Advocacy in a Repressive Political Climate

A Dissertation Presented

By

CATHERINE M. WILSON

Approved as to style and content by:

______________________________
Millie Thayer, Chair

______________________________
Gianpaolo Baiocchi, Member

______________________________
Barbara Cruikshank, Member

______________________________
Michelle Budig, Department Head Sociology
DEDICATION

To my dad, who taught me to always think critically.
ACKNOWLEDGEMENTS

I would like to thank my advisor, Millie Thayer, for her many years of thoughtful, patient, guidance and support, and her extremely thorough, helpful, and consistent feedback. Without her guidance, I could never have finished this dissertation. I have never, in all of my schooling, had a more dedicated commenter on my work. Thanks are also due to Gianpaolo Baiocchi. For many years, he has inspired me, and many times, he has held my hand until I could swim. He never let me quit, and believed in me when I didn’t believe in myself.

I would also like to extend my gratitude to the outside member of my committee, Barbara Cruikshank, whose work has deeply inspired me. Her feedback has influenced my future plans, and also encouraged me when I particularly needed encouragement.

I wish to express my appreciation to all of the individuals and organizations that volunteered their participation in this project. They allowed me access to their operations, answered my questions, and in general, made this analysis possible.

A special thank you to Mandy Putney and Juliette Graziano, who wouldn’t ever let me quit. Lisa Lindsay’s support for me never wavered, and my brother, Matthew Wilson, has always been my rock. Karen Hellstrom’s support was instrumental, and without Alexia Leigh’s excellent guidance, I would have never completed this work.

Last, but not at all in the least, I’d like to thank my mother, Pat Wilson. She has always, without fail, supported my academic pursuits. Without her support, I could never have finished this work. Without her support, I never would have started it.
ABSTRACT

COLLECTIVE ACTION AS RELATIONSHIP IN LATE MODERNITY: ANIMAL ADVOCACY IN A REPRESSIVE POLITICAL CLIMATE
SEPTEMBER 2017

CATHERINE M. WILSON, B.A., THE EVERGREEN STATE COLLEGE
M.A., PORTLAND STATE UNIVERSITY
Ph.D., UNIVERSITY OF MASSACHUSETTS AMHERST

Directed by: Professor Millie Thayer

Since the mid 1990s, in the United States, social regulation and activity with regard to animal care and the nature of acceptable human-animal relationships has changed remarkably rapidly, even as animal rights activism has become less prominent. Utilizing extensive ethnographic, artifactual, and interview data, this dissertation interrogates some of the relational processes that have contributed to these changes. After first sketching a brief history of animal advocacy discourses in the U.S., in Chapter Four, I document a shift from disruptive to productive strategies in animal advocacy. I argue that two important contributing factors to this shift were anti-terrorism legislation that repressed direct action, and the popularization of pet animal cruelty as a social problem. In Chapter Five, I further elaborate the productive strategies of prefigurative politics, politicized subcultures, and conscious consumption as they are embraced by animal rights activists. Then, in Chapter Six, detail the practices that new welfare activists use, employing pet parenting discourses in their attempts to shape the subjectivities of prospective pet adopters. I demonstrate how, in this subjectification endeavor, activists
use relationships with media and advertisers that both provide opportunities and set constraints on their activism. Finally, in Chapter Seven, I focus on activist and citizen relationships with the state. Animal advocates engage in both legislative and educational campaigns to codify standards of care and engage citizens to report violations of anti-cruelty laws. Their dependence on state agents for enforcement of these gains removes animal welfare from their control. My work suggests that in a neoliberal context that represses direct action, relationships with less radical activists, media, state, and corporate partners presented animal rights activists with opportunities to implement productive strategies for change. Rather than preventing animal-cruelty directly, their focus shifted to influencing animal-friendly subjectivities and lifestyles. I conclude that the relationships that enable these productive strategies also contribute to constraining the breadth of animal advocacy to business-friendly endeavors that ease animal suffering without substantially challenging animal use.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>ACKNOWLEDGMENTS</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABSTRACT</td>
<td>vi</td>
</tr>
<tr>
<td>LIST OF TABLES</td>
<td>xii</td>
</tr>
</tbody>
</table>

## CHAPTER

1. CHANGING ANIMAL ADVOCACY.......................................................... 1

   Problem Statement........................................................................... 3

   Acceptable Human-Animal Relationships..................................... 6
   Publics and Collective Action..................................................... 8
   The Animal Advocacy Public....................................................... 9
   Discourse....................................................................................... 17

   Method.......................................................................................... 19

   Animal Advocates.......................................................................... 22
   Animal Rights: SCAR ................................................................. 26

      History....................................................................................... 26
      Organization................................................................................ 27
      My Role ...................................................................................... 27

   New Welfare: CARE ................................................................... 28

      History....................................................................................... 28
      Campus........................................................................................ 29
      Organization............................................................................... 30
      My Role ...................................................................................... 32

   The State: Municipal Animal Shelter ......................................... 32

      History....................................................................................... 33
      Facility ....................................................................................... 34
      Organization............................................................................... 35
      My Role ...................................................................................... 36

   Supplemental Data Collection ...................................................... 37
2. CONCEPTS AND CONTEXTS ................................................................. 38

Late Modernity and New Social Movements ........................................ 38

Prefiguration, Lifestyle Politics, and Productive Strategies ................. 44
Boundaries of Relevance ................................................................ 47
NSM Comparisons ........................................................................... 50
Articulation & Subjectivity ............................................................... 54

Power and Social Relations ............................................................. 57

Relationality .................................................................................. 60
Coalition/Alliance .......................................................................... 61
Networks ....................................................................................... 62
Relationships .................................................................................. 64

3. NEW WELFARE AND THE ANIMAL RIGHTS MOVEMENT ............. 67

Animal Advocacy .......................................................................... 67

Philosophical Underpinnings ........................................................ 69
New Welfare .................................................................................... 71

Anti-Terrorism, Advertising, and Animal Planet .............................. 75

4. COMPETING LOGICS, CULTURE, AND CONFLICTS ..................... 79

Pre-AETA: The Modern Animal Rights Movement .......................... 80

Contemporary Direct Action .......................................................... 82

Fighting Foie Gras ......................................................................... 83
Combatting the Use of Circus Animals .......................................... 88

Contextual Shifts ............................................................................ 93

AEPA/AETA: Corporate Protection and the Eco-Terrorist.............. 95
Animal Planet: The Problem of Pet Animal Cruelty ...................... 110

5. LIFESTYLE POLITICS ..................................................................... 123

Activist Adaptation ....................................................................... 123

Vivisection: Protest and “Cruelty-Free” Consumption ...................... 123
Food Politics: The Centrality of Veganism ...................................... 128
8. DISCUSSION ..................................................................................................................... 215
   Relationships................................................................................................................... 216
   Figuration....................................................................................................................... 220
   The Animal Rights Movement...................................................................................... 223
   Direct Action and Productive Strategies........................................................................ 225
   The Market and The State............................................................................................. 226
   Other Projects............................................................................................................... 227
   Conclusion ..................................................................................................................... 229

BIBLIOGRAPHY ................................................................................................................ 231
LIST OF TABLES

Table                                      Page

1. Types of Animal Advocacy in the U.S. ................................................................. 11
2: Typing of Relevant Organizations................................................................. 25
CHAPTER 1

CHANGING ANIMAL ADVOCACY

Only eight days after Donald Trump won the U.S. Presidential election, Washington State Senator Doug Ericksen (R-Ferndale) authored legislation that “would allow felony prosecution of protesters who purposely break the law to disrupt economic activity, for example by blocking traffic or sitting on railroad tracks” (Brunner 2016). Further, anyone who facilitates, by organizing, sponsoring, or funding such activities would be fined three times the cost of the “economic terrorism.” Ericksen calls these individuals and groups “accomplices” and says that a goal of the legislation is “to target wealthy, liberal donors…and organizations such as the Sierra Club, for sponsoring disruptive demonstrations” (Brunner 2016).

Anti-protest legislation, of various sorts, has been introduced in twenty states since the 2016 Presidential election. Ericksen’s legislation is not likely to make it through Washington’s Democrat controlled legislature, and would certainly not escape Governor Inslee’s veto. The American Civil Liberties Union (ACLU) and Washington State Democrats have denounced it, and State Representative Laurie Jinkins (D-Tacoma) said that she was “kind of shocked” that such a thing would even be proposed. “I just think there is nothing more un-American than this kind of proposal. There is nothing more fundamental to our democracy than the right to protest things you think are wrong” (Jinkins, quoted in Brunner 2016).

Yet there is precedent for this sort of legislation. The Animal Enterprise Protection Act (AEPA, 1992) and subsequent Animal Enterprise Terrorism Act (AETA, 2004) have been used to prosecute protesters. In the case of protests targeting President Donald Trump or the Republican Party, the Democratic Party might easily be interpreted as an “accomplice” under this proposed
2006) criminalize protest that disrupts economic activity related to animal enterprises. The AETA does not target organizers or funders of protest activity in the way that Ericksen’s legislation does, but in other regards, it is very similar to his proposal. Tennessee, Oklahoma, and North and South Dakota have recently passed legislation that criminalizes protest\(^2\), and the introduction of so many anti-protest bills in state legislatures prompted the UN’s Office of the High Commissioner for Human Rights to complain in March, 2017 to the U.S. State Department about “a worrying trend that could result in a detrimental impact on the rights to freedom of peaceful assembly and freedom of expression in the country” (Gabbatt 2017).

Since the American Civil Rights Movement, left-leaning activists have relied on disruptive direct action, legislative lobbying, and conscious consumption/ cultural production. In particular, disruptive direct action and civil disobedience have been

\(^2\) SB 902 in Tennessee imposes a fine of $200 on protesters who obstruct an emergency vehicle from accessing a street or highway. A ‘Hit and Kill’ bill, SB 944 was defeated. In Oklahoma, HB 1123 punishes protesters who willfully trespass on “critical infrastructure,” with enhanced penalties for those who do so in order to harm the infrastructure’s operations. Under the law, the state can impose a $1 million fine on any organization “found to be a conspirator” in such trespass. HB 2128 appears makes anyone who is merely arrested for trespass liable for any damages to property caused while trespassing. In South Dakota, SB 176 enables officials to prohibit protests of more than 20 people on public lands in certain circumstances and expands the crime of trespass; enables the Department of Transportation to prohibit protesters from stopping on the highway; and criminalizes protests that stop traffic on the highway. And North Dakota, in response to Standing Rock protests against the Dakota Access pipeline, has passed four anti-protest bills. SB 1293 criminalizes protests on private property where the notice against trespassing is “clear from the circumstances.” It also creates a civil trespass offense that gives officers the option of issuing a citation and $250 fine. SB 2302 allows the attorney general to respond to a large protest by appointing out-of-state law enforcement officers as “ad-hoc special agents.” HB 1426 increased penalties for riot offenses, and HB 1304 punishes wearing a mask while committing a crime (including minor offenses) to avoid recognition or identification in any public forum, or in a group on private property without written permission. A ‘Hit and Kill’ bill was defeated in North Dakota, as was a bill that would have punished protesters for economic losses sustained during protests with fines and prison sentences.
symbolically privileged. Scholars have argued that such protest actions are necessary to demonstrate the numbers, unity, legitimacy and commitment of movement supporters (Klandermans 1997; McAdam, Tarrow and Tilly 2001) and also to create collective identity (Gamson 1992b; Jasper 1997). In a political climate that represses direct action and a legislature that prioritizes corporate needs, how can left-leaning causes successfully advocate for change?

Animal advocates have been operating in a political climate that directly targets their activism for over twenty years now, and they have adapted. Whereas they once disrupted businesses that exploit animals, now they more often endorse and support businesses that protect animals. Whereas they once held protests, now they more often call their representatives and circulate petitions. As with any broad-based political endeavor, they have seen both successes and failures, but they have survived remarkably well, given the marked repression of their political activity. They have survived, and at times succeeded, I argue, because they have de-emphasized formal organizations in favor of political relationships.

**Problem Statement**

Many central sociological questions attempt to understand the ways that social structures inhibit and encourage human agency. What creates social change? How can people use and resist power? In response to these questions, sociologists have developed a wide range of social movement studies, attempting to understand intentional, coordinated efforts to use power to effect change.

In addition to formal repression of protest, different economic and cultural
contexts encourage different sorts of social change activities. Information-driven consumer capitalism now dominates the economies of North America and Europe, replacing production-driven industrial capitalism. These societies increasingly subject all areas of life to neoliberal rationality.

Neo-liberalism is not simply a set of economic policies; it is not only about facilitating free trade, maximizing corporate profits, and challenging welfarism. Rather, neo-liberalism carries a social analysis which, when deployed as a form of governmentality, reaches from the soul of the citizen-subject to education policy to practices of empire. Neo-liberal rationality, while foregrounding the market, is not only or even primarily focused on the economy; rather it involves extending and disseminating market values to all institutions and social action, even as the market itself remains a distinctive player. (Brown 2003)

Politics, collective action, and even individual beliefs are subject to market rationality. This produces both institutionally and individually reflexive societies, and faster and more rapidly proliferating information flows. Communities and universal belief systems no longer anchor individuals. Rather, individuals and institutions constantly, reflexively constitute themselves as investments, and locate themselves in markets, even in non-economic life spheres. As a result of these contextual changes, collective action looks different and operates differently than it did in the past.

I refer to the current moment as late modernity, because in spite of these changes, I don’t believe that the modern project has ended, nor that the characteristics of the current moment mark an entirely new epoch, with distinctly different relations of power from those of modernity. Like Giddens (1991), I see the contemporary as a specific form of post-traditional culture, a mutated modernity, perhaps, but not a dead one. In addition, most of the scholars whose thinking about publics, neoliberalism, collective action, and
power have particularly influenced my work use the concept of late modernity explicitly (Giddens 1990, 1991, Brown 2003).

Late modernity produces more collective action focused on culture, identity, and self (Lyotard 1986, Benford 1997, Gamson (1995), Melucci (1985, 1989, 1994, 1996)). Understanding these new social movements (NSMs) requires an analytical lens suited to the late modern context in which they proliferate. NSMs may not consist of discrete organizations, they may primarily mobilize the intangible resources of knowledge production and private consumption practices, and they may not target a specific opponent (Giddens 1991; Benford 1997). All collective action however, including NSMs, consists of political relationships, relationships among individuals and among organizations if they exist, relationships with state and economic actors, and relationships of individuals to themselves.

Late modernity calls for a relational perspective on collective action and social change, focused on the relationships of multiple agents, agendas, and factors. A relational approach can potentially capture the complexity of social change processes in late modern societies. This paper employs a relational analysis to the case of collective action and social change regarding issues of animal care and cruelty and the nature of acceptable human-animal relationships.
Acceptable Human-Animal Relationships

In the fall of 2008 I accompanied Ben, a Humane Law Enforcement Officer on a call to an apartment building where a neighbor had complained that a man’s dog was suffering from a large, visible tumor on its hip. The man answered the door, and Ben told him that someone had complained about his animal’s condition. The man appeared quite irritated about the complaint. He said that his veterinarian had diagnosed the tumor as benign, but he also acknowledged that it looked bad. Ben asked for the name of the veterinarian and to inspect the animal. The man reluctantly produced his dog, and we could see the baseball-sized growth on its hip. Ben greeted the dog and encouraged it to move around, observing its condition. The dog moved easily, and appeared to be without discomfort, so Ben thanked the man for allowing us to see it and we returned to the truck. Ben phoned the complainant to report that the dog had received appropriate care and closed the case, filing the paperwork without calling the veterinarian.

This routine interaction exemplifies a dramatic transformation in American discourses of animal cruelty and appropriate human-animal relationships. It required two notable conditions: First, it required legislation, now enacted in many American cities, requiring that pet owners provide veterinary care to companion animals; Second, it required that an individual feel both moved and entitled to observe and report her or his neighbors’ animal care practices.

Thirty years ago, even animal advocates did not envision a society that legally compels veterinary care for companion animals, particularly given that many humans still go without medical care in the United States. In many rural areas, and in much of the rest of the world, people might still consider such a requirement preposterous.
This marks a distinct change in American discourses about animal care and cruelty. Since the mid 1990s, the United States has increased social regulation and activity regarding the care and control of animals remarkably rapidly. The past fifteen years produced more animal related legislation and litigation than all of prior recorded history. The media pay increasing attention to animal issues and have firmly established animal cruelty as a mainstream issue. Accepted standards of both companion and farm animal care have steadily risen. This is the case in spite of a decrease in direct action by animal advocates. During the same time period, animal related direct action has been formally repressed in ways that are unique to animal advocacy.

These observations motivated this project. The dramatic changes in American culture with regard to animal care and cruelty offer an interesting case for the application of a relational approach to social change. The many sociological studies of social movements have produced valuable frameworks for understanding coordinated efforts to enact social change. However much of this literature seems insufficient for fully understanding social change in a formally repressed, late modern, neoliberal context. Multiple agents, agendas, and factors work together to create a collective action relationship that produces social change in both intentional and accidental ways. Understanding it requires a relational perspective on social movements, one that focuses on the intricate entwining of language and practice for the re/production of the discourses that shape social life. This inquiry aims to extend our understanding of the mechanisms of social change by utilizing a relational approach that understands collective action as dynamic interconnection.
Publics and Collective Action

I initially surmised that the dramatic changes in American attention to issues of animal care and cruelty resulted from the efforts of the animal rights movement. In the early 1990s, the animal rights movement appeared discernibly cohesive and highly visible as an advocate for changes in the way that the United States addressed animal issues. At that time, demonstrations by animal rights activists regularly garnered media attention and they seemed successful in pressuring adversaries into making changes regarding the nature of acceptable human-animal relationships.

Now, two decades later, the media regularly attend to animal related issues and the state regulates and enforces animal care and cruelty statutes. I first attributed this increased societal attention directly to the advocacy efforts of animal rights activists, but when I attempted to investigate the animal rights movement, I found it a frustratingly difficult object to pin down. Where had the demonstrators gone? Could I locate the movement in legislative proposals, animal control trucks, the dog kennels I cleaned at the shelter, the vegan potlucks I attended in cold, rainy parks, or the ‘cruelty-free’ aisle at the drug store?

I now believe that ‘social movement’ is not an expansive enough concept to contain the multiple relationships, messages, constructions, and practices that characterize struggles around animal issues. Too much social movement scholarship privileges ‘social movements’, as cohesive and relatively static entities (See, e.g., Tarrow 1998), and as the dominant initiators of social change. Of course, movements, as amorphous, continually re/produced and re/constituted alliances do affect social change in important ways. However social movements constitute themselves by the very
visibility that allows us to know them at a particular moment (Shurman and Munro 2006). Rather than knights, rushing to challenge an adversary and returning home after the battle, they emerge to our knowing through relations of power as groups of agents who ally in geographically (in both the literal and social sense) and temporally situated ways (Goldstone 2004). They engage with other agents over our knowledge of the world and its legitimate divisions in equally specific and temporary, if often re/produced struggles.

From this perspective, understanding social change with regard to animal care and cruelty requires an examination of not only the animal rights movement, but also the context within which it struggled, its allies, and its opponents. No one of the factors and agents I identify directly caused the changes I now observe, but each had its part to play, and the relations of power among them influenced social change.

**The Animal Advocacy Public**

Eley (1990) suggests that we conceptualize social context by imagining a social world made up of multiple publics that negotiate culture and ideology. Publics, as temporal yet durable spaces of social relation, emerge dynamically when people engage around common concerns. The social relations that publics contain both produce and organize them, creating structural inequalities within them. Publics overlap and split in ways that parallel larger social relations and inequalities (Fraser 1990, Calhoun 1993a, Felski 1989, Thayer 2010).

For lack of a better term, I call the public within which struggles over animal discourses take place, the animal advocacy public. Within this public, I identify three
general orientations toward advocacy for changing the treatment of animals in U.S. Society, that is, three types of animal advocates: Humane, animal rights, and new welfare.

**Humane advocacy** developed in the nineteenth century. Since then, humane advocates have sought to minimize the suffering of animals, but they do not take issue with the use of animals for human gain. They have typically modeled their organizations as social services, designed to provide animal services rather than political advocacy. For that reason, they are not a focus of this paper. **Animal rights activists** began organizing in the 1970s. They demanded an end to all exploitation of animals and until the mid 1990s, typically did not support or advocate for reform measures. Their organizations have typically pursued disruptive, direct action activism and cultural production. Most currently active animal rights organizations do now support reform measures, with abolition of animal exploitation as their ultimate goal. Most recently, in the 1990s, **new welfare activism** developed (Francione 1996). New welfare activists often inhabit, or co-opt, the service organizations of humane advocates, but they tend to politically support or advocate for reform measures, with the ultimate goal of ending at least some forms of animal exploitation. They differ from animal rights activists in terms of what they consider acceptable costs. For instance, the Humane Society of the United States (HSUS), a new welfare organization, promotes ‘humanely produced’ meat products, as an alternative to factory farming. To animal rights activists, that is not an acceptable compromise, as slaughter can never be humane. I refer to these three groups throughout this paper, which focuses particularly on animal rights and new welfare activists. While these categories are empirically produced, they are also heuristic devices. The lines between them sometimes blur, and they may overlap or coexist within organizations.
Additionally, I use the term “animal advocates” when I am not distinguishing among
these groups, but rather referring to all of these actors who compose the animal advocacy
public. Table 1 outlines the three types of animal advocacy.

Table 1: Types of Animal Advocacy in the U.S.

<table>
<thead>
<tr>
<th>TYPE</th>
<th>DATE</th>
<th>PHILOSOPHY</th>
<th>FOCUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Humane</td>
<td>1866</td>
<td>Reduce animal suffering</td>
<td>Service provision, legislative reform</td>
</tr>
<tr>
<td>Rights</td>
<td>1976</td>
<td>End animal exploitation</td>
<td>Direct action, civil disobedience, subculture, revolution</td>
</tr>
<tr>
<td>New Welfare</td>
<td>1996</td>
<td>Reduce animal suffering while seeking to end the worst forms of animal exploitation</td>
<td>Legislative reform, education, service provision, limited direct action</td>
</tr>
</tbody>
</table>

Three additional evident organizational agents occupy the animal advocacy
public: the state, the media, and corporate agents. They have, in differing constellations,
at times allied with animal advocates and at others times opposed them.

Currently, multiple national and many local organizations work toward animal
rights and the humane treatment of animals, their advocates engage in a great deal of
legislative lobbying, and individuals who may or may not claim an organizational
affiliation regularly produce exposes of inhumane treatment. Some groups of activists
organize demonstrations, but they typically draw many fewer demonstrators than they did in the 1990s and the media rarely cover them.

The animal advocacy public has changed in four major ways over the past twenty
years: (1) a newly evident group of animal advocates, new welfare activists, pursue what were historically animal rights issues through reformist measures, (2) new welfare activists have successfully enacted many incremental changes designed to reduce animal suffering, and have become the dominant form of advocacy (3) animal rights activists
increasingly focus on lifestyle and cultural activism rather than direct, confrontational activism, and (4) humane organizations have increasingly pursued reforms based on animal rights agendas, as they have been co-opted by new welfare activists. A limited body of literature, mostly from the 1990s, directly addresses the animal advocacy public. Nonetheless, some of these studies indicate the above trends.

Einwohner (1999), in a study of animal rights campaigns, found that social movements can more effectively achieve their goals when the changes they seek do not threaten practices that opponents see as either central or necessary. “The possibilities that exist for changing these practices are shaped by two factors: the extent to which the practices are seen as necessary by those who engage in them; and the extent to which the practices are defined as central to individuals’ lives” (171). In her analysis, activists better succeeded in their efforts to diminish the fur industry than they did in their antivivisection efforts because scientists considered research both necessary and central to their lives, while the people who purchased fur considered it a luxury item, and could reinforce their identities by purchasing alternative luxuries. From Einwohner’s perspective, humane treatment struggles should more successfully effect change than animal rights oriented struggles, because humane struggles less often threaten necessary and central discourses, whether or not they transform them.

This fails to explain however, why animal rights activists’ support for direct action demonstrations has declined. Social movement scholars argue that protests demonstrate the numbers, legitimacy, unity, and commitment of supporters (Klandermans 1997; McAdam, Tarrow and Tilly 2001). This seems to imply the importance of protests for winning gains, distinct from other purposes. Protests also help to create collective
identity among activists by developing oppositional consciousness and dramatizing conflict (Gamson 1992b; Jasper 1997).

An effective demonstration of the numbers, legitimacy, unity, and commitment of supporters requires some minimal mobilization. On the other hand, small mobilizations may effect the conflict necessary to produce oppositional consciousness and collective identity, and movements might achieve unity and legitimacy by other means. Animal advocacy groups have organized two Marches on Washington. The first ‘March for Animals’ in 1990 drew between 24,000 and 40,000 marchers. The second ‘March for the Animals’ in 1996 drew only one eighth of the protesters who participated in the first march (Herzog 1996). Local protests also appear to mobilize decreasing numbers. In the 1980s, demonstrations of animal research facilities drew from 100 to over 1,000 protestors (Jasper and Poulsen 1995). The largest animal rights protest I personally encountered while conducting my research mobilized 36 supporters and received no media coverage. The organizer called the turnout “tremendous”. Activists I interviewed claimed that their twice yearly circus protests can draw up to 100 demonstrators, although I did not witness that large of a turnout, and even those protests received no media coverage.

I most regularly attended a weekly anti-foie gras protest of a local restaurant. The campaign targeted local restaurants, one by one, with the goal of eliminating foie gras from all restaurants in the city. This reformist struggle focused on eliminating the consumption of a single animal product that activists believe causes particular suffering in its manufacture. They did not protest other meat or dairy dishes that these restaurants served. I see a similar shift toward struggles for incremental reform at the national level.
At the same time, although mobilization of protesters has declined, the membership of the People for the Ethical Treatment of Animals (PETA), the largest and most visible animal rights organization since its emergence in 1980, has grown from 300,000 in 1990 (Myers 1990), to over two million in 2009 (PETA 2009). While its membership has grown, PETA’s struggles are increasingly reform-focused. It now supports reforms of animal agriculture, prosecution of animal cruelty claims, and oversight and regulation of research facilities. This is qualitatively different from struggles with more radical goals, for instance to end animal research altogether, and more confrontational tactics, for example the use of disruptions that make it difficult for research facilities to conduct business.

Similarly, when Plous (1991, 1998) surveyed activists at both the 1990 and the 1996 Marches on Washington, he found that in six years, the activists who practiced veganism (the avoidance of all animal products) rose from 18% to 36%, and that the activists who practiced vegetarianism (meat avoidance) rose from 91% to 98%. These numbers suggest that during that time, politicized lifestyle practices became increasingly correlated with protest activities. This might indicate that animal advocates increasingly embraced politicized lifestyle practices, but given the much smaller number of protesters at the 1996 march, these numbers more likely indicate that the activists who did not embrace these practices engaged in other struggles or at other sites, or lost interest altogether.

Munro (2005) found that animal rights activists considered vegetarianism the single most important thing an individual can do for animals. For many activists, animal rights and vegetarianism are different sides of the same coin. Committed animal rights
activists believe that eating meat devalues the movement's philosophy that animals should be left alone. For them, the avoidance of meat is the most basic prerequisite to movement commitment and credibility, even if this involves personal sacrifice (Munro 2005:88). This finding emphasizes the political value placed on daily, personal practices by animal rights activists, prefigurative, lifestyle politics, because activists attempt to live in a way that prefigures the world they wish to create.

Many historically humane organizations, over the past twenty years, have begun pursuing animal rights agendas, in a reformist fashion, as new welfare activists have increasingly dominated them. For instance, HSUS now pursues incremental changes to animal agricultural practices, through legislation. Humane organizations only relatively recently developed a concern with animal agriculture. Likewise, HSUS promotes vegetarianism. There exists, no doubt, a linkage between the promotion of vegetarianism and concern with animal agriculture (Plous 1998), but these issues have traditionally engaged animal rights activists, and humane advocates have neglected them. Animal rights activists have accused humane advocates of privileging the fates of cute and cuddly companion animals over other species, which may account for their historical neglect of agricultural issues. Now however, with the increasing dominance of new welfare activists in these organizations, they are moving way from those historically limited agendas and pursuing animal rights issues like factory farming and vivisection.

In their respective struggles, both animal rights and new welfare organizations have created coalition with corporate interests. In many ways, corporate advertising has replaced news media as the forum by which these organizations get their messages to the public. For instance, Iams, Proctor & Gamble’s pet food brand, has partnered with the
HSUS and other large new welfare organizations to create advertisements focused on companion animal neglect and cruelty. They donate money to HSUS and other organizations, and allow organizational representatives to sit on their advisory boards, which monitor their animal testing, in the company of hunting representatives, vivisectionists, and other traditional opponents of animal rights activists.

The vegetarian food market, supported by animal advocacy through the promotion of vegetarianism, provides an even more influential ally. Manufacturers of vegetarian foods take up the vegetarian cause in their advertising, participate in the articulation of vegetarianism with health and diet discourses, and work hard to make vegetarianism more attractive and convenient to the American public. This governmental technique articulates people’s desires for health and beauty with vegetarianism. Animal rights activists could not have achieved the relative success of vegetarianism without help. No amount of pamphleteering can equal corporate advertising and medical findings (Muhlke 2017).

We might conclude that the changes in the nature of acceptable human-animal relationships as simply the ascendance of new welfare over animal rights activism. Plous (1998) challenges this interpretation, arguing that firstly, while animal rights priorities shifted from research to agriculture between 1990 and 1996, overall levels of support among activists for antivivisection did not change; 90% of activists entirely opposed vivisection. Rather, activists increased their concern about animal agriculture. Also, humane advocates have “never focused centrally on animal agriculture or the promotion of a vegetarian diet. These facts leave little doubt then, that the current results do not
represent a cyclical alternation between antivivisectionism and humane activism. Rather, they signal a new chapter in the Animal Rights Movement” (1998:53).

I propose that these changes might rather signal a redistribution of agents’ struggles within the animal advocacy public as activists adapt to political, cultural, and economic changes. Through these struggles, significant discursive shifts by activists, state, corporate, and media agents have altered the forces that structure that public.

**Discourse**

Foucault’s conception of discourse provides an object of analysis for understanding the struggles that take place within publics. In summarizing Foucault’s definition of discourse, Weedon (1987) argues that in Foucault’s work, discourse refers to ways of constituting knowledge, and of course for Foucault, knowledge and power intertwine so closely that he conceptualizes them as power/knowledge (Foucault and Gordon 1980). The sociological literature on collective action frames has most often addressed discourse. This invaluable body of work has recognized the importance of symbolic struggles in efforts for social change. Unfortunately, this literature typically reduces discourse to strategically chosen language (See, e.g., Gamson, Fireman, and Rytina 1982; Snow, Rochford, Worden, and Benford 1986; Benford 1987; Snow and Benford 1988; Gerhards and Rucht 1992; Nepstad 1997). Language constitutes knowledge, but so do social practices of all kinds and the power relations that characterize them (Weedon 1987).

In this analysis, I approach discourse as an analytic object that includes language, social practices, power relations, and forms of subjectivity (Weedon 1987). If we look
therefore not at the animal rights movement per se, but rather, at the public that, through the discourse it produces, in terms of both language and practices, structures animal care and cruelty in the U.S., we can better understand the forces and struggles that have produced the dramatic social changes in this arena over the past twenty years. This project uses the concepts of discourse and publics to understand those changes.

In the final section of this introduction, I detail the methodological and data collection techniques that I used in pursuing this research. Chapter Two elaborates on the concepts and contexts that shaped my work, including new social movement theories and theories of social relations and relationality, power, discourse, productive strategies, and publics. Chapter Three details the history of animal care and control in the United States, and offers a genealogical perspective on the concepts of ‘animal cruelty’ and ‘animal rights’. The empirical chapters begin with Chapter Four, which explores the contextual changes in the relationships among businesses, media, activists, and the state, as the political climate becomes more repressive and corporations and media offer support for certain animal issues. Chapter Five details the adaptations of animal advocates to these contexts, as they pursue the revised goals of contemporary animal rights. Chapter Six focuses on the relationships among these actors as they attempt to shape the subjectivities of American pet owners and consumers through discourses of animal cruelty and the nature of appropriate human-animal relationships. Chapter Seven addresses recent discursive and legislative changes regarding animal care and cruelty and the relationships that produce the enforcement of appropriate human-animal relationships. Finally, in Chapter Eight I summarize my conclusions and discuss the implications and significance
of this research for the sociological study of social change. Like the history of animal advocacy, my empirical narrative moves from the direct action of animal rights activists, to lifestyle politics and new welfare practices of subjectivity. It ends with institutionalization of animal protections, and the humane law enforcement officers who enforce them.

**Method**

I wanted to better understand the relationships, struggles, and contextual changes that have led to dramatic changes, over the past twenty years, in animal advocacy and animal care and cruelty discourses in the U.S. In my effort to do so, I asked the following questions:

- How is it that what looks like a decline in animal rights activism coincides with the successful passage of so much animal protection legislation?
- How have animal advocates adapted to changes in the larger econo-political context of their activism?
- How have the relationships that make up the animal advocacy public shaped changes in appropriate human-animal relationships?

I addressed these questions by investigating the animal advocacy public through ethnography, artifactual data, and interviews with former and current advocates. I sought to understand the relationships among activists, businesses, media, and state actors that produced the dominant discourses that structure animal care and cruelty, and the processes that produced their recent changes. To do this I examined the discourse, conceptualized as language, practice, and social relations, of animal advocates and their
organizations, animal care and control organizations, and the animal related consumer industries.

I conducted this research in the greater Seattle area in Washington State. Both the animal rights and environmental movements have thrived along the West Coast, for unidentified reasons. Vermont, Washington, and Oregon topped Forbes’ list of ‘greenest states’ in 2007. Washington, Oregon, and California contain six of the top ten ‘greenest cities’ (Svoboda 2008), and animal rights overlaps quite a bit with environmentalism. In 2007, the HSUS ranked the ‘most humane’ U.S. cities on 12 criteria: bird shooting, news coverage of animal issues, fashion, cage-free egg sourcing, captive entertainment, animal advocacy, pet store puppy sales, wildlife rehabilitation, circuses, vegetarian restaurants, congressional compassion, and opposition to Canadian seal hunting. San Francisco, CA, Seattle, WA and Portland, OR topped the list (HSUS 2007). Any of these cities therefore, would provide an excellent site for a study of the animal advocacy public. Further, Einwohner conducted the only sociological study that singularly focused on animal rights activists. Her research took place in Western Washington in the early 1990s (Einwohner 1997). The organizations that are the focus of this prior study are still active in the region, albeit in different ways than they were in the 1990s, and both are sites of my ethnographic fieldwork. The reference point provided by Einwohner therefore made the greater Seattle area additionally appealing as a site for this research.

A substantial limitation to siting my research in Seattle was a barrier to including race in my analysis. Seattle is a predominantly white (69.5%) and segregated city. Only 7.2% of residents are Black, and over half of those are recent immigrants, mostly refugees from East Africa. Similarly, two thirds of the 6.5% of Latinx residents are recent
immigrants from Mexico. 14.6% of Seattle residents are Asian or Pacific Islander, and over half of them are first generation immigrants (U.S. Census Bureau 2015a, U.S. Census Bureau 2015b).

Seattle never had a large-scale, job-driven migration from the Southern states like those that diversified some other cities. Most of its diversification comes from immigration, and I suspect that for a number of reasons, including housing, economics and sometimes culture, immigrants are both less likely to keep house pets than U.S. born residents, and less likely to seek state intervention when they have problems with their neighbors’ pets.

As a result of these factors, I witnessed very little racial diversity while conducting my fieldwork. The majority of Seattle residents are white, and the overwhelming majority of people who contact Humane Law Enforcement are white. During my fieldwork, persons of color very rarely contacted Humane Law Enforcement or subjected themselves to the intrusive questioning required to adopt a pet from a shelter. When I encountered them, it was usually because a white neighbor had contacted Humane Law Enforcement about them, but this didn’t occur often enough for me to be able to include race in my analysis.

My inquiry focused on understanding the relationships that have produced changes in animal care and cruelty discourses since the mid-1990s. This analysis required attention to four primary groups of actors: animal advocates (both new welfare and rights activists), the state, media, and corporate agents. I used ethnographic and archival methodologies to examine animal advocates and state agents, and I explored both of these groups’ relationships to market forces and media.
Animal Advocates

Animal rights activism had its heyday in the 1980s, with dramatic actions that resulted in successes like moratoriums on animal testing by major cosmetic corporations and decreases in fur sales. These gains led to the institutionalization of organizations like People for the Ethical Treatment of Animals (PETA). Such organizations still embrace the language of animal rights, but their practices have changed, and they currently pursue more reformist animal advocacy struggles, which they describe as a shift to animal rights pragmatism.

Activists on behalf of animals have historically fallen into one of two camps. Humane activists sought to make conditions for animals more comfortable, to reduce their suffering. Animal rights activists sought to grant animals legal rights equal to those of humans and to abolish their exploitation. Animal rights groups have traditionally embraced more contentious direct action and cultural production, while humane groups have worked institutionally to produce services for animals and win public support. Yet since the 1990s, this distinction has somewhat blurred, and a distinct group of new welfare activists pursue animal rights agendas through humane strategies. While they address the same issues, their ultimate goal is harm reduction, rather than abolition of exploitation, and they compromise in ways that animal rights activists dislike. As a result, some contention exists between animal rights and new welfare activists, it is surprisingly limited as both groups struggle on behalf of animals within a common animal advocacy public. Therefore an understanding of that public requires attention to animal advocates in both the rights and new welfare camps.
I relied on a number of factors to distinguish between animal rights and new welfare organizations. The two ideological factors were straightforward. First, I considered the organization’s identity. Organizations that explicitly consider themselves animal rights organizations are considered such unless I encounter evidence that demonstrates otherwise. Second, animal rights and new welfare groups have different ideals. Animal rights groups are ultimately abolitionist with regard to animal exploitation, while new welfare groups aim to reduce harm, to curtail animal suffering, but they are not ideologically opposed to human exploitation of animals.

The three organizational activity factors were less clear, because of overlap between animal rights and new welfare groups. First, there is a debate among animal rights activists about whether to be fundamentalist or pragmatist in their activities. Fundamentalists demand an end to practices that exploit animals. They won’t support reform measures that allow the continuation of exploitative practices. Pragmatists consider reform measures a means for stopping the worst abuse while also working toward abolition. To my knowledge, there are not currently any active fundamentalist animal rights groups in the U.S., and contemporary American animal rights groups will work on reform measures. What still distinguishes them from new welfare is their end goal of ending all animal exploitation. Likewise, while new welfare groups have expanded the traditional humane areas of concern to include issues like agriculture and vivisection, which were formerly animal rights issues, what still distinguishes them from

---

3 If, for instance, an organization self-identified as an animal rights organization but was not abolitionist, I would have reconsidered its type, but I didn’t encounter that sort of conflict.
animal rights organizations is that their end goal is to reduce harm, not to abolish exploitation.

Second, animal rights and new welfare organizations have different relationships to lifestyle activism and prefigurative politics. In most cases, I easily determined this based on the organization’s emphasis on veganism as a signifier. Animal rights organizations highly emphasize veganism, not only as an animal rights action, but as a part of their organizational culture. Animal rights organizations tend to serve vegan food at functions, hold functions at vegan restaurants, and sometimes even require that employees or participants be vegan. New welfare organizations often have vegan food available in such contexts, but meat is also present. For them, providing vegan food is an accommodation, not an obligation.

Finally, because of the way that animal rights extremism has been publicized, organizations typically take a stand on confrontational tactics, direct action, and/or property damage. Animal rights organizations, whether or not they advocate for confrontation directly, tend to not condemn it. New welfare organizations distance themselves from confrontation. For instance, CARE issued a position statement stating that “Public outreach and education efforts are most effective when presented using legal and non-confrontational methods (CARE 2017).” Often, new welfare organizations don’t engage in direct action at all, but when they do, it is fully licensed and conducted in an orderly fashion. Table 2 types the organizations mentioned in this study, based on the above factors.
<table>
<thead>
<tr>
<th>ORG</th>
<th>IDENTITY</th>
<th>IDEAL</th>
<th>ACTIVITY</th>
<th>CULTURE</th>
<th>CONFRONTATION</th>
<th>TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Humane Society of the United States (HSUS)</td>
<td>Not Stated</td>
<td>Harm Reduction</td>
<td>Pragmatist</td>
<td>No</td>
<td>No</td>
<td>New Welfare</td>
</tr>
<tr>
<td>People for the Ethical Treatment Animals (PETA)</td>
<td>Rights</td>
<td>Abolition</td>
<td>Pragmatist</td>
<td>Vegan</td>
<td>Yes</td>
<td>Rights</td>
</tr>
<tr>
<td>Service Coalition for Animal Rights (SCAR)</td>
<td>Rights</td>
<td>Abolition</td>
<td>Pragmatist</td>
<td>Vegan</td>
<td>Yes</td>
<td>Rights</td>
</tr>
<tr>
<td>Center for Animal Reforms and Education (CARE)</td>
<td>Champion for Animals</td>
<td>Harm Reduction</td>
<td>Pragmatist</td>
<td>No</td>
<td>No</td>
<td>New Welfare</td>
</tr>
<tr>
<td>Municipal Animal Shelter (MAS)</td>
<td>Not Stated</td>
<td>Harm Reduction</td>
<td>Pragmatist</td>
<td>No</td>
<td>No</td>
<td>Humane</td>
</tr>
<tr>
<td>American Society for the Prevention of Cruelty to Animals (ASPCA)</td>
<td>Not Stated</td>
<td>Harm Reduction</td>
<td>Pragmatist</td>
<td>No</td>
<td>No</td>
<td>Humane</td>
</tr>
</tbody>
</table>
For this research, I examined the animal advocacy public in the following ways:

**Animal Rights: SCAR**

I conducted ethnographic fieldwork with the Service Coalition for Animal Rights (SCAR), an animal rights organization also studied by Einwohner. A small group, their activity now consists mostly of vegan outreach and cultural production, but they also conduct a campaign against foie gras, for which they hold weekly demonstrations that, during the time of my research, typically drew between 4 and 10 protesters. I attended group events and protests. I also conducted informal interviews with these activists.

**History**

A grassroots animal rights organization, volunteers organized SCAR in 1986 with the goal of ending animal exploitation. SCAR tries to raise awareness of animal suffering in food, entertainment, experimentation, and fashion industries. SCAR engages in outreach and education, litigates, and demonstrates for animal rights. The organization embraces animal rights pragmatism, which means that they support measures that fall short of ending animal exploitation, so long as those measures benefit animals. In the past, SCAR has supported the Center for Animal Reforms and Education (CARE) in anti-circus and anti-vivisection campaigns, and has conducted anti-hunting and anti-fur campaigns of its own.

Direct action campaigns make up only a small part of SCAR’s current activity however. The organization focuses most directly on supporting vegan outreach, which it sees as the easiest, most direct, and most comprehensive way to reduce animal suffering.
It offers a vegan mentorship program and provides aid to vegan prisoners, who are often not provided with vegan food while imprisoned. SCAR’s website serves to connect the activities of multiple local animal rights organizations and as a source of related news.

**Organization**

SCAR occupies a small office, where it receives mail and where members can use organizational resources, particularly technology, in service to the organization’s goals. Only group members have access to the office. Most organizational meetings are held at local, vegan-friendly restaurants, rather than at the office.

SCAR relies entirely on volunteers. Like many such organizations, a small, core group make up the organization’s board and perform most of its essential functions. Unlike CARE staff, most of SCAR’s members actively participate in animal advocacy outside of SCAR as well. For example, the board president operates a rabbit rescue organization. It surprised me to find that SCAR does not include many student members. Rather, well-educated, relatively well-paid, white adults in their thirties dominate SCAR’s membership. Approximately three quarters of the members whom I met were women, which is typical of animal rights organizations (Peek, Bell, and Dunham 1996) but the board president is a man, and protest actions attracted more men than did educational or outreach activities.

**My Role**

I attended SCAR meetings, demonstrations, and events, for a year. At meetings, I participated in discussions about the organization and about animal rights issues in
general. At demonstrations I distributed leaflets, spoke with contacts, and at times wore a vest with a television embedded in it that helped passers-by to better visualize animal cruelty.

**New Welfare: CARE**

I conducted a year of ethnographic fieldwork at a locally well-known animal rights organization turned new welfare organization. Einwohner also studied this organization, the Center for Animal Refo rms and Education (CARE), in the early 1990s (Einwohner 1997). At that time, CARE clearly embraced an animal rights philosophy and agenda, as well as disruptive strategies of direct action. My observations, collection of artifactual evidence in the form of organizational communications and media, and formal and informal interviews have provided me with data on the transition of this organization from one engaged in direct action for animal rights to one oriented toward animal welfare reforms, and on the organization’s past and current discourse.

**History**

CARE originated in 1967 as a small group of humane advocates that raised money to fund spay/neuter surgeries as a method for curbing cat and dog overpopulation. For the first two years, CARE operated only as a basement thrift store, but people increasingly asked the organization to accept unwanted pets, so in 1969 CARE opened its animal shelter. Like many shelters, CARE then received many requests to rehabilitate sick, abandoned, or injured wildlife, and in 1980 it expanded again, incorporating a wildlife rehabilitation center.
In 1970 CARE became the first animal shelter in the state to require the spaying or neutering of adopted companion animals. In the 1980s, it expanded its animal rights advocacy, and became well known in the area as an animal rights organization. In 1987, CARE successfully forced the University of Washington’s Animal Care Committee to hold open meetings. Twice in the early 1990s, CARE campaigns derailed Navy plans to use dolphins to patrol the Puget Sound, and in 1994, a seven year CARE campaign resulted in sending Ivan, a Western lowland gorilla confined in a Tacoma, WA shopping mall as an attraction, to Zoo Atlanta. More recently, CARE has led legislative campaigns to regulate certain hunting practices. These campaigns have resulted in bans on hunting cougars with hounds, baiting bears, and steel jaw traps.

CARE’s animal shelter became low-kill in 1997. Prior to 1997, like most animal shelters, CARE euthanized animals when their numbers exceeded its space limits. Since 1997, CARE euthanizes animals only when medical or behavioral reasons prevent their adoption. CARE’s shelter has no time limit for adoptable animals.

**Campus**

CARE operates its main campus, seven, largely wooded acres, in a lower middle class, white, suburban neighborhood. The campus includes the animal shelter, the Wildlife Rehabilitation Center, a spay/neuter clinic, dog runs, and buildings for sick cat isolation and animal carcass storage. A path winds from the shelter, through the dog runs, and around to the back of the shelter building, circling it through the woods. Volunteers walk the dogs there, twice daily.
The Companion Animal Shelter (CAS) building has three parts, the public area, the kennels, and the administration, each of which have their own entrances. An interior door also connects the shelter to the administrative offices, and although staff use it, they always keep it closed. There are a number of ways in which CARE’s staff are divided, which I describe in Chapter 6, and to me, that closed, interior door always symbolized the barrier between shelter and administrative staff.

The public area is where animals are both adopted out and admitted to the shelter. The adoption counseling is done there, and a the eligibility questionnaires that prospective adopters must complete before they are allowed to see the animals. Pet products, carefully selected based on both animal care ethics and corporate relationships, cover the wall, available for purchase. Opposite the adoption counter, is the receiving office. When animal control or individuals bring animals to the shelter, they fill out paperwork and release the animal. CARE staff take the animal through the receiving office to the vaccination room, vaccinate the animal, and then take it to a kennel or cage in the animal areas to the back of the building. The vaccination room is also where animals are euthanized.

**Organization**

Multiple groups make up the shelter organization. CARE’s development and educational outreach teams operate off of the main campus, occupying offices few miles away, in a nondescript building off of the highway. They maintain the website, raise money, organize and market political campaigns, and manage the educational programs.
The Wildlife Rehabilitation Center has very little interaction with the Companion Animal Shelter, although they sit only 50 feet away from one another. The Center prioritizes maintaining the wildness of the animals that they rehabilitate. As a result, they protect those animals, and they do not permit anyone, including other CARE staff, unless essential to wildlife rehabilitation, beyond the small lobby of the Wildlife Center.

CARE veterinary staff members come into the shelter to collect and deposit animals for treatment, but much of that activity occurs prior to the shelter opening in the morning. Except when an animal comes into the shelter needing urgent veterinary attention, most interaction between veterinary and shelter staff takes place via paperwork exchange.

The Companion Animal Shelter (CAS) houses administrators, a shelter staff, and volunteers. The administrative staff includes an executive director, shelter director, volunteer coordinator, bookkeeper, foster care coordinator, and a network administrator. At the time of my research, with the exception of the male, self-educated network administrator, the administrative staff consisted entirely of white, college educated women.

The shelter staff includes a shelter manager, an assistant manager, and approximately seven regular staff members, of whom three work full time. Collectively, they provide physical care for the animals, act as adoption counselors, and receive incoming animals to the shelter. Most staff members have a primary role, and perform a different role once or twice a week. At the time of my research, the entirely white shelter staff included two men, and only one shelter staff member, a woman, had a college education. Most shelter staff members make minimum wage.
My Role

I began at CARE as the administrative intern for the Companion Animal Shelter. In this role, I worked in the administrative area for about 10 hours each week, seated at one of two cubicles which the offices circle. I compiled adoption statistics and reports, put out the monthly newsletter, and marketed a ‘Pet of the Week’ online. In return for my work as an intern, the CAS allowed me to regularly observe adoptions in the shelter lobby.

I continued as the CAS intern for a year, but after a few months the shelter additionally employed me as a part time member of the shelter staff. In my primary role, I worked in the receiving office, where I accepted and vaccinated incoming animals and answered the phone. I could easily observe the adoption counselors from the receiving office. Two shifts each week I performed other roles. Once weekly I performed animal care, which included cleaning kennels and cages, feeding and medicating animals, testing animals’ behavior, and introducing animals to prospective adopters. Once weekly I acted as an adoption counselor.

The State: Municipal Animal Shelter

In recent years, legislation regarding animal care and control has multiplied exponentially, and many activists have focused on legislative struggles. For instance, the U.S. Congress recently enacted a ban on the importation of clothing made from dog or cat fur. In Washington State, every year since 2002 has produced legislation that protects animals, from increased penalties for cruelty violations to a law prohibiting bestiality.
As activists win legislative changes, power flows through them to the agents of the state who implement and enforce these reforms. The state’s agents of enforcement influence the shape of change, as they exercise power in their enforcement activities. In some jurisdictions, non-governmental organizations have contracted to enforce animal control laws. In this jurisdiction however, the city has a staff of thirteen Humane Law Enforcement Officers who operate out of the municipal animal shelter and bear this responsibility.

**History**

The Municipal Animal Shelter (MAS) enforces animal ordinances for the city as part of its central mission. Since 1972, it has evolved to care for abandoned and abused animals as well. As a publicly funded organization, MAS does not engage in legislative political action, however it does educate the public on ‘responsible pet ownership’.

MAS employs euthanasia policies similar to those of CARE, in that they euthanize only ‘unadoptable’ animals. This includes dangerous animals, to humans or other animals, or those that would require unreasonable medical interventions.

MAS employs thirteen humane law enforcement officers who enforce state and municipal animal care and control statutes for approximately 700,000 city residents, approximately 62% of whom own pets. At the time of my research, I almost never saw more than four officers in the field at any given time, patrolling 142.5 square miles within the city limits. On most days, two officers at a time patrolled the city, one in the North end, and one in the South end, between about 9AM and 7PM. Officers work in two shifts, from 7 AM to 3 PM and from 1 PM to 9 PM. Barring an emergency, officers use the
hours at the beginning and the end of each day for paperwork. On some days, an additional officer does a park patrol, driving from park to park and looking for leash law and license violations. A dispatch officer takes complaints at the shelter and dispatches field officers.

**Facility**

A fairly new, two story, brick building houses the Municipal Animal Shelter facility, located just outside of downtown. The animal shelter is downstairs, and law enforcement, administrative offices, and the spay/neuter clinic are housed upstairs. The spay/neuter clinic, although housed in the same building, is virtually independent from the rest of the shelter, and I rarely encountered its staff.

The administrative area is closed to the public. Officers use the conference room as a workspace when they need to complete paperwork or make phone calls, since only the dispatch officer has a cubicle of his own. They use a flight of interior stairs to go back and forth from their trucks, which dominate the small parking lot outside the lower entrance of the shelter.

Large dog runs occupy the space to the left of the shelter. Inside the main entrance, adoption counselors work at three desks with computer stations. To the left, the two women who issue pet licenses work behind a high counter. They have a sliding glass window, for when they wish to shut out the public. Unlike at CARE, prospective adopters are free to visit the dog kennels, or to enter the cat or small animal rooms, without staff permission. Behind the rooms where the animals are housed, an open area is used for
vaccinations. Also unlike at CARE, the Animal Care Director has her office off of this area, in the center of shelter activity, and her door is always open.

**Organization**

Unlike at CARE, where administrators are animal advocates, MAS administrators work for the city. They put more emphasis on policies and procedures, and exhibit less enthusiasm for the shelter’s activities than did CARE administrative staff. They also don’t bring their pets to work. Many of them have experience with administrating other municipal activities, rather than experience with animal advocacy or care. Except for the Executive Director, they are all women, and all of them are white.

In the shelter, two humane law enforcement officers, assigned exclusively to the shelter, act as adoption counselors and help with animal care. Many officers covet this assignment, because the position involves the most positive human interactions, those that occur during animal adoptions, rather than the often conflictual law enforcement interactions required by field work. The two older women who license pets are both career city employees who have worked at the shelter for a very long time. They have very limited patience with the public, but are friendly and helpful to shelter staff. The Animal Care Director supervises the animal care staff, which consists of four, full-time, city employees. Compared to CARE, because MAS animal care staff work for the city, and participate in a union, they receive much more adequate compensation, with full benefits and pension packages. Probably as a result, they seemed much happier in their jobs than did the animal care staff at CARE.
Humane law enforcement officers seem to turn over quickly. I asked each officer how s/he chose humane law enforcement, and most indicated that they loved animals, and that this job allowed them to do animal related work that required no specialized training and paid a living wage, a rare combination. Most expressed disappointment that although the work does include contact with animals, officers primarily enforce municipal statutes, and therefore spend most of their time, when not driving or doing paperwork, interacting with people, often in contentious situations. Although officers varied in their levels of comfort with the conflict that their jobs require, most of them indicated that when they sought out their jobs, they had not really expected or desired to put law enforcement ahead of animal care.

Most officers, all but two at the time of my research, did not have college educations. Only one officer could afford to live within the city limits, which he attributed to his lack of family and children. Officers receive excellent benefits, but most regularly work overtime to make ends meet. The MAS staff included only one person of color, an African American officer.

My Role

I shadowed humane law enforcement officers for eighteen months, riding along an average of two times weekly, informally interviewing them and observing them in their duties. I learned later that the supervisor had told the officers that I should stay in the truck. However, the first officer with whom I rode, and the one with the longest tenure at MAS, permitted me to accompany him everywhere, and the other officers followed his lead. As a result, I observed contacts with complainants and perpetrators
(human and animal), interactions with veterinary professionals and police officers, and court proceedings. Occasionally, I assisted the officers in minor ways, with their duties.

**Supplemental Data Collection**

In addition to the data collection already outlined, I read and archived hundreds of animal care documents, animal rights websites, and reports of protest actions related to animal politics. I collected thousands of emails from animal advocacy listserves, over the course of five years. I also interviewed key individuals affiliated with some other local, animal rescue and advocacy organizations.

The data I collected allowed me to analyze the relationships among activists, businesses, media, and state actors that produced the dominant discourses that structure animal care and cruelty, and examine the processes that produced their recent changes. The animal advocacy public has operated in a formally repressive political climate for twenty years. On a broad scale, the insight provided by this paper will contribute to sociological efforts to understand social change, collective action, and the uses of power in late modernity. More narrowly, the American political climate may become increasingly repressive for left-leaning protest in general. Other left-leaning activists may have to shift tactics and relationships to survive and make gains. They might benefit from considering their relationships carefully and strategically, rather than grasping at opportunities in an effort to compensate for constraints. Toward that end, a better understanding of the costs and benefits of the political relationships of animal advocates may prove useful.
CHAPTER 2
CONCEPTS AND CONTEXTS

My work is shaped by the belief that legal, cultural, and economic contexts influence the uses of power for social change. This paper addresses what I see as the most significant contextual changes that have affected animal advocacy over the past twenty years. Legislation that constructs animal rights activists as terrorists represses disruptive direct action and encourages a shift toward legislative lobbying and partnership with businesses and with the state. Animal advocacy discourses can be widely disseminated through new, animal focused television networks, but those discourses are also limited by the networks’ need for mass appeal and their corporate partnerships. Neoliberal economic policies and practices make it increasingly difficult to pinpoint targets, while encouraging prefigurative lifestyle politics, productive strategies, conscious consumption, and activist subcultural development. In this chapter, I elaborate on the concepts and contexts that frame this work, including relational analysis, productive strategies, power, discourse, and publics.

Late Modernity and New Social Movements

Different cultural and economic contexts produce different forms of collective action. Scholars generally agree that in recent decades, the economies of North America and Western Europe have shifted from production driven industrial capitalism to information driven consumer capitalism. Many of these states have likewise replaced social welfare politics with the politics of neoliberalism. Neoliberal economic and socio-political contexts encourage some social change activities while discouraging others.
The shift from liberal to neoliberal economic policies produced “deregulation, privatization, and withdrawal of the state from many areas of social provision” (Harvey 2005:3). Yet while neoliberal states withdraw from some arenas, they increase their interventions in other arenas in order to construct environments that encourage market rationality (Harvey 2005:42). Brown argues that neoliberalism’s “organization of governance and the social is not merely the result of leakage from the economic to other spheres but rather of the explicit imposition of a particular form of market rationality on these spheres” (Brown 2006:693). The imposition of market rationality throughout social and political life creates new forms of empowerment and freedom (Coombe 2007:286), changes that function to promote new conceptions of agency and individualism (Harvey 2005:42).

Neoliberal rationality constructs individuals as businesses. “From a liberal perspective, people own their bodies and their capacities to labor, capacities they can sell in the market. (Gershon 2011:539). In contrast, a neoliberal perspective sees people as “a collection of assets that must be continually invested in, nurtured, managed, and developed” (Martin 2000:582). In a neoliberal context, “one is always faced with one’s self as a project that must be consciously steered through various possible alliances and obstacles. This is a self that is produced through an engagement with a market, that is, neoliberal markets require participants to be reflexive managers of their abilities and alliances” (Gershon 2011:539). Kelly argues that the ideology of neoliberalism “attempts to reconfigure the practices of government by conceiving the subject as rational, autonomous, choice making and responsible” (2001: 29), and Petersen states that “neoliberalism calls upon the individual to enter into the process of his or her own self-
governance through processes of endless self-examination, self-care and self-improvement” (1997:194). Rose says of this reflexive relationship to self that “one becomes a subject for oneself” (1999:240), Cruikshank (1999) calls it the will to empower, and Brown refers to it as the neoliberal citizen’s “capacity for ‘self-care’-their ability to provide for their own needs and service their own ambitions, whether as welfare recipients, medical patients, consumers of pharmaceuticals, university students, or workers in ephemeral occupations”. (2006:694).

There is substantial disagreement however, as to what these economic, political, and social changes mean. For some, they mark the end of the modern era. In the post-modern era, single-issue politics proliferate, and tolerance and consumer and lifestyle choices inspire them (Lyotard 1986). Featherstone (1991) says of post-modernity that it “has to be understood against the background of a long term process involving the growth of a consumer culture and expansion in the number of specialists and intermediaries engaged in the production and circulation of symbolic goals” (126).

Other scholars argue that modernity has not ended, it has merely changed. For Giddens, late modernity produces more collective action focused on culture, identity, and self because:

While emancipatory politics is a politics of life chances, life politics is a politics of lifestyle. Life politics is the politics of a reflexively mobilised order - the system of late modernity - which, on an individual and collective level, has radically altered the existential parameters of social activity. It is a politics of self-actualisation in a reflexively ordered environment, where that reflexivity links self and body to systems of global scope ... Life politics concerns political issues which flow from processes of self-actualisation in post-traditional contexts, where globalising influences intrude deeply into the reflexive project of the self, and conversely where processes of self-realisation influence global strategies. (Giddens 1991:214)
Late modern societies embrace reflexivity (Beck, Giddens, and Lash 1994), so that “social practices are constantly examined and reformed in the light of incoming information about those very practices, thus constitutively altering their character” (Giddens 1990: 38). For people, this may entail self-examination, self-improvement, and self-care. For social institutions, it may entail evaluation, policy changes, and interventions. Throughout the social fabric, we engage in reflexive examination and improvement.

Like Giddens, Bauman (1999, 2000) posits that we still live in the modern era, but it has changed. He argues that the institutions of this historical moment do not solidify, producing both nomadic and reflexive individuals. The emancipatory politics of modernity (which of course also still exist), focus on mobilizing individuals to force institutional change, and directing those politics toward “liquid” institutions reduces both their relevance and their effectiveness, as liquid institutional targets are much more difficult to influence and to pin down.

Whether they call the current era post-modernity or late modernity, what these scholars agree upon is that current North American and Western European societies have substantially changed as their economies have become less industrial and more information and service dependent. They agree that these societies embrace reflexivity at both the institutional and individual levels, that information flows have increased in speed and number, and that communities and universal belief systems no longer anchor individuals. These contextual changes inevitably produce parallel changes in the types of collective action that emerge.
Some scholars have conceptualized the contemporary forms of collective action that strongly emphasize culture, symbols, and identity as new social movements (NSMs) (Benford 1997). Since the 1960s, these movements have proliferated in North America and Europe, societies characterized by increasing privatization and deregulation, not only economically, as neoliberal rationality increasingly structures all areas of life. These social movements have “presumably displaced the old social movement of proletarian revolution associated with classical Marxism” (Buechler 1995:442). Scholars disagree however as to whether or not these movements really constitute something ‘new’ (Cohen 1985; Offe 1985; Klandermans, Kriesi, and Tarrow 1988; Tarrow 1989; Melucci 1994; Bagguley 1995; Pichardo 1997).

The theorizing that characterizes these movements as “new” emerged from traditions of continental European social theory and political philosophy (Cohen 1985; Klandermans 1992; Klandermans and Tarrow 1988; Johnston, Laraña, and Gusfield 1994) in an effort to redress classical Marxism’s failure to adequately analyze contemporary forms of collective action. Buechler (1995) argues that different theorists operate with different models (referring variously to postindustrial society, an informational society, advanced capitalism, etc.), but the attempt to theorize a historically specific social formation as the structural backdrop for contemporary forms of collective action is perhaps the most distinctive feature of new social movement theories. (442-43)

We can utilize the NSM concept without necessarily agreeing that NSMs have never previously existed, nor do we need to believe that traditional Marxist movements no longer exist. Castells (1977, 1978, 1983) for instance, sees class-based and new social movements as co-existing, dialectical collective actions, expressed in both state and cultural arenas. Nonetheless, contemporary, neoliberal democracies, as a specific context,
produce a uniquely prominent and prolific number of NSMs. To ignore them then, or to reduce them to the logic of capitalist production or to class relationships and social identities, misses an important opportunity, not only to understand collective action, but also to understand its relationship to the political and economic contexts in which movements emerge.

Johnston et al. (1994) delineate what they consider the fundamental characteristics of an NSM, characteristics that they assert contrast with those of emancipatory, working-class movements that proliferated in the unmodified modern era. First, the structural roles of participants do not clearly link with the movement. Second, NSMs do not exhibit overarching ideological characteristics in the Marxist sense, but rather demonstrate a pluralism of values and ideas. Third, NSMs tend to mobilize around new or formerly weak identities, rather than economic grievances. Fourth, much of what participants consider movement activity takes place in the lived experience of individual constituents, thus blurring the line between the individual participant and the collective. Fifth, these movements often address what, in the past, people considered “private” areas of life. Sixth, NSM tactics often embrace dramatic civil disobedience and nonviolence. And finally, these movements tend to be decentralized and diffuse.

These characteristics of NSMs clearly reflect the changes in social structure that result from the shift to consumerist neoliberalism in late modernity. In an information economy, information and cultural production increase in value, thus making them targets of contestation. Further, in these economies, geographic and ideological mobility allow for dissipated collectivities and a variety of decentralized action forms. The reflexivity
embedded in neoliber rationality is well suited to prefigurative, lifestyle politics and productive strategies.

Prefiguration, Lifestyle Politics, and Productive Strategies

Lifestyle politics refer to the politicization of everyday life, and may include ethically, morally, or politically motivated decisions about consumption, transportation, modes of living, or other everyday activities (Bennett 1998, Giddens 1991, Micheletti 2003). Studies indicate that this type of political action is on the rise (Bennet 1998, Stolle and Hooghe 2011). The privatization that is concomitant with neoliberalism makes the state a less obvious target, but private power holders don’t offer opportunities for political participation (della Porta 2013, Fox 2014, Norris 2011). As a result, institutional political participation, which should indirectly affect political decisions, has decreased in efficacy. Addressing privatized political change directly through the politicization of everyday life decisions is an alternative (Stolle, Hooghe, and Micheletti 2005). As a result, lifestyle politics have become an emblematic form of political action in late modernity (Bennet 2012, Giddens 1991, Micheletti 2003, Stolle and Hooghe 2011).

Lifestyle politics are both individual and collective. They politicize individual lifestyle choices, but also mobilize fellow citizens to make similarly politically or ethically motivated lifestyle choices. While they have been most studied as political consumerism (Balsiger 2010, Brunori, Rossi, and Guidi 2012, Copeland 2014, Koos 2012, Micheletti, Follesdal, and Stolle 2004, Micheletti, 2003, Stolle et al. 2005), they have also been addressed with regard to other aspects of daily life, including transportation, household waste disposal, professional careers, the use of energy sources,

Prefigurative politics attempt to embody "within the ongoing political practice of a movement [...] those forms of social relations, decision-making, culture, and human experience that are the ultimate goal (Boggs 1977a:100).“ They necessarily include, to some extent, lifestyle politics, and similarly, lifestyle politics are always, at least partially, prefigurative. Prefiguration produces a subculture where activists can live in the sort of social world that they desire. That subculture nourishes them and provides a tangible reward when their larger political struggles may not offer many tangible rewards. It is both strategy and a goal realized. Graeber (2004) says of the anti-WTO actions in Seattle in 1999:

When protesters in Seattle chanted “this is what democracy looks like,” they meant to be taken literally. In the best tradition of direct action, they not only confronted a certain form of power, exposing its mechanisms and attempting literally to stop it in its tracks: they did it in a way which demonstrated why the kind of social relations on which it is based were unnecessary. This is why all the condescending remarks about the movement being dominated by a bunch of dumb kids with no coherent ideology completely missed the mark. The diversity was a function of the decentralized form of organization, and this organization was the movement’s ideology (84).

Prefiguration has been studied in many ways, with regard to multiple movements, including revolutionary movements in Europe and the New Left (Boggs 1977b, Cornell 2009) The second wave women’s movement (Rowbotham 1979), the American Civil Rights movement (Breines 1980), participatory democracy (Poletta 2002), environmental movements (Lichterman 1996), and anti-globalization (Cornell 2012). Prefiguration is an increasingly common “way of actively engaging with the world to bring about change, in which the form of the action—or at least, the organization of the action—is itself a model
for the change one wishes to bring about" (Graeber 2009:210).

Prefigurative, lifestyle politics are a productive strategy for change. Foucault’s (1976) conception of power as productive, constituting subjects and social realities directs attention to the ways in which social movements exercise power. Further, it provides an alternative framework for understanding the ways that NSM activists use power in their efforts to make change and for understanding the potential consequences of their strategies.

I identify three, broad types of strategies for social change. Repressive strategies are fairly well limited to the state and its interests. Corporations can often leverage the repressive strategies of the state, but ultimately, the state monopolizes those strategies as part of its monopoly on legitimate violence. Some activists might quite like to use repressive strategies, for instance, to prevent vivisection or factory farming, but they haven’t the means.

Activists cannot repress the practices that offend them, but they can disrupt business as usual. Disruptive strategies can include direct action protests, blocking access to infrastructure, preventing speakers from being heard, and even vandalism, or in the case of some far right activists, murder. Piven and Cloward (1978) even argue that disruptive strategies are the only means that poor people have for effecting social change without elite support, and disruptive strategies have been key in American social movement activities since the 1960s.

Finally, productive strategies produce, rather than disrupt or repress. Productive strategies aim to create something through the exercise of power. Prefigurative, lifestyle politics are productive, in that they produce subculture that both sustains activists and
serves to model for bystanders the society that activists desire. Art, or creative activism is also productive. It disseminates information about movement ideals or goals while building collective identity and making a movement look fun and appealing. Education is productive in that it attempts to produce in targets the ethical subjectivities of activists. Foucault notes that while individual subjectivities have been increasingly disciplined and governmentalized, the techniques of power are increasingly democratized (1982). The decentralization, information saturation, and reflexivity of neoliberal, late modern societies make productive strategies both more appealing and more feasible than they may have been in the past.

**Boundaries of Relevance**

Dissipated collectivities and decentralized action require a rethinking of the boundaries of relevant social relations, as the concept of ‘social movement’ fails to represent them. While sociologists have conducted extensive scholarship on social movements, including new social movements, and social change of all kinds, “many valuable analyses of social movements pay hardly any attention to the concept itself” (Diani 1992:2). When scholars do address the concept directly, they often ultimately define social movements by disruptive direct action (Tarrow 1998). Yet this understanding excludes some valuable social movement scholarship (Taylor 1996, Haenfler 2004, Cherry 2006). Some scholars therefore, have acknowledged the limitations of this definition (Barry et al. 2007; Kelley 1996; Taylor 1996), and posited that “disruption can also take the form of coordinated personal resistance or the collective affirmation of new values” (Melucci 1996:5). This particularly characterizes new social
movements. While direct action protests constitute an important part of the action repertoires (Tilly 2004) of many movements, including new social movements, they offer neither necessary nor sufficient criteria for defining a social movement.

Most fundamentally, scholars commonly conceptualize social movements as collective, sustained challenges that target the prevailing practices of elites, institutions, authorities, other groups, or cultural codes (Tarrow 1991:1; McAdam and Snow 1997; Useem 1984; Olzak 1989). These challenges may take a variety of forms, including counter-discursive campaigns (Fraser 1997, Snow and Benford 1988), the production of oppositional collective identities (Snow and Benford 1988; Meyer and Whittier 1994), and organizational mobilization (Diani 1992; Freeman 1999).

Scholars commonly distinguish social movements from other forms of political participation by their use of non-institutional tactics, at least some of the time (Minkoff 1997), and by multiple instances of action in a sustained series (Meyer and Tarrow 1998). Non-institutional tactics refers to disruptive actions (Burstein, Einwohner, and Hollander 1995:278) that “take place outside of normal political channels” (Marx and McAdam 1994:73). Some however, have argued that unobtrusive mobilization (Katzenstein 1990) may create change through unnoticed disruption outside of traditional institutional tactics, for instance through counter-practice in submerged networks (Melucci 1985). In the case of the British feminist movement, Barry et al. (2007) posit that although visible protest has waned, an organized feminist resistance operates “between everyday resistance and public insurgency” (Bagguley 2002:180) and within male dominated institutions.

Because resistance can take many forms, and because social relations of all kinds imbue the fabric of daily life, the concept of ‘social movement’ cannot adequately
represent the many forms of contemporary collective action. Specifying the boundaries of relevant social relations presents a significant challenge to a relational analysis (Emirbayer 1997). By necessity, we must settle for somewhat arbitrary boundaries, but clearly the concept of ‘social movement’ cannot expand enough to contain the multiple relationships, messages, constructions, and practices that characterize contemporary cultural struggles.

Relational webs have no clear, natural boundaries. Scholars of collective action often conceive of social relations as contained within fields (Bourdieu 1984) or publics (Habermas 1989). Following Eley (1990), I utilize a conception of multiple publics that engage in cultural and ideological contestation or negotiation. Drawing on Fraser (1990) and Benhabib’s (1992) critiques of Habermas (1989), I delineate a public by its concern over a common problem, in other words, individuals who share the perception that a particular issue concerns them constitute a public. So then, the shared nature of the concern bounds the public. The number of publics can equal the number of causes for concern. Together, these publics make up the public sphere. Fraser (1990) points out that Eley’s conceptualization acknowledges the structural inequality of different publics and allows for both contestation and deliberation (16). I have chosen not to use the term “subaltern counterpublics” (Felski 1989, Fraser 1990) because the use of “subaltern” potentially reduces intersectional identities that may dominate in some respects and experience marginalization in others (Asen 2000, Thayer 2010).

A public then, exists as a space of social relation that emerges when people engage with one another over common concerns. It contains social relations of deliberation and contestation, in which, theoretically, anyone can participate. A temporal,
yet durable space of engagement, the social relations contained by a public both produce and organize it (Warner 2002). In the public sphere, publics have unequal access to resources and to expansion opportunities, and internally, they overlap and fissure in ways that parallel society in general (Asen 2000, Calhoun 1993).

**NSM Comparisons**

The animal rights movement, the environmental movement, and the gay/lesbian movement represent some of the most commonly cited, well-established NSMs. If we think about these NSMs as publics, it becomes clear that they encompass multiple campaigns over time and space. The animal advocacy public includes anti-vivisection, anti-fur, veg*nism, spay/neuter initiatives, anti-cruelty statutes, and more. The environmentalist public includes, among other things, organic food and anti-pesticide activism, clean air and water initiatives, fossil fuel and global warming concerns. The gay/lesbian public has included hate-crime activism, AIDS activism, some initiatives for sexual freedom, anti-discrimination initiatives, and marriage. Each of these publics includes organizational and diffuse individual actors, has engaged in direct action protests, legislative struggles, and cultural production projects, has built collective identities, and the mainstream recognizes them as well-established parts of the cultural landscape.

Animal advocacy parallels the publics that contain other well-established NSMs, but has elicited a different state response. The federal government has specifically designated the disruptive actions of animal advocates as terrorism. This response and the

---

4 “Veg*n” refers to both vegetarians and vegans, without distinction.
repressive context it produces distinguishes animal advocacy from other publics, even those that have used similar or more violent tactics. While in some cases, radical animal rights activists have destroyed property, they have never injured anyone. Radical environmental activists have also destroyed property, and radical pro-life activists have taken human lives, which distinguishes them from both animal rights and environmental extremists, who explicitly limit their destruction to property. Yet the state has formally designated only animal rights activism as terrorism.

Aside from the state response, animal advocacy is fairly typical of NSM publics. Each of these publics tends to see symbolic and legislative goals as interrelated, although the specifics of the symbolic and legislative relationship differ both temporally and by public. Maurer attributes the interrelatedness of these goals to early, second wave feminist contributions. “The new feminist movements, among others, contributed to politicize "the private" sphere (life and self). Thus, "the political" lost its boundaries - was recognized, conceptualised and practised as a shifting framework, and appeared, along the same process, as de-localized and everpresent, as always and never reachable (or distinctive)” (Maurer 2007:130).

The animal advocacy and environmental publics overlap. Environmentalist campaigns have secured animal advocacy gains, particularly on behalf of wild animals, through land conservation and endangered species legislation. Animal advocates tend to support environmentalist initiatives when they see them as benefiting animals. Both publics emphasize the importance of reflexive consumption for social change. Environmentalist efforts have influenced the availability of organic foods and chemical
free cleaning products, the banning of plastic grocery bags, the development of fuel
efficient vehicles, and mandatory recycling programs.

The environmental movement has successfully institutionalized itself in the U.S.
(Andrews 1999; Portnoy 1990). “It has arguably been one of the most successful social
movements of the 20th century - effecting mass cultural and political change” (Agnone
2007:1593). It successfully passed national statutes for clean air and water, created
regulatory agencies at both state and federal levels, and secured regular access to policy
making processes at all levels of government (Salazar 1996). Yet in contrast to the animal
rights movement, environmentalists successfully passed less environmental legislation in
recent years and some prominent movement leaders have called their movement stagnant,
or even dead (Signor 2006).

Aside from boycotting anti-gay businesses, the gay/lesbian public does not
emphasize reflexive consumption. Early on, the contemporary lesbian and gay
movement largely focused on symbolic goals. Gay politics embraced representation, in
terms of both media representation and interpersonal representation, attained by
individuals coming-out in their private lives, as a primary focus of gay politics. Activists
linked these symbolic goals to instrumental goals. They believed that coming out, as a
political act, would foster acceptance, which would lessen violence and discrimination.
They paired coming out initiatives with efforts to enact hate-crime legislation. During the
AIDS era, activists expected that positive representations of gays would foster sympathy
for AIDS patients and public support for access to pharmaceutical treatments, and they

5 To some extent, lesbian feminist communities of the 1970s did attempt to produce and
consume commodities ‘by and for lesbians’. As Murray (2007) describes however, these
initiatives typically operated on a sustenance, rather than a profit model and had more to
do with culture and collective identity building than with consumption as activism.
focused their legislative efforts on pursuing those treatments. In particular, they fought to get the FDA to fast-track human testing of AIDS drugs and to require hospitals to treat AIDS patients.

In 1993, when Hawaii passed its constitutional amendment limiting marriage to heterosexual couples, the gay and lesbian movement mobilized around marriage as a surprisingly unified goal (Taylor, Kimport, Van Dyke, and Andersen 2009). Discursively, they reversed the relationship between symbolic and instrumental goals. In prior gay activism, activists saw symbolic action as facilitating instrumental/legislative changes. Now, they saw legislative changes as facilitating symbolic changes. Marriage became the prize that would end discrimination, normalize gayness, and create acceptance in American culture.

In contrast to animal advocates, gay marriage proponents continued to mobilize large demonstrations, marches and symbolic protests like yearly gay wedding attempts at city halls around the country (Taylor et al. 2009). The mainstream media fairly regularly covered their issue, with regard to both marches and legislation. In contrast to the early days of the gay rights movement and AIDS activism, the gay marriage movement de-emphasized cultural production as a political act. Rather, it sought admittance into dominant culture via normalization, particularly through the institution of marriage. “The lesbian and gay movement seems largely to have abandoned its emphasis on difference from the straight majority in favor of a moderate politics that highlights similarities to the straight majority” (Seidman 1993).

Each of these publics must prioritize collective identity construction because of their reliance on diffuse, extra-organizational participants. For the animal advocacy and
environmentalist publics, the emphasis on reflexive consumption and lifestyle activism means that many participants never join formal organizations. This makes collective identity particularly important for maintaining participation (Haenfler 2004; Cherry 2006). Ethically based collective identity links people to movements to which structure does not link them (Carty and Onyett, 2006; Offe 1985). This makes prefigurative lifestyle politics, networks, and movement cultural production imperative for sustaining the movement. Movements based on class or race already have associated cultural dimensions. Structurally dislocated movements must create those dimensions for themselves. Culture and collective identity building do not necessarily signal movement abeyance (Taylor 1989). These activities not only produce and sustain movements, but in some cases fully constitute them.

Articulation & Subjectivity

Culture and collective identity intersect with and influence subjectivity. In neoliberal societies, “regulatory practices and techniques have come to operate, not through a crushing of wills or a subjugation of desires but through the promotion of subjectivity, through investments in individual lives, and the forging of alignments between the personal projects of citizens and images of the social order” (Rose and Miller 1988:172). The shaping of subjectivity offers a key strategy for governing populations without necessitating the use of explicit violence. “The object of management was to instill the organization's aims and purposes into the individual so that he would feel them identical to his own” (Miller and Rose 1988:181). At its most basic, the historically produced, self-reflexive, conscious sense of self, shaped by and communicated through
discourse, constitutes subjectivity (Holstein and Gubrium 2000). Scheper-Hughes describes neoliberal subjectivity as “a culturally produced “self” that is acutely self-conscious, highly individuated, autonomous, reflexive, and brooding — a prototypical Hamlet figure, if you will, overly preoccupied by a guilty, confessional conscience” (Scheper-Hughes 2007: 179).

Maurer links neoliberal subjectivity to new social movements specifically, arguing that “the late 20th century new social movements transformed former notions of emancipation (in a more juridical or formal sense) into "subjectivity" - understood as an internal and external process of self-liberation and self-realization” (2007:130). The manipulation of discourse, and particularly the articulation of existing discourses, to produce particular subjectivities can effectively create social change, but it can also prove unreliable, subject to intervention and adaptation by any number of interested parties or unanticipated events.

Articulation displaces discourses from one context to another. Frame alignment processes (Snow and Benford 1988; Snow et al. 1986), which attempt to bridge different, (and necessarily oppositional) social identities by offering interpretive frameworks that resonate with the target group, provide the closest popular concept to articulation in the social movement literature. In contrast to frame alignment, articulation does not discover shared oppressions or interpret objective realities in ways that appeal to particular and different targets. Laclau and Mouffe (2001) define articulation as “any practice establishing a relation among elements such that their identity is modified as a result of the articulatory practice (105).” For instance, activists appropriate the discourse of
democracy from the formal political arena to make rights claims about innumerable
social inequalities.

Articulation changes the identities of the social forces articulated because it
changes the terms against which we define those identities. Defining a social identity
against some ‘other’ produces equivalence among all particular differences. By engaging
in struggle against a common foe, groups cannot maintain the differences among them,
and so change their identities. Articulation changes the terms of the difference (Laclau
and Mouffe 2001).

For example, dietary issues dominate the current agenda of animal rights
activists, who seek to promote veg*n\textsuperscript{6} lifestyles. From a framing perspective they might
frame the issue of veg*nism as a moral imperative in that it reduces animal suffering.
Opponents of veg*n lifestyles might frame the issue as nutritionally insufficient for
human needs for protein and iron. Both frames take place within the hegemonic discourse
in which humanity, a particular animal form, serves as a representative identity defined
by either its biological needs or its ethical obligations as a higher primate.

In contrast, both veg*ns and their opposition have, in certain ways, successfully
utilized articulation to promote their dietary agendas. Veg*ns have successfully
articulated eating habits with health, changing the identities at stake from human vs. non-
human to healthy vs. unhealthy. Opponents of veg*nism have also attempted to articulate
meat-eating with health, but have enjoyed greater success in articulating with gender
discourses, positioning veg*nism as feminine and meat-eating as masculine. It’s unclear
to me whether that effect is intentional or accidental.

\textsuperscript{6} “Veg*n” refers to both vegetarians and vegans, without distinction.
Articulation can often effect social change. Subjects who feel the aims and purposes of organizations as identical to their own, will attempt to act in pursuit of those aims and purposes. As a site of intersecting and conflicting discursive forces, neoliberal subjectivity offers a privileged terrain of struggle. Articulation however, requires activists to develop and maintain relationships with other interest groups that have their own agendas, and individuals participate in and resist their own subjectification in unreliable ways. As a result, articulation strategies produce unpredictable effects.

**Power and Social Relations**

The flows of governmental power in general can produce unpredictable effects. In the neoliberal context, the targets of social change efforts are often evanescent. Similarly, discourse, articulation, and publics are more liquid than protest activity, framing, and social movement organizations. They are more mobile, more fleeting, and more difficult to see.

In an effort to see the objects of this analysis, I focused on social relations. The assumption that we should examine the processes of social relations lies at the heart of relationality. Although some scholars have distinguished between social relations and power relations (Peterson, Nils, Busch, and Liu 2007:2500), all social relations are relations of power. In Foucault’s conception, power intertwines with knowledge, and power “reaches into the very grain of individuals, touches their bodies and inserts itself into their actions and attitudes, their discourses, learning processes and everyday lives” (Foucault and Gordon 1980:30) Power produces, in that, through discourse, which flows through social relations, it constitutes subjects and social realities. Foucault identifies
three modes of power, dominant in different historical epochs: sovereign power dominated pre-modern times, disciplinary power dominated modernity, and governmental power dominates the present epoch. Each of these modes always operates, but in differing constellations.

Sovereign power exists for the purpose of exercising sovereign power, and it dominates pre-industrial societies. In contrast, disciplinary power places agents under a system of surveillance so pervasive that they interiorize the disciplinary gaze as part of their subjectivities and ultimately oversee their own conduct through self-discipline. Anatomo-political techniques that shape the individual body characterize the disciplinary mode. Disciplinary power focuses on the smallest details of human life (Foucault 1977) and develops historically with industrialization. This minute focus allows disciplinary power to affect subjects more efficiently, through the management of everyday life, and thereby maximizes profit.

Foucault argues that increasingly, post-industrial societies utilize governmental power, bio-political techniques aimed at the social, or collective body. Governmentality reinscribes the anatomo-political rationalities of both sovereign and disciplinary power into a bio-political rationality, implementing their techniques at the level of the social body.

The object of sovereign power is the exercise of authority over the subjects of the state within a definite territory, e.g the “deductive” practices of levying of taxes, of meting out punishments. The object of disciplinary power is the regulation and ordering of the numbers of people within that territory, e.g. in practices of schooling, military training or the organization of work. The new object of government, by contrast, regards these subjects, and the forces and capacities of living individuals, as members of a population, as resources to be fostered, to be used and to be optimized. (Dean 1999:20)
Government operates to shape subjectivity by utilizing a neoliberal rationality that constitutes subjects as managers of themselves and instilling in those subjects interests that parallel those of dominant institutions.

Each mode of power consists of discursive programs, techniques of power, and strategies specific to that mode. Discursive programs frame the exercise of power, constituting it as meaningful. Programs require techniques of power, the material practices of government, whether government of self or of others. While interrelated, we can distinguish techniques and discursive programs from one another. This reveals opportunities for strategies, improvisational amalgamations of program and technique. Social relations constitute each of these processes and are the substance of activist publics.

Relations of power are not in a position of exteriority with respect to other types of relationships (economic processes, knowledge relationships, sexual relations), but are immanent in the latter; they are the immediate effects of the divisions, inequalities, and disequilibriums which occur in the latter, and conversely they are the internal conditions of these differentiations. (Foucault 1976:94)

More concretely, Elias identifies the social relations through which power flows as “figurations”, fluid patterns of relationships formed by participants within a given context (1978:130).

The concept of power [is] transformed from a concept of substance to a concept of relationship. At the core of changing figurations--indeed, the very hub of the figuration process--is a fluctuating, tensile equilibrium, a balance of power moving to and fro…. This kind of fluctuating balance of power is a structural characteristic of the flow of every figuration. (Elias 1978:131)
To understand therefore, the relationships that have shaped the dominant discourses about animal care and cruelty in the United States and the processes of social change over the past twenty years, I focus on the changing figurations of animal advocacy politics. Power flows through the relationships formed by animal advocates with animal care businesses, research and medical institutions, media, and state actors, in differing ways, with resultant social change. These changes include not only structural changes in standards of care, encouraged by advocates and enforced by state agents, but also changes in public, if not private corporate identities, and the subjectivities of animal care providers. Not all of these changes are intended by animal advocates. The outcomes of these relationships can be unpredictable.

**Relationality**

The neoliberal context calls for a relational analysis of social change processes. Scholars have identified four general limitations to the dominant social movement perspectives for understanding contemporary, culturally focused social movements. First, the social movement literature too often treats social movements as pre-constituted, discrete and relatively static entities (Benford 1997, Johnston 1995, Klandermans 1997). Second, it over-privileges the agency of these entities in creating observed social changes (Rose 1999). Third, even the more culturally focused sociological perspectives on social movements usually conflate power with resources, rather than examining power as a system of relations (Thayer 2010). Finally, this literature tends to distinguish language and meaning production from practices and material realities (Melucci 1985, 1989, 1994,
Poletta 1998, Steinberg 1998), when these dimensions of social life mutually constitute one another and intertwine inextricably.

**Coalition/Alliance**

Although much sociological research on social movements includes relationships, researchers have most often taken them for granted and not addressed them directly. When relationality has been addressed directly, scholars have typically treated it as either a strategic organizational position (Jasper and Poulsen 1993; Mottl 1980; Zald and McCarthy 1987; Zald and Useem 1987) or as a structure for locating social movement actors (McAdam 1994; Melucci 1985, 1989, 1994; Mueller 1994; Taylor and Whittier 1992). Only relatively recently, some sociologists have begun to conceptualize relationality as the very substance of social change advocacy (Thayer 2010).

Research mobilization scholars provided some of the earliest interest in the role of relationship in social change. Gamson emphasizes that as one of their legacies, research mobilization sociologists “focus our attention on interaction between social movement organizations (SMOs) and a variety of other organizations—other SMOs in the same movement, countermovement organizations, and authorities (1987: 2). Indeed, sociologists in this tradition have examined competitive (Zald and McCarthy 1987) and influential (Meyer and Whittier 1994) relationships among SMOs in the same movement, oppositional relationships between movements and counter-movements (Jasper and Poulsen 1993; Mottl 1980; Zald and Useem 1987) and between movements and authorities (Zald and Useem 1987), conflictual relationships among participants within a movement (Rochford 1989) and the tensions and rewards of organizational alliances
among movements with similar goals (Morris 1984). In this tradition, sociologists understand relationships as strategic, utilized to mobilize allies in conflicts with targets and state or market forces.

Resource mobilization scholars made important contributions to the studies of organizational dynamics, but as Gamson (1987) notes, the resource mobilization perspective focuses centrally on organizations. These scholars conceptualized organizations as discrete actors variously aligning and competing for resources that include adherents, constituents, funding, and ideological legitimization (Klandermans 1992).

The animal advocacy public has changed substantially since Jasper and Poulsen published their study of animal rights counter-movements in 1993. While organizations still make attractive objects of analysis for sociologists, by virtue of their visibility, relationships which both extend beyond, and at times only marginally include social movement organizations have influenced many of the changes in the dominant discourse about animal care and cruelty. Additionally, neither the contemporary state nor market forces exist in clear opposition to animal advocates. The complicated relationships of animal advocates to state and market forces shift constantly, but at some times, and in some places, they ally, and at other times, and in other places, they conflict.

**Networks**

Most prominently, network theorists have studied the role of relationships in social movements and social change. Early use of network theory addressed SMO use of organizational and participant networks as resources for mobilization (Gould 1991;

Melucci’s (1985, 1989, 1994) important conception of ‘submerged networks’ has refocused the sociological approach to the role of relationship in social change away from SMOs. It has also influenced an increased emphasis on the importance of prefigurative politics (Lichterman 1996). Mueller (1994) identifies three key features of Melucci’s (1985, 1989, 1994) work:

(1) the content or outcome of the process of social construction, the ‘collective identity’ of the movement that comes to exist as a part of the movement culture; (2) the social processes by which the collective identity is created in ‘submerged networks’ of small groups concerned with the ongoing routines of everyday life; and (3) the emotional investments that enable individuals to recognize themselves as the ‘we’ in a collective identity. (p. 236)

Melucci (1985, 1989, 1994) argues that conceptualizing a movement as unified focuses on a result, rather than a point of departure. He advocates that we begin at the micro-level, where movement networks interact to develop collective identity and shared culture prior to mobilization. While this focus improves upon the resource mobilization approach, it primarily focuses on the relationships of social movement actors with potential allies and adherents. As such, it fails to illuminate consistently contentious relationships.

Historically, animal rights activists and dominant medical institutions have engaged in conflict because of animal advocates’ emphasis on eradicating vivisection and
the insistence of medical institutions that research requires vivisection. In recent years however, while animal advocates have not decreased their concern about vivisection, their increased emphasis on veg*nism has led to periodic alliances with some medical researchers around issues of healthy eating practices. Researchers use animal test subjects for a substantial portion of such research. These relationships therefore, do not clearly attempt to recruit adherents, nor do they clearly attempt to target opponents. In fact, when we conceptualize networks, submerged or otherwise, as structural and preexisting, these actors occupy network positions of relatively less proximity than network studies of social movements typically assume. Yet their discourses intersect around food choices in ways that benefit both groups, and they engage in relationships that consistently both contradict and conflict with one another. While they do not, and probably will not share a collective identity, both animal advocates and advocates of healthy food choices can utilize these relationships.

**Relationships**

More recently, some scholars have begun to expand the types of relationships of interest in social movement theorizing. Alvarez, Dagnino, and Escobar introduce “social movement webs”, which they conceptualize as “ties established among movement organizations, individual participants, and other actors in civil and political society and the state” (1998:15). Thayer (2010) embraces this expanded arena, but goes further, arguing that “Social movements do not have relationships; they are relationship: a set of always shifting interactions with a variety of allies and interlocutors, whether individuals, organizations, discourses, or other social structures” (4). This lens centers relationality in
social movement theorizing, and indeed, defines social movement studies as the study of social relations.

This provides a better lens for understanding recent social changes in animal care and cruelty, particularly when we recognize that these changes result from interests and relationships that include both organizational and individual animal advocates, corporate actors, capital driven media initiatives, and the state. These agents form complex webs of relationships within an animal advocacy public that are neither static nor, in many cases, discrete. Further, while social change, some of it purposeful, has resulted from these relationships and the varied campaigns of these agents, all parties continually negotiate and compromise their positions and experience outside events that impact their agency. Thus, in many instances, while we might not like to believe it, accident, as much as purpose, produces the final result (Rose 1999).

A relational approach moves away from challengers and targets who do battle and win or lose. It has the potential to capture the complexity of social change processes, including both desired and unintentional outcomes. In addition, by focusing on social relations as the site of the exercise of power, this approach resolves the tendency among sociologists, even those focused on the cultural elements of social change, to objectify power, culture, discourse, and identity (Benford 1997).

Finally, relational analysis, because social relations contain and produce language, practices, material realities, and the meanings attributed to them, offers a foundation for resolving the false distinction between language and meaning production on the one hand, and practices and material realities on the other. Although material realities exist, in a theoretical sense, outside of language, they have no meaning to us
outside of it. In the case of animal care and cruelty, we cannot extricate the practice of adoption counseling by animal shelter staff from the gendered and classed language of pet parenting, nor from the practices of surveillance and discipline that enforce anti-cruelty statutes. Understanding changes in animal care and cruelty requires not only understanding the relationships among actors in this process, but also understanding the relationship between language and practice that discursively shape subjectivities and govern populations.

The dominant conceptualization of social movements as cohesive and relatively static objective entities and power and culture as resources exemplifies a substantialist perspective that ultimately conceptualizes the fundamental units of inquiry, power, movements, or participants, as substances (Emirbayer 1997). In contrast, a relational analysis progresses from the assumption that “relations between terms or units are preeminently dynamic in nature, unfolding, ongoing processes rather than static ties among inert substances” (Emirbayer 1997:287). Advocates for a relational approach (Emirbayer 1997, Bourdieu and Wacquant 1992, Elias 1978, Giddens 1984, Foucault 1976, Thayer 2010) have demonstrated its usefulness for many types of analyses, but it offers a particularly appropriate lens for understanding new social movements specifically, and social change more broadly.
CHAPTER 3

NEW WELFARE AND THE ANIMAL RIGHTS MOVEMENT

Animal Advocacy

Although considerations about the proper use of animals have existed in all times and places, people of different cultures and/or historical moments interpret these concerns differently. The discursive concepts of animal rights and animal welfare serve to frame these issues in the contemporary United States. Yet the concept of animal rights arose only in the late twentieth century as a particular way of interpreting modern relationships to animals. Genealogy, or social history traces the formation of a concept as forces of power shape it through struggle. Methodologically, it shows the ways in which available categories for making sense of human experience change historically (Foucault 1972).

Early human interest in animals focused on protecting humans from them. Later, as more people began to use animals, they began implementing animal protections under property laws, since humans owned animals as property. After WWII, as humans began to use much larger numbers of animals, they again managed animals for the purpose of protecting humans, this time largely in regard to sanitation and hygiene. Only in the 1970s did the ideology of animal rights mobilize the modern animal rights movement. But before long, changes in political climate and struggles over strategy constituted two different factions of the movement: animal rights and new welfare.

Although concerns regarding issues of animal management and welfare certainly arose prior to the mid twentieth century in the form of the humane movement, they differed substantively from the animal rights movement that emerged in the 1970s. Prior to the nineteenth century, for the most part, advocates designed prohibitions against
animal cruelty to protect humans and their property. For instance, in the seventeenth century the Puritans enacted some of the first animal protection laws in England and the United States. They opposed many forms of animal blood sport because they associated these recreations with idleness, drunkenness and gambling (Kete 2002). By the eighteenth century, people typically only protected animals as property, so that one person could not legally damage the animal property of another person by abusing it.

Humane groups, most notably the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and the British Union for the Abolition of Vivisection (BUAV) in England, and the American Society for the Prevention of Cruelty to Animals (ASPCA) in the U.S., began to arise during the mid nineteenth century. At that time, they engaged in legislative activity, introducing anti-cruelty laws, primarily to protect horses and livestock from being beaten.

The most comprehensive set of animal protection laws to this day was passed in Nazi Germany in the 1930s. The Nazis used animal protection legislation to cast aspersions on the use of animals in Jewish culture and to elevate the moral value of animals above that of Jews (Kete 2002; Sax 2000).

After World War II, the new technologies of factory farming and an accelerated investment in research led to the use of previously unimaginable numbers of animals for experimentation and for food in Europe and the United States. People became

---

7 The Nazis outlawed animal cruelty, hunting, and the transport of animals on cars or trains. They strictly limited vivisection and Himmler prescribed vegetarianism for senior SS officials. They often conducted experiments on Jewish and Romani children in concentration camps before they permitted testing them on animals (Sax 2000).

8 In 1895, The U.K. used 300 animals for experiments. In 1903, the U.K. used 19,084, and in 2005, they used 2.8 million animals for experimentation. In 1986, U.S.
increasingly interested in protecting animals in order to manage animal populations to serve human interests (Legge and Brooman 1997:50), and humane advocates focused exclusively on educational and legislative avenues of change, in contrast to the focus of the modern animal rights movement.

**Philosophical Underpinnings**

The modern animal rights movement began to mobilize in 1975, sparked ideologically by Peter Singer, a British philosopher. Of course, many philosophers throughout Western history have addressed the treatment of animals in some capacity. Yet prior to 1975, most concluded that human beings need not take moral responsibility for the ways in which they treat animals. The eighteenth century English philosopher Jeremy Bentham departed from this tradition and established the basis for Singer’s utilitarian argument for animal rights. Bentham argued that other beings’ ability to suffer, not their ability to reason, should serve as the benchmark for how we treat them, because many human beings cannot reason as a result of age or mental defect. Therefore, Bentham argued, "the day may come when the rest of the animal creation may acquire those rights which never could have been withheld from them but by the hand of tyranny" (1789).

Although modern philosophical interest in the notion of rights for animals began to arise in England from about 1960, the publication of Peter Singer’s *Animal Liberation* (1975), which the animal rights movement embraced as its ‘bible’, sparked mobilizations for animal rights in England and the United States.

---

9 The U.S. uses 10 billion animals a year for food. (Williams and DeMello 2007).
Singer picked up where Bentham left off, wrapping animal rights utilitarianism in the civil rights discourse popular at the time. He popularized the term ‘speciesism’, which he argues is parallel to racism and sexism. His *Animal Liberation* effected an animal rights mobilization both because it provided a respectable intellectual and ethical basis for granting animal rights and because it arrived at a time when many 1960s activists sought new direction. The successes of the civil rights movement and the mobilization of the women’s liberation movement brought attention to issues of human rights and inequality and by analogy, Singer successfully extended those principles to animals.

Although Singer’s *Animal Liberation* (1975) sparked the animal rights movement and activists acknowledge it as the movement’s ‘bible’, Tom Regan’s *The Case for Animal Rights* (1983) has equally influenced modern animal advocacy. For Regan, Locke’s philosophy of natural human rights (1980) to life, liberty, and property as intrinsic entitlements must extend to animals. Suffering, for Regan, is not at issue. Animals, like humans, are entitled to live freely, and humans have a moral obligation to not deprive them of those natural rights. Although all animal rights activists embrace the belief that all animal exploitation should end, they base this assertion on one of two philosophical doctrines: Pete Singer’s utilitarian philosophy or the natural rights philosophy of Tom Regan.

Little evidence exists that, apart from movement leadership, very many activists engage particularly with the nuances of the philosophical debate over natural rights vs. utilitarianism. Rather, activist discourse radically simplifies this debate, such that, as sentient beings, animals either possess the equivalent of ‘human’ rights and therefore
deserve protection from non-consensual exploitation, or alternatively, humans must protect them from suffering, and the exploitation of animals causes animal suffering.

**New Welfare**

Humane activism, from the humane movement of the nineteenth century to modern humane advocacy, has a much longer history than does animal rights activism. Generally speaking, humane activists seek to minimize animal suffering, but do not take issue with animal exploitation for food, clothing, research, and entertainment purposes.

From 1975 until the mid 1990s animal rights activists clearly distinguished themselves from the more established humane movement. While animal rights activists protested vivisection and developed prefigurative lifestyle politics that minimized animal exploitation, humane advocates focused primarily on companion animals, building shelter organizations, facilitating spay/neuter programs, and legislating against the violent abuse of dogs and cats.

Between 1975 and 1985 dozens of new animal rights organizations sprung up in the U.K. and the U.S. People for the Ethical Treatment of Animals (PETA) emerged in 1980 as the most visible representative of the movement. It staged large demonstrations at the National Institutes of Health and acted as the spokesperson for the Animal Liberation Front (ALF), both of which garnered it national attention. Many smaller organizations acted in individual and collective campaigns. In 1977 activists successfully shut down the animal experimentation labs at the Museum of Natural History in New York. In 1980 a coalition of 400 animal rights groups convinced many cosmetics companies, including Avon and Revlon, to develop alternatives to the Draize Eye...
Irritancy Test that involved blinding rabbits with cosmetic products. In the early 1980s the same coalition forced the Food and Drug Administration to review its policy on the LD 50 test (which determines the dose of a toxic substance that will kill half or more of an animal test group) and to acknowledge that cell biology experiments could replace the test.

Yet by the mid 1990s quite a bit of conflict existed within the animal rights movement over what qualified an individual or organization as an animal rights activist. To some extent, this conflict between fundamentalist activists and activists who were willing to pursue pragmatic reform campaigns occurs in many, if not most social movements. However while some animal rights organizations transitioned toward less radical campaigns, humane organizations began to pursue what had previously been animal rights issues, albeit through the use of reformist strategies, thereby blurring the line between animal rights and humane advocacy.

The controversy came to a head over the second March for Animals in Washington, D.C., in 1996. Organizers had selected Pete Singer as the keynote speaker. Tom Regan organized a boycott of the march, claiming that it undermined the animal rights cause by misrepresenting humane advocacy as animal rights. Francione (1996) likewise argues vehemently that the second march, unlike the one in 1990, was organized by humane organizations and that it was a humane march, not an animal rights march. Yet many of the sponsoring organizations, including PETA, the ASPCA, and the HSUS were the same organizations that sponsored the 1990 march, which Francione (1996) lauds as an animal rights event. Further, while one could certainly argue that while the ASPCA
and the HSUS are reformist organizations, their agendas in 1996 were undeniably more rights focused than in 1990.

Regan ultimately called off the boycott, after activists associated with the march asked him to make an address in Washington, D.C. the night before the event. He then attended, proclaiming throughout that it did not represent animal rights. Activists who embrace Regan’s natural rights philosophy, whether in its original or simplified forms, have no basis for a strategy of compromise with reformists. If the violation of natural rights through exploitation, given that animals cannot consent, constitutes the moral wrong, reforms in the treatment of animals provide no benefit, as they will not correct the wrong. We either do or do not violate the natural rights of animals, but we cannot morally mitigate the violation of natural rights through reform.

On the other hand, Singer’s utilitarian philosophy, because it uses suffering as its benchmark, allows for reformist compromise because we can lessen suffering. Singer considers himself an animal rights activist and like Regan he advocates an end to all animal exploitation. Yet his philosophy allows for activists to achieve that end incrementally. Ironically Singer, who initially mobilized the modern animal rights movement, also provided the foundation for its shift toward reformist strategizing. Activists explicitly or implicitly founding their activism on Singer’s utilitarianism began to pursue reformist strategies and to organize with, or often co-opt humane organizations. As a result, those organizations began to pursue issues more closely tied to animal rights, but by reformist means.

For instance, the HSUS, founded as a humane organization, and the largest in the U.S., with nearly 10 million members, opposes circus and other animal entertainment and
fur, and uses vegetarianism as a measure of humaneness. Additionally, it embraces a largely animal rights discourse. Similarly, PETA, an animal rights organization, actively supported Proposition 2 in California in 2007, a reformist campaign advocating the elimination of veal crates, gestation crates, and battery cages in factory farming practices. Ultimately, while we might classify particular campaigns as humane or rights, based on degree of reform, and likewise classify tactics based on the extent to which they utilize non-institutional means, we can no longer always clearly differentiate between contemporary animal rights and humane activism. This has led Francione (1996) to coin the designation *new welfare*, to describe these activists.

Regarding the politics of animals then, we can identify three relatively distinct groups: Humane advocates, who seek to minimize animal suffering and believe in the use of animals for human gain, animal rights activists, who demand an end to all exploitation of animals and who traditionally would not support reformist measures, and what Francione (1996) calls the new welfarists. New welfare activists support and organize for reform measures with the ultimate goal of ending the worst forms of animal exploitation. The modern animal rights movement produced them, and although they may appear like humane advocates, or work for what were initially humane organizations, they embrace discourses and practices from the animal rights movement. New welfarists and traditional humane activists differ not only philosophically; These activists, unlike traditional humane advocates, commonly pursue a broader range of issues, often embrace lifestyle politics related to animal rights, and engage in varied strategies for change, including institutionalizing themselves within former humane organizations.
The animal advocacy public includes both new welfare and rights activists. New welfare legislation has proliferated in the U.S. during the last decade. Animal cruelty statutes, legislation against violent animal sport, and directives for less cruel confinement and slaughter aim to reduce the suffering of animals that we use for a variety of purposes. In recent years, the American public has increasingly invested in the better treatment of animals. New welfare then, with its willingness to pursue incremental change, has enjoyed quite a bit of success. Animal rights activists, while sometimes decrying new welfarism and retrenching into militant lifestyle politics, make instrumental contributions by producing both the counter-discourse and counter-practice that the culture of animal advocates relies upon. At the same time, because of the way in which they define success, animal rights activists cannot achieve it, but new welfarists, by aligning with state and corporate interests and coopting the institutions of humane advocacy, have very effectively achieved many reforms.

**Anti-Terrorism, Advertising, and Animal Planet**

Between its emergence in 1975 and the mid 1990s, the animal rights movement grew in both numbers and visibility, and direct action campaigns constituted an integral component of its repertoire. The largest U.S. animal rights demonstration, the 1990 Animal Rights March on Washington, drew between 24,000 and 40,000 people. By 1996, when activists marched on Washington again, they drew only one eighth the number of protesters (Herzog 1996). In general, in recent years, large animal rights protests do not appear evident. Whatever protest activity exists receives little or no media attention, nor results in conflicts with authorities.
Currently, PETA and the American Society for the Prevention of Cruelty to Animals (ASPCA) constitute the largest animal advocacy organizations in the United States. On the local level, many smaller organizations exist, some with broad missions and others targeting single issues ranging from vegan outreach to circus prohibition. Many activists belong to and/or participate in more than one group, and the listserves, coalitions, and personnel link the organizations. PETA, as the most powerful animal rights organization, calls on its members for letter writing campaigns, protest activity, and boycotts in response to complaints of animal cruelty received from members or from the general public.

The most extreme animal rights organization, the Animal Liberation Front (ALF), founded in 1976, consists of ‘cells’ of networked individuals who only know one another (Monaghan 2000; Molland 2004). It engages in actions in 38 countries and in 2005 the U.S. Department of Homeland Security added it to its list of domestic terrorist threats (Rood 2005; Tolson 2006). Although still active, the ALF rarely engages in direct confrontation with authorities; Direct interactions typically entail the arrest and trial of ALF activists.

Other organizations vary in their endorsement of the ALF, seemingly based on whether they began as rights or humane organizations at their inception. For instance, the Humane Society of the United States (HSUS) has highlighted in their mission statement that they “do not engage in or support actions that are illegal or violent” (HSUS 2009). Alternatively, PETA co-founder and president Ingrid Newkirk has stated that “thinkers may prepare revolutions, but bandits must carry them out” (2004:341). PETA works through “public education, cruelty investigations, research, animal rescue, legislation,
special events, celebrity involvement, and protest campaigns” (PETA 2009), although its institutional and investigative tactics seem to be increasingly prevalent. Letter writing campaigns and educational outreach have dominated both its published victories and its calls to action in recent years.

Activists shifted from direct action to outreach, legislative, and public relations tactics, not coincidentally, but rather in response to increasingly repressive legislation and the criminalization of animal rights activism specifically. At the same time, opportunities arose for animal advocates in the form of increasingly popular animal-focused mainstream media and the concomitant advertising initiatives of corporations.

In response to economic costs associated with ALF actions, as I detail in the next chapter, since 1992 the United States has increasingly criminalized animal rights activism. The attacks on the World Trade Center in 1999 provided legitimization for a wide variety of legislation to ostensibly repress domestic terrorism. In practice, this legislation directly targeted only animal rights activists. As a result, direct action campaigns that consist of more than distributing educational materials have become increasingly risky for animal advocates.

Concomitantly, a new venue for disseminating animal related messages appeared in the form of Animal Planet, the Discovery Channel’s animal focused cable network. In addition to featuring around the clock, (mostly pet) animal focused programming, Animal Planet offers advertisers a receptive market for animal related products and stimulates viewer anxiety about appropriate human-animal relationships.
The combination of repression and opportunity produced by the AEPA/AETA and Animal Planet are pieces of contextual changes that have shaped contemporary animal advocacy. Since 1992, animal rights activists have increasingly focused on productive strategies such as educational outreach and cultural consumption advocacy. Many have migrated to what were humane, but are now new welfare organizations, where they promote specific types of pet care and relationships to pet animals.

In the next chapter, I outline some notable changes in animal advocacy since 1992. The political climate became more repressive of direct action, but corporations and media offered increasing support for very specific sorts of animal issues. I explore these two important contextual changes in further detail, focusing on changing political relationships among businesses, media, activists, and the state during this period of time.
CHAPTER 4

COMPETING LOGICS, CULTURE AND CONFLICTS

In the 15 years since PETA's original "I'd rather go naked than wear fur" ad campaign, we seem to have gone from a nation that equates fur with inexcusable animal cruelty to one that views it merely as an occasional fashion statement. As a measure of just how much the climate has changed, one need only look at the five supermodels featured in that first campaign. From a line-up that included Naomi Campbell, Cindy Crawford, Christy Turlington, Claudia Schiffer and Elle Macpherson, only Turlington has stayed true to her word. All the others have, at one time or another, chosen to promote or wear real fur in the intervening years. (Day 2009)

In this first empirical chapter, I explore two significant social changes that contributed to shaping contemporary animal advocacy in the United States. Anti-terrorism legislation repressed direct action and shaped current animal advocacy campaigns, fostering prefigurative, subcultural and lifestyle politics and consumer and educational projects. The Animal Planet Network popularized animal cruelty as a social problem, but constructed it as limited to pet animals, rather than including the furry creatures that adorn fashionable clothing. This chapter explores the relationships of animal rights activists to new welfare activists, state agents, and medical and corporate actors in the current climate.

I begin with a very brief overview of animal rights activism prior to the mid 1990s. I then describe some contemporary direct action campaigns I observed during my fieldwork, and how they differ from earlier activism. I explore the possible impact of the Animal Enterprise Terrorism Act (AETA), which expanded the legal definition of terrorism to include actions which result in the loss of animal enterprise related profit. I also explore the introduction of the Animal Planet Network, an animal focused cable
network, which was introduced by the Discovery Channel in 1996 and, I argue, has contributed to animal advocates’ emphasis on pet animals. Both the AETA and the Animal Planet Network are important factors that contributed to changing the legal and cultural environment in which animal advocates act.

**Pre-AETA: The Modern Animal Rights Movement**

Animal rights activists commonly acknowledge Peter Singer’s (1975) publication of *Animal Liberation* as the beginning point of the modern animal rights movement. Most animal advocates develop some familiarity with it, and People for the Ethical Treatment of Animals (PETA), the most visible animal rights organization, encourages all of its members to read it. “After 1975, the words rights and liberation emanated more frequently from diverse animal advocacy organizations” (Beers 2006: 199). Grassroots animal rights organizations multiplied rapidly during the 1980s, drawing adherents from other New Left movements of the late 1960s and 1970s. Activists regularly engaged in direct action campaigns and protests.

This new generation of activists had less interest in lobbying and legislation than in challenging those they deemed injurious to non-human animals, employing a strategy of direct action. Direct action employed disruptive tactics targeted at enterprises using non-human animals, as well as enterprises associated with those animal enterprises. These tactics include blockades, protests, property destruction, arson, vandalism, harassment and stalking. (Shirley 2012:17)

The animal rights movement thrived in the 1980s and early 1990s. Demonstrations against animal research facilities regularly attracted from 100 to over 1,000 protestors (Jasper and Poulsen 1995). Activists broke in and released animals from fur farms, research laboratories, and pet shops. They blocked the entrances to fur shops
and research facilities, and demonstrated outside the homes of research scientists. They attempted to make the use of animals uncomfortable, unfashionable, and unprofitable by obstruction, property destruction, and publicity (Shirley 2012). In 1990, activists organized an Animal Rights March on Washington that drew between 24,000 and 40,000 supporters.

During the 1990s, animal rights demonstrations dwindled. In 1996, a second March on Washington attracted only one eighth the number of protesters as the first march, six years prior (Herzog 1996). Shirley (2012) found that after 1996, animal rights related protest incidents decreased, from 177 in 1996 to only 20 in 2006. As of 2012, no year since 2002 exceeded the number of incidents of any year prior to 2002 (Shirley 2012).

Property destruction had always been a tactic employed by only a minority of activists, but the obstruction of buildings was a much more popular tactic, designed to directly and physically prevent animal cruelty. By 2000, activists had ceased both the destruction and the obstruction. Large, national organizations continued to focus on publicity, but rather than blocking buildings or organizing dramatic direct action to attract news coverage, they focused on boycotts and purchased advertisements. Overall, activists dramatically decreased their protest actions and increased their emphases on education and conscious consumption as a tactic for social change. Plous (1991, 1998) found that between the 1990 and 1996 Marches on Washington, the proportion of activists who practiced veganism (the avoidance of all animal products) rose from 18% to 36%, and the proportion who practiced vegetarianism (meat avoidance) rose from 91% to 98%. This
suggests that over these six years, politicized lifestyle practices became more important to animal rights activists.

**Contemporary Direct Action**

Animal rights activists continue to engage in direct action, but instead of disruption, contemporary protest usually focuses, in one way or another, on education. The urgency that was embraced by mainstream animal rights activism in the past has given way to a long game of incremental improvements. In the past, activists focused on physically stopping people from abusing and exploiting animals. Now, they focus on convincing people to voluntarily stop abusing and exploiting animals. Their goals have shifted from directly repressing animal cruelty to persuading people to govern their own human-animal relationships in ways that activists deem appropriate.

The Service Coalition for Animal Rights (SCAR), a local, grassroots group of animal rights activists, still regularly holds small demonstrations. I consider SCAR an animal rights, rather than a new welfare group, because they see themselves that way, their ultimate goal is to end all human use of animals, and they consider veganism the most important animal rights action. During the year that I participated in SCAR, the group’s primary campaign targeted local restaurants, attempting to dissuade them from serving foie gras. Foie gras means ‘fatty liver’, and to produce it, farmers place metal pipes down the throats of young, male geese or (more commonly) ducks, three times a day, and force feed them a kilogram a day of corn that has been boiled with fat. This
enlarges the bird’s liver to about ten times its normal size. Animal advocates consider force-feeding inhumane and oppose the sale and production of foie gras.10

The Center for Animal Reforms and Education (CARE), a larger, local, new welfare organization, has collaborated with SCAR and other small, local groups to organize demonstrations. CARE transitioned from an animal rights to new welfare organization in the early 2000s. The ultimate goal of CARE is to reduce animal suffering, rather than end animal exploitation. CARE’s final direct action campaign collaborated with local animal rights groups in an annual attempt to ban circuses that use animals for entertainment. That concluded in 2016, and CARE no longer engages in direct action.

Fighting Foie Gras

Prior to joining SCAR, I sometimes drove past their small group of activists, demonstrating weekly outside of Wren, a local restaurant. I knew that they had stopped demonstrating at Wren, but I didn’t know why, as it continued to serve foie gras. By December, when I began attending demonstrations, the campaign focused on a different restaurant, Griffin’s.

We met weekly, on Friday nights, at a vegan coffee shop, located near the restaurant. Brian, the president of SCAR’s board, always attended, and an additional 4-8 group members typically joined him.

10 Foie gras production has been banned in many of the Western European countries, but most of them were not producing it to begin with. 75% of worldwide foie gras production occurs in France, where it is protected as part of the cultural heritage of the nation. India has banned both the production and the sale of foie gras. In the U.S., California outlawed the production and sale of foie gras in 2012, but gave up on preventing its sale in 2016 (Willsher 2012).
The first foie gras protest I attended represented these demonstrations fairly well. I arrived at the coffee shop at 7:00 PM, on a cold, drizzly evening. The coffee shop looked brightly modernist, furnished with hard, plastic, orange stool-chairs that connected to the floor, and matching white tables. In addition to coffee, it offered a wide range of holistic vitamins and supplements and served specialty juice shots and gluten free, vegan pizza.

I looked around for someone who looked like an animal rights activist, not knowing exactly what an animal rights activist should look like. I figured that I’d know one when I saw one. Of course, they just looked like everyone else in Seattle, but I recognized Brian, the president of SCAR’s board, from their social events.

I ordered a double shot of espresso and went over to the other side of the counter, where Brian perched on a high version of the hard, orange stool-chair, sitting with two other men, whom I hadn’t met. I said “Hi, I met you a little while back, at a social.” He remembered me, and reintroduced himself in that way that skilled networkers do. He also introduced me to the other men, Dave and Tom. Like Brian, Dave looked thirty-something. He had mostly lost his voice, so he didn’t talk much, just ate soup and drank tea. He said that he hoped the hot liquids might rejuvenate his voice for the demonstration. Tom looked older, probably in his late fifties. He had a white beard.

Dave and Tom both dressed like me, in jeans, t-shirts, and hoodies. Brian dressed up. He commented on it, saying that he wore nice clothes so that when he talked to people, they would listen to him. He did look nice, in gray wool slacks and a black sweater. Only I wore leather shoes, and I hoped that they didn’t notice. If they did, they didn’t comment.
While we waited for Dave to finish his soup, I asked Brian why they had abandoned the Wren campaign. He said that in a public, radio debate between SCAR and the owner/chef of Wren, the Wren person made some blatantly untrue statements. SCAR pursued legal action, and their legal team didn’t think that they should demonstrate outside of Wren again until they reached a settlement. He seemed pretty happy about ‘engaging’ them that way, so I asked him about it. He said that at every stage, Wren had to pay their lawyers, but that SCAR’s legal team works for free.

Each week, we went from the coffee shop to Brian’s car, where one activist donned a duck costume (that’s where I drew the participation line), and two others wore teletubby vests, with a screen in the chest, that played a foie gras production video. The activists hoped that watching the force-feeding of ducks would make it more difficult for diners to consume foie gras. They also held a banner, advising passers-by and diners about the cruelty of foie gras. If enough people attended, two activists held the banner. Any additional activists held signs. Everyone with a free hand passed out educational fliers on foie gras production methods, to anyone who would accept them.

That first week, Brian’s wife, and his mother, and Gracie, who seems to attend everything, met us at the car, and the seven of us went around the corner to Griffin’s. I usually wore a teletubby vest and faced the window, so that diners could view the foie gras production video. Griffin’s staff usually spotted us quickly though, and efficiently covered the windows with brown butcher paper. They anticipated SCAR’s Friday night demonstrations, and it never took long for them to get the windows covered. They also put a very large bouncer beside the door. We didn’t want to go inside, so I didn’t quite
understand the purpose of the bouncer, but perhaps he kept us from blocking the entryway or made diners feel protected.

I wonder if Griffin’s personnel imagined some sort of foie gras equivalent of animal rights activists throwing red paint onto fur-coated ladies, thus necessitating the bouncer. Only the most disruptive actions are covered by media. For instance, these foie gras protests were never covered by local media. As a result, it might be that the perceptions that Griffin’s and its diners had of animal rights protesters were shaped by some of the much more direct and disruptive tactics of the past.

After they covered the windows, I, or the other teletubby, stood near the door so that people could see the video on their way in and out. Brian preferred to talk with people. He always dressed up neatly and tried to engage people in conversation. He passed fliers to people going in and out, and to people on the street. To people going in, he said some variety of “Take a flier to help stop animal cruelty. We ask you to boycott Griffin’s until they take this cruel product off their menu. Take a moment to watch this video of the foie gras farm that this restaurant sources from.” Many people ignored him. Some took a flier. A few said things like “I love foie gras.”

Through the winter, we always got cold and wet. About halfway through demonstrations, when brown paper fully covered the windows, and the diners focused on their meals, instead of on us, Brian brought out the megaphone and read the Farm Sanctuary pamphlet that we passed out to people. The loud disruption made some people, both diners and passers by, angry. Occasionally someone came over to say that they supported the campaign but couldn’t support this ‘inappropriate’ tactic.
In spite of these periodic attempts to keep protest within the boundaries of respectability, these activists, to my knowledge, never discussed, much less debated, the megaphone tactic. On the continuum of disruptive and inconveniencing tactics, the megaphone was fairly mild, compared to some of the popular animal rights tactics of the past. I don’t know whether or not that is why activists didn’t consider it controversial, but I do know that in general, they considered their protest tactics to already be ‘reigned in’. They were not blocking anything or anyone, preventing anyone from dining, or destroying property. SCAR activists never used the term ‘disruption’ when discussing the foie gras protests. In their discussions, the megaphone use was education: loud education. The group had explicitly adopted their pragmatic approach at least several years prior to my involvement with them, and I never witnessed any disagreement about protest tactics. Occasionally, activists discussed, with resignation, the necessity of struggling for incremental changes, but the tactics for protest seemed to be well established and agreed upon.

As a small, popular restaurant, Griffin’s stays full on a Friday night, and not everyone gets seated. Often, people went into Griffin’s and ignored us, then came back out and said ‘we’re leaving. We’re not going to stay there.’ And they laughed. To me, it seemed evident that they left because they couldn’t get a table. I couldn’t tell whether or not SCAR activists could see that.

I can’t know whether or not SCAR’s anti-foie gras demonstrations changed any individual’s eating habits. Griffin’s still serves foie gras. In fact, all twelve of the restaurants in the city that served foie gras at the time of SCAR’s campaign continue to do so, and several other restaurants in the city now include foie gras on their menus. The
owner of Wren says that since the controversy, his sales of foie gras have gone up (Clement 2009), and nationally, between the mid 1980s and 2003, American consumption of foie gras has steadily increased, from almost nothing in 1985, to 420 tons in 2014 (Shepstone 2004). 95% of foie gras in the United States is served in restaurants (Shepstone 2004). As ‘foodie’ culture and interests continue to grow in urban areas, including Seattle, it seems likely that as an artisan, gourmet food product, foie gras might continue to increase in popularity.

**Combatting the Use of Circus Animals**

The other direct action campaign conducted by animal advocates focused on banning circuses that use animals for human entertainment. CARE and SCAR collaborated in these protests, and protested together at circuses in the region. They succeeded in the city of Seattle, which, in 2007, banned animal acts in circuses. In 1999, just before the WTO protests ruined his reputation, CARE activists approached Mayor Paul Schell and asked him to propose a ban on animal entertainment acts. His opponents mocked the idea, calling him Dr. Do Little, but Schell submitted legislation to the city council, which fought bitterly, and narrowly failed to pass it (Zebrowski 2000). CARE and SCAR activists, supported by PETA and concerned individuals, continued their annual direct and legislative protest. After 2003, Seattle was no longer able to fill the seats of the Arena when the circus came to town and in 2007, after continued declining revenues, the circus stopped coming to Seattle. After that, until 2015, the smaller, neighboring cities, 30 miles to the North, and 20 miles to the Southeast, hosted the circuses. Activists have claimed victory in driving the circus away from Seattle. They
believe that the decline in ticket sales resulted from their education of circus-goers, who decided to no longer support circuses.

The Ringling Brothers’ Barnum & Bailey Circus came to town annually, for years, and on those occasions, CARE and SCAR joined other small, local groups in recruiting activists to hold signs and distribute educational pamphlets detailing cruelty to circus animals. PETA produced the pamphlets, and PETA also provided signs, although some protesters made their own. These protests drew a larger group of activists than the campaign to ban foie gras, probably because more groups participated, and the protest occurred only twice a year, once in the South end and once in the North end, in the smaller, neighboring cities that hosted the circus. These protests averaged between 30 and 50 people, and also attracted some anti-PETA, counter protesters.

The arenas that hosted the circus include spacious, concrete areas outside of their entrances. Protesters cannot legally trespass in those areas, or block the sidewalk, so they congregated on the two-foot wide strip of concrete between the sidewalk and the street. Their signs read “Ringling Beats Animals” and “The Cruelest Show on Earth”. Some signs graphically depicted abused and chained elephants, collapsed in concrete pens. Off to the side, an activist in an elephant costume, with an enormous chain around her leg, struggled around in circles while another activist dramatically, albeit gently, whipped her.

At any given time during these protests, most activists quietly held signs, and one or two in each direction attempted to hand pamphlets to people before they entered, saying variations of “Take a pamphlet to help stop animal cruelty. Please boycott circuses that exploit animals.” Off and on, someone monologued about the animal cruelty perpetrated by the circus, speaking loudly, or with a megaphone. If the speaker needed
help with material, they sometimes read one of the pamphlets aloud instead. Others advised passers that “Those [pictured on signs] are these elephants.” The pictures were of circus elephants, but they were not pictures of the same elephants featured in that show. I had the impression however, that activists intended for circus goers to assume that the abused elephants on the signs were the same animals performing in the arena. In actuality, PETA provided the pictures for the signs. Nobody local, to my knowledge, ever attempted to verify the sources of the pictures.

Some people took pamphlets and some did not. Unlike the restaurant protests however, children accompanied most people who attended the circus. Probably as a result, they almost never engaged us in conversation, and I never saw anyone change their mind about attending. I imagine that parents don’t want to turn a child around at the circus entrance.

One woman, in the North end, did stop to talk with us about the protest. She didn’t like it. She described a farm auction that she attended, which she argued perpetrated much more animal cruelty than the circus. I didn’t know the man who spoke with her, but he told her that he agreed, and that he opposed that cruelty as well. She told him repeatedly that he should protest that instead, and he repeatedly agreed about the cruelty of farm auctions and reiterated that he protested many forms of animal cruelty, not only circuses. He remained calm, and she escalated, her speech increasingly agitated, moving her feet back and forth and talking more loudly. In the end, she nearly yelled, “All that you’re doing here is trying to draw attention to yourselves and proving that you’re freaks, when you should be doing the real work!” and hustled off, into the arena.
The circus protests produced controversy because ultimately, they targeted children. In the monologues, activists addressed parenting and family values. They emphasized that “you care about family values, and cruelty is not a family value.” In private however, they acknowledged to one another that they don’t really expect to change adult minds. One middle-aged woman I met at a circus protest said “I went to the circus as a child too. I didn’t know any better. Hopefully now, some of these kids won’t want to go anymore.” I heard this sentiment expressed several times, in different ways.

In order to enter the arena, families needed to walk by the protesters, and could not easily shield their children from the fairly graphic pictures of abused elephants. In addition, their children heard activists detailing animal abuse and referring to circuses, and occasionally circus-goers, as animal abusers. This tactic of exposing children to graphic animal cruelty and implying that they and their parents participate in animal abuse attracted the counter-protesters.

Fewer than five counter-protesters attended, yet the local paper focused on them. Perhaps that focus stemmed from the newness of the counter-protests, compared to the predictably annual anti-circus demonstrations. Or perhaps the counter-protesters just made the more entertaining signs. Their signs read “I’m going to need a steak after all of this protesting” and “PETA is a Party Pooper.” They argued that by exposing children to pictures and stories of elephant cruelty, activists abused children. Although protesters and counter-protesters sometimes engaged in yelling matches over animal cruelty vs. child cruelty, these conflicts didn’t lead to any violence or arrests.

In October, 2015, after its last tour of the Pacific Northwest, the circus suddenly announced that it would not return to the area in 2016. The circus operated 3 touring
shows, two of which traveled by train, and the smallest, the one that toured the Pacific Northwest, traveled by truck. They disbanded the small show, and said that bringing one of the larger shows to the region would require changes to their transportation logistics (Hunter 2015).

A spokesman for the parent company of the circus initially promised fans that it would return to the region in ‘awhile’, and made a statement that the changes “had nothing to do with animal rights protests (Schweig 2015).” The venues made statements to local newspapers saying that the circus drew consistently large crowds, so unlike in the city of Seattle, they had no problems filling seats.

Activists believed that they drove the circus away from the region, and celebrated. Nationally, the circus also bowed to public pressure, and agreed to phase elephants out of all of its shows by 2018 (Lush 2015). Ringling initially stated that its decision was the result of increased municipal level legislation that prohibits elephant acts. On January 15, 2017, Ringling announced that it would close the circus. The last show was on May 21, 2017. Ringling cited lowered attendance, increased cost of transportation, and competing entertainment as the primary reasons for the end of its 146 year circus run. When asked directly, its owner acknowledged that animal rights activist pressure had contributed to retiring the elephants, and that without the elephants, circus attendance could not cover the costs of moving and producing the circus (Lush 2017).

Ringling ultimately retired its elephants in May of 2016, two years earlier than originally planned, sending them to its Center for Elephant Conservation in Florida (Ager 2016). The Center is also controversial, as many elephants are caged, and all are chained at night. In addition, they are used by cancer researchers who are exploring elephants’
unique resistance to cancer. Ringling has never lost an animal cruelty lawsuit, but it has settled lawsuits without admitting fault, and has been fined by the USDA for animal cruelty (Ager 2016). Activists say that such conditions are not conservation and continue the exploitation of elephants that have already suffered enough (Satlin 2016).

**Contextual Shifts**

During the period of my fieldwork, the foie gras and animal entertainment protests represented the most consistent and largest local direct action campaigns, respectively. Both protests relied on presenting information and educating people as to the animal rights perspective. They focused on reforming specific consumption practices: on one of the many animal products on the menu, on one form of animal entertainment. For each campaign, activists chose the ‘worst’ practice, and targeted it for reform.

Educational efforts that aim to reform individual consumption differ from throwing red paint on fur coats, or releasing animals from labs or farms. It differs from the large animal rights protests of the 1980s and early 1990s that blocked buildings and streets. Those strategies focused on disrupting the economy of animal exploitation. Current strategies focus on producing and promoting an anti-cruelty economy. They are productive strategies.

A disruptive strategy aims to directly prevent offensive practices. Animal rights activists utilizing a disruptive strategy have blocked access to animal research facilities, harassed and threatened individual researchers until they gave up their research, and released animals from pet shops, breeding farms, and research facilities. In contrast, a productive strategy aims to promote desired practices or subjectivities. Animal rights
activists utilizing a productive strategy seek to educate people about their choices. They try to convince people to govern their own behavior in ways that protect animals, but they do not directly impede behaviors that hurt animals.

At any given time, activists utilize a constellation of tactics that include aspects of both disruptive and productive strategies. In the past, while disruptive tactics dominated animal rights activists’ repertoire, they also organized boycotts and encouraged vegan lifestyles, although those were not the tactics on which they focused. Now, some radical animal rights activists still engage in actions like releasing exploited animals, but they are a small minority and are criticized by most of the animal advocacy public. Currently, activists emphasize productive tactics, focusing on education, even while protesting, rather than disruption.

The context of struggle changes in myriad ways, as a result of many factors. I cannot account for all of them. However two particularly significant factors have impacted the context of animal rights activism in the U.S.: The Animal Enterprise Terrorism Act (AETA) and an increased concern about pet animal cruelty, fostered particularly by the Animal Planet Network, which primarily focuses on pet animals.

These factors hold particular significance for understanding the changes in animal rights activism. The Animal Planet Network has contributed significantly to producing and promoting animal cruelty as a pervasive social problem. Programmatic focus on pet animal cruelty however, has also contributed to limiting popular understandings of animal cruelty to dogs, cats, and horses, while simultaneously expanding concern about the problem and its scope. Increasing cultural concern about pet animal cruelty provided opportunities to gain support for pet-related reform initiatives.
The AETA, and its predecessor, the Animal Enterprise Protection Act (AEPA, 1992), increased repression of animal rights activism specifically. This legislation served to protect animal enterprise from disruptive protest strategies. Shirley points out that in 2002, the FBI declared the Animal Liberation Front and the Earth Liberation Front the foremost domestic terrorist threats in the U.S. Also in 2002, in response to 9/11 inspired fear of terrorism, Congress amended the AEPA by increasing the penalties for ‘animal enterprise terrorism’ (2012:141). In the post 9/11 era, the political climate grew more repressive toward direct action protest in general, and animal rights action in particular.

**AEPA/AETA: Corporate Protection and the Eco-Terrorist**

In response to their theatrics and petty criminal acts, we must deliver the solid, unambiguous message that their disrespect for the law will not be tolerated. It must be made clear that their terrorism will not be dismissed in a free, civilized culture. …strong legislation that can be translated into strong public law must be made available to federal prosecutors. Congressmen and women who are sympathetic to the cause of animal rights must be reminded that they are aiding and abetting terrorism when they work to dilute the language of criminal statutes written to protect scientists, businessmen and women, entertainers and farmers, as well as law-abiding citizens in general, from hate-inspired violence. (Walsh 2012)

U.S. Government policy¹¹ directly constructs the animal rights movement, and among domestic social movements, only the animal rights movement, as terrorism. Beginning in the 1970s, media, activists, and policy makers began to use the term ‘ecotage’ to describe direct action by animal rights and environmental activists (Wagner 2008). Ecotage, ecological sabotage, included actions like property destruction, vandalism, arson, and harassment.

¹¹ While environmental direct action is also discursively constructed as terrorism, this construction has not been explicitly codified in the same way.
In 1983, Ron Arnold, a founder of the Wise Use Movement, wrote a series of articles for Reason Magazine in which he coined the term ‘eco-terrorism’ (Kuipers 2009:50). After that, eco-terrorism systematically replaced ecotage in public discussions of radical environmental and animal rights activism. Wagner (2008) examined newspaper accounts of environmental direct action and found that journalists increased their usage of the term eco-terrorism 48% between 1984 and 2001. In contrast, between 2001 and 2006, they increased their use of the term eco-terrorism by another 52%. It’s not possible to know exactly what caused this acceleration, but it is reasonable to speculate that the rewards for articulating one’s antagonists with terrorism increased after 9/11 and the implementation of the PATRIOT Act.

Although Wagner’s work looked specifically at the framing of environmental activism, environmental and animal rights movements overlap, and outsiders regularly lump the radical arms of those movements together (Shirley 2012). For example, in 2007 the Senate Committee on the Environment and Public Works held a hearing, titled Eco-Terrorism Specifically Examining Earth Liberation Front and Animal Liberation Front. In his opening statement, Senator James Inhofe (R-OK) referenced “the Earth Liberation Front (ELF) and the Animal Liberation Front (ALF) which, by all accounts, is a converging movement with similar ideologies in common personnel” (Senate Committee on Environment and Public Works 2007:1).

In 1988, Minnesota, followed by many other states, specifically legislated against animal rights activism that targets ‘animal enterprise’ (Hodges 2011). In 1992, Congress passed the Animal Enterprise Protection Act (AEPA), which criminalized all physical

12 The Wise Use Movement opposes the Environmental Movement and the public ownership of land in the American West.
interference with animal enterprise at a federal level. U.S. Code 43 defines animal enterprise as:

A commercial or academic enterprise that uses or sells animals or animal products for profit, food or fiber production, agriculture, education, research or testing; a zoo, aquarium, animal shelter, pet store, breeder, furrier, circus, or rodeo, or other lawful competitive animal event; or any fair or similar event intended to advance agricultural arts and sciences. (AEPA 2002)

Lovitz (2010) points out that federal versus state prosecution offers significant advantages. “A federal animal enterprise statute allows prosecutors to bring defendants before a federal rather than a state court. Compared to a state court, the federal court system yields many more advantages for the prosecutor and disadvantages for the defendant” (100). Shirley (2012) notes that these advantages include harsher sentencing guidelines, increased witness participation, lighter federal workloads, and simplified indictment processes.

Prior to 1992, animal industry trade publications continued to describe much direct action by animal rights activists as vandalism (Kuipers 2009). The term ‘terrorism’ was first codified by the AEPA, which refers specifically to “animal enterprise terrorism” (AEPA 2002).

Federal criminalization increased sanctions and heightened conviction rates, which elevated the risks of direct action for animal rights activists. Then, in 2001 the repercussions of the attacks of September 11th further increased the risks of direct action for American social movements in general. The Bush Administration expanded law enforcement priorities to include ‘domestic terrorism’ (Rohlinger 2009) and changed

13 The Trump Administration however, re-focused anti-terrorism efforts away from
the government’s approach to law enforcement (Herman 2011). The new paradigm encouraged the arrests of any potentially dangerous people for minor infractions, like spitting on the sidewalk, or immigration offenses, or as material witnesses (Liptak 2011). New legislation suspended Habeas Corpus and allowed indefinite detention without trial. The USA PATRIOT Act allowed the government to spy on American citizens through the Foreign Intelligence Surveillance Act and eliminated the requirement that targets operate as an ‘agent of a foreign power’. It reduced oversight of domestic surveillance operations and expanded the types of information that the government can collect to include library records, bookstore purchases, and medical files (Cole 2004). Leone describes the USA PATRIOT Act as “arguably the most far-reaching and invasive legislation passed since the Espionage Act of 1917 and the Sedition Act of 1918” (2003:7). In addition, after September 11th, government agencies increased surveillance of religious and dissident groups (Liptak 2011), including animal rights activists.

The attacks altered the environment in which social movements operate, and as a transformative event helped create an atmosphere open to repressive policies, not just for the perpetrators of 9/11 or those sympathetic to them, but for anyone who might be labeled a terrorist. (Shirley 2012:89).

Shirley (2012) demonstrates the ways in which animal enterprise and its political allies appropriated the discourse of terrorism, culminating in the Animal Enterprise Terrorism Act (AETA) of 2006. He notes

The tenor of a large portion of the testimony can best be described as anti-radical animal rights, using the term terrorism and terrorist to describe direct action and those who engage in it. The language of law domestic terrorism. Its acceleration of other anti-protest strategies may compensate, but only time will tell.
enforcement, elected officials, and industry representatives was similar, if not identical, throughout. (Shirley 2012:77)

From the introduction of the AETA’s predecessor, the Animal Enterprise Protection Act (AEPA) in 1992, the U.S. Government conflated radical animal rights activism with terrorism. The Senate held three prominent hearings about animal rights activism prior to the AETA hearing in 2006. The first, *Animal Rights: Activism vs. Criminality*, took place in 2004. In 2005, two separate hearings examined Earth Liberation Front (ELF) and Animal Liberation Front (ALF) activism and Stop Huntington Animal Cruelty (SHAC) activism. Shirley (2012) says of these hearings that they “shared witnesses, and were not convened to discuss legislation but were held as ‘investigations’ of the animal rights movement” (72).

Similar discourse dominated all of the hearings, which used post-9/11 discourse on terrorism and discussion of animal rights activism interchangeably, while pushing for protective legislation. Shirley (2012) documents that of fifteen panelists who testified during those hearings, eleven referred to the animal rights movement as a terrorist movement (34). Jonathan Blum, Senior Vice President for Public Affairs for YUM! Brands, which owns an assortment of restaurant chains and snack food companies, said of a PETA campaign targeting KFC, that it “has been nothing short of what I would call corporate terrorism” (Senate Committee on Judiciary 2005:11). David Martosko, research director for the Center for Consumer Freedom, a restaurant industry lobbying organization, stated, “I want the committee to note and be aware that the growing movement of ALF and ELF terrorism can be legitimately considered a national security threat” (Senate Committee on Environment and Public Works 2007:38).
The FBI agreed with this assessment. John Lewis, deputy assistant director of the counter-terrorism division of the FBI stated that “the FBI’s investigation of animal rights extremists and ecoterrorism matters is our highest domestic terrorism investigative priority” (Senate Committee on Judiciary 2005:4). In April of 2009, the FBI added Daniel Andreas San Diego, an animal rights activist,\textsuperscript{14} to its Most Wanted Terrorist list, noting in the press release his distinction as “the first domestic terrorist to be included with international terrorists such as Usama Bin Laden” (Federal Bureau of Investigation 2009). McGregor Scott, the U.S. Attorney for the Eastern District of California summarized the government’s position. “Animal terrorism and eco-terrorism pose a serious threat to the safety and security of our fellow citizens. Combating this threat is a priority for the Department of Justice” (Senate Committee on Judiciary 2005:6).

None of the congressional supporters of the AEPA or the AETA, nor any of the witnesses supporting the legislation, at any of the related hearings, mentioned or addressed other domestic terrorist threats, although the issue was raised by a couple of critics of the legislation. Senator Frank Lautenberg (D-NJ) submitted a written statement to the 2007 Senate Committee on the Environment and Public Works hearing, \textit{Eco-Terrorism Specifically Examining Earth Liberation Front and Animal Liberation Front}, in which he criticized the specific focus on animal and environmental activists. He asked that the committee “keep things in perspective,” pointing out that in the Oklahoma City

\textsuperscript{14} A group called Revolutionary Cells - Animal Liberation Brigade took responsibility, via email for bombing a bio-medical research facility in San Francisco in 2003. In its press release, the FBI referred to the facility as an “office building”. The FBI acknowledges that it cannot tie San Diego to the email, or directly to the bombing, but allege that they can prove his ties to the group (Federal Bureau of Investigation 2009).
bombing, Timothy McVeigh killed 168 people, that the attacks of 9/11 killed 3,000 people, and that since 1993, there have been at least five fatal attacks on doctors who performed legal abortions. Additionally, Eric Rudolph set a bomb at the 1996 Olympic Games, after successfully bombing a Birmingham women’s clinic and a gay nightclub. African American churches have been bombed in several Southern cities, and yet, “To date, not a single incident of so-called environmental terrorism has killed anyone” (Senate Committee on the Environment and Public Works 2005).

The acts of one individual do not mean that an entire organization can be labeled a terrorist group. Timothy McVeigh was a member of the National Rifle Association. That doesn’t make the NRA a terrorist group. The National Right to Life Committee is opposed to legal abortion. … That doesn’t mean that the members of the National Right to Life Committee are terrorists. Terror is a tactic. We must condemn that tactic whenever it raises its ugly head – regardless of the ideology of those who would employ it. But we must take care not to lump legitimate groups with terrorists. To do so would only minimize the very real threats against our society. (Senate Committee on the Environment and Public Works 2005).

The other notable congressional critique came in the form of a written statement submitted to the same hearing by Senator Barack Obama (D-IL). Obama, like Lautenberg, stated that crimes, such as vandalism, assault, arson, and stalking, should be prosecuted, and that combatting all violence is important. He then attempted to demonstrate the relative insignificance of criminal violence by ALF and ELF activists.

We also need to put these violent acts into context. The FBI has indicated a downward trend in the number of crimes committed by these groups – approximately 60 in 2004. While I want these crimes stopped, I do not want people to think that the threat from these organizations is equivalent to other crimes faced by Americans every day. According to the FBI, there were over 7,400 hate crimes committed in 2003 – half of which were racially motivated. More directly relevant to this committee, the FBI reports 450 pending environmental crimes cases involving worker endangerment or threats to public health or the environment. (Senate Committee on the Environment and Public Works 2005).
Both Senators’ critical statements were included in the record of the hearing and in the documentation with which the present Senators were provided. None of the speakers or witnesses addressed these issues. Nobody responded to them in any way. The written statements by Lautenberg and Obama are the only mention of other domestic terrorism, the problem of associating individual criminal acts with legitimate social movement organizations, or the relative insignificance of eco-terrorism.

The Senate ultimately produced the American Enterprise Terrorism Act (AETA), created from model legislation submitted by the American Legislative Exchange Counsel (ALEC), a non-profit lobbying organization funded by businesses. In its advisory report, *Animal and Ecological Terrorism in America*, ALEC explicitly connects animal rights/environmental activism with the threat of international terrorism, stating in the introduction that “recent investigations have shown that these radical organizations operate in a similar fashion to other terrorist groups like al-Qaeda” (ALEC 2003:4). Notably, any similarities to other forms of domestic terrorism, such as anti-abortion or racist violence, was not mentioned or discussed. In his introduction to the Senate subcommittee hearing on the AETA in 2006, Howard Coble, the chair, began the hearing with a representative statement.

H.R. 4239 (AETA) was introduced in response to a growing threat commonly referred to as eco-terrorism. While we are still responding to the threat about international terrorism, groups of impassioned animal supporters have unfortunately employed tactics to disrupt animal research and related businesses by terrorizing their employees. (House Subcommittee on Crime, Terrorism and Homeland Security, 2006)
Coble referred to eco-terrorism, commonly understood to include both the animal rights and environmental activism that destroys property. Yet while the resultant legislation does not specifically codify environmental activism as terrorism, it constructs animal rights activists as enemies of the nation, infiltrators in a time of war. By articulating animal rights activism, specifically, with terrorism, Congress successfully shifted the terms from animal rights versus animal exploitation, to terrorism versus protection of the nation.

Huntingdon Life Sciences (HLS) is a Contract Research Organization that conducts biological research for the pharmaceutical, biopharmaceutical, crop protection, chemical, veterinary and food industries. Internationally, HLS tests various substances on approximately 75,000 animals a year, and has been a prominent target for radical animal rights activists. Until 2014, it was the exclusive target of the radical organization Stop Huntingdon Animal Cruelty (SHAC), a leaderless group that the Southern Poverty Law Center described as embracing "frankly terroristic tactics similar to those of anti-abortion extremists (SPLC 2002)."

In 2000, the New York Stock Exchange succumbed to SHAC pressure and removed Huntingdon Life Sciences (HLS) from its listings, inspiring Mark Bibi, general counsel HLS, in a Senate hearing, to state that “A handful of animal extremists had succeeded where Osama bin Laden had failed” (Senate Committee on Environment and Public Works 2008:17). Similarly, Skip Boruchin, a market maker for HLS, complained that the Stop Huntington Animal Cruelty (SHAC) campaign “launched an all-out terrorist attack on too many other market makers, Merrill Lynch, Charles Schwab, Goldman
Sachs, to name a few” (Senate Committee on the Environment and Public Works 2008:18).

Not only do the HLS representatives in these hearings make an explicit connection between animal rights activists and Osama Bin Laden, their analogy compares animal rights activism to the September 11th attacks on the World Trade Center. Many Americans believe that terrorists targeted the World Trade Center because it symbolized American wealth. “The terrorists did not have the capacity to destroy the United States militarily, so they set their sights on symbolic targets instead. The Twin Towers, as the centerpieces of the World Trade Center, symbolized globalization and America’s economic power and prosperity” (9/11 Memorial & Museum).

In this context, HLS representatives draw a discursive connection between the September 11th attacks on American prosperity and animal rights activists’ attacks on the profits of animal enterprise. In their statements, Osama bin Laden failed to undermine the economic strength of the United States, but animal rights activists, unless curbed in their activities, might succeed in undermining the economic strength of animal enterprise.

Will Potter, a journalist and the sole dissenting voice at the AETA hearing, expressed concern that “Perhaps the greatest danger of this legislation, though, is that it will impact all animal activists, even those that never have to enter a courtroom. The reckless use of the word ‘ecoterrorism’ by corporations and the Government has already had a chilling effect, and this legislation will compound it” (House Subcommittee on Crime, Terrorism and Homeland Security, 2006: 21).
Shirley (2012) shows that Potter’s concern drew mockery from the Senate subcommittee members. Perhaps they considered the potential impact on all animal rights activists a purpose of the legislation, rather than a danger of it.

Representative Kucinich of Ohio spoke out against the AETA, as reported by Will Potter: “‘This bill was written to have a chilling effect,’ he said, ‘on a specific type of protest.’” (Potter 2006). The AETA, passed in 2006, exacerbated the repressive effects of the AEPA, passed in 1992. Shirley (2012) conducted interviews with animal rights activists and civil rights attorneys. He found that “there was a well established understanding that 9/11 significantly changed the importance and understanding of the term terrorism, and the way it has been used by powerful interests to marginalize their political opponents” (50).

Charges have only been brought under the AEPA/AETA a handful of times, but the possibility of federal criminal prosecution hangs over the heads of animal rights activists. In 2011, five, long-term, animal rights activists filed Blum v. Holder, a lawsuit for declaratory and injunctive relief, claiming that “the AETA intimidated activists into silence and squashed their movement (Ludwig 2011).

The AEPA had been threatening activists for a decade, but prior to 9/11, it had rarely been tested. Stop Huntingdon Animal Cruelty (SHAC) was established in the U.K. in 1999, but it wasn’t until 2001 that Kevin Kjonaas brought it to the U.S. Huntingdon Life Sciences (HLS) uses approximately 75,000 research animals a year

---

15 There is one case, that of Peter Young and Justin Samuel, who were charged of violating the AEPA in 1998 for releasing mink. They each did two years. Based on animal rights publications and conversations however, I don’t think very many people were aware of this prosecution. The SHAC case is usually (incorrectly) considered the first AEPA prosecution.
(Townsend 2003), and became prominent in the late nineties when activists published video clips of Huntingdon employees punching beagle puppies in the face. Also around that time, the U.S.D.A. fined HLS $50,000 for violations of the Animal Welfare Act (Maag 2006).

SHAC existed to as an information conduit, rather than a formal organization of activists. Animal rights activists targeted HLS affiliates with a variety of strategies, including lawful demonstrations, petty crimes, property destruction, and harassment of employees. There was no central organization to these actions, but SHAC operated a website that promoted and reported on all actions targeting HLS animal cruelty. SHAC could not be linked directly to any criminal activity, so the organization and its 6 officers, known together as the SHAC7, were prosecuted for conspiracy to violate the AEPA.

The SHAC7 were arrested in May of 2004 and convicted in March of 2006, by an anonymous jury. They include SHAC’s president, Kevin Kjonaas, who was sentenced to six years, Lauren Gazzola, its campaign coordinator, sentenced to four years and four months, affiliates Jacob Conroy, sentenced to four years, Andrew Stepanian and Joshua Harper, each sentenced to three years, and Darius Fullmer, sentenced to a year and a day. In addition to the conspiracy charges, Kjonaas, Gazzola, Conroy, and Harper were charged and convicted of conspiracy to harass using a telecommunications device (black faxing), and Kjonaas, Gazzola, Conroy, and SHAC USA were charged and convicted of

---

16 Anonymous juries have been found more likely to convict (Hazelwood and Brigham 1998). The anonymity of the jury may encourage these jurors to believe that the defendants are dangerous, prior to any evidence.
17 The prosecution introduced tapes of phone conversations that had no other content but ‘locker room talk’ about Kjonaas’ new boyfriend, establishing him as gay. This may have impacted his sentence (Shirley 2012).
18 Black-faxing is faxing a black sheet of paper repeatedly in order to drain the toner in a
stalking via the internet. In addition to the custodial sentences, each activist was sentenced to three years of supervised release and required to pay a million dollars in damages (Waterman 2006). Stepanian served the last year of his sentence as a ‘balancer’\(^\text{19}\) in the highly restrictive Communication Management Unit\(^\text{20}\) of the Federal Prison System.

Laura Gazzola, one of the SHAC7, was also one of the plaintiffs who filed Blum v. Holder in an attempt to have the AETA clarified. Their suit claimed that “Plaintiffs Sarahjane Blum, Ryan Shapiro, Lana Lehr, Lauren Gazzola and J Johnson, are animal rights activists with long histories of lawful protest and non-violent civil disobedience. Each has chosen to refrain from engaging in First-Amendment-protected conduct because they fear prosecution under the AETA (Blum v. Holder 2011).” Gazzola, who was still under supervised release at the time of the suit, was afraid that any speech she made about animal rights would violate the terms of her release, having been convicted of conspiracy to violate the AEPA.

Each of the other plaintiffs issued statements about the actions they would like to take, but are afraid might violate the AETA. Blum is a long-term anti-foie gras activist, who has worked on exposes of foie-gras farms. She claims that she “is chilled from continuing, publicizing, or discussing her prior work out of fear of prosecution as an animal enterprise terrorist (Blum v. Holder 2011).” Shapiro is a doctoral candidate at MIT, and is named in an FBI file obtained by the ACLU through the Freedom of Information Act. It lists activists who investigate and film abuses at factory farms, and targeted companies fax machine. It was popular among anti-HLS activists.

\(^\text{19}\) Balancers are what the CMU guards call the few white inmates who are brought to the CMU and “blended into the population … in order to address the criticism that CMUs were housing only Muslims (Stewart 2011).

\(^\text{20}\) The CMU is one of two U.S. Federal prisons that house primarily Muslim inmates.
explicitly recommends prosecuting them as terrorists (Potter 2012). He spent two decades investigating, exposing, and disseminating information about factory farms. He believes that is the most effective way to create change, and claims that “the AETA has chilled [his] ability to investigate and document animal cruelty in a manner that he believes most effective (Blum v. Holder 2011).” Lehr is highly involved in rabbit rescue and wants to attend anti-fur protests, but is about being prosecuted under the AETA. She has also stated that she’d like to bring live rabbits to restaurants that serve rabbit, so that patrons could meet a rabbit before entering (Blum v. Holder 2011). Both Shapiro and Lehr state that they have been forced to constrain their activist activities to letter writing and distributing leaflets. The AETA prevents her from engaging in that lawful activity.

Johnson used to engage in animal rights activism, in the early 00s, and now “would like to engage in lawful animal rights protest and advocacy, but has been unable to find functioning activist groups to work with, as many in the community have been chilled or silenced by the passage of the AETA (Blum v. Holder 2011).”

The court ruled, in Blum v. Holder, that the plaintiffs’ fears of prosecution were not sufficiently concrete. Of course, the AETA is not intended to be particularly concrete. In 2009, four Berkeley activists, called the AETA4, were indicted for violating the AETA by chalking slogans on the sidewalk, distributing fliers, and attending protests. In that case, the judge rebuked the government.

Other than identifying a ten-month time frame and a geographic boundary spanning fifteen counties, Count Two simply recites the statutory language. It alleges no facts identifying what each defendant is alleged to have done, to whom, where or when. Indeed, the language of the charge is quite generic: defendants engaged in a course of conduct involving some combination of threats, vandalism, property damage, trespass, harassment and intimidation to intentionally place or attempt to place an unidentified person in fear of death or serious bodily injury to himself, family, spouse
or intimate partner, for the purpose of interfering with an unidentified animal enterprise. Any defendant – constitutionally presumed to be innocent – would be hard-pressed to discern from Count Two what it is that he or she has done that is alleged to have violated the law (US v. Buddenberg 2010: 4).

The case was dismissed without prejudice, so the government could re-indict, with more specific charges, but did not. One of the defendants however, was convicted in 2016, with a co-defendant, of conspiracy to violate the AETA for traveling around the U.S., releasing mink from mink farms. He will serve two years in prison and pay $400,000 in restitution (NABR 2016). This echoes a similar case from 2013. Two activists, Kevin Johnson and Tyler Lang, who allegedly released foxes and mink, were arrested and took non-cooperating plea deals for possessing burglary tools. A year later, in 2014, they were indicted by the Federal government for conspiracy to violate the AETA. By the time they were sentenced in 2016, they had already spent two years in custody.

It is difficult to know when the AETA will be invoked, but the threat of it is there. As the prosecutions of Johnson and Lang demonstrate, activists may spend considerable time in custody, before sentencing or even prior to conviction. Some activists, like those who filed Blum v. Holder claim that the AETA has created an environment that chills animal rights activism. Shirley says of the SHAC7 case that the prosecution “seemed to be aiming for vocal and visible activists that would also serve the larger purpose of quelling future activism in those places where activism was most prominent (2012:130).” Even the prosecution of the AETA4, which was dismissed, tied defendants up in the courts for over a year and a half and ended their individual participation in that campaign. One of the AETA4 was held without bail, due to the
charge of terrorism. In other words, while targeted activists might eventually prevail with First Amendment defenses at trial, or on post-conviction appeal, the arrest and charge of terrorism can inflict a fair amount of both material and emotional suffering.

Activists are constantly innovating. Like Shapiro and Lehr, many have focused on education, attempting to shape ethical subjectivities or build movement subculture. Shirley (2012) documents how some of the activists who have been targeted by AEPA/AETA prosecutions have altered their activism. Fullmer, one of the SHAC7, engages in vegan outreach. Young, the first person prosecuted under these laws, speaks to animal rights groups. Harper has developed a web archive of animal rights movement documents. These are only examples, but they are also productive strategies. Productive strategies are less risky than disruptive strategies, especially in a repressive context. What’s more, opportunities for productive strategies abound.

Animal Planet: The Problem of Pet Animal Cruelty

Some people say “I can't watch those programs...too sad!” My answer is "you should try. Number 1, you will be aware of what to look for to help animals in your own area...or #2 you will be moved to donate your time or money...either way, not watching...doesn't make animal abuse go away". - Jackie Barr 7/2016

People who watch "Animal Planet" want to see animals, wild and domestic, and pets, in particular. Don't they understand that it is much more interesting and heroic to rescue and help abused animals, than to indulge in the fantasies of people of means? Don't they understand that it is much more educational for younger audiences to see the triumph of good over evil in the mission of humane officers? Don't they understand that humane-themed shows are worthy means to create a better society? - John & Evelyn 1/2015
I think the Animal Cop shows offer a lot to people who have been abused, wrongfully fired, or harmed by someone with authority. Both the abused humans and animals have common issues to deal with following the abuse (including difficulties trusting others again). Seeing the animals featured on Animal Cops, some of which have been so horrifically abused that one would initially feel they were beyond help, shows us that, in some cases, redemption is possible. - Mary Malone 1/2014

The AETA and the construction of eco-terrorism contributed to producing a repressive context for direct action by animal rights activists. At the same time, cruelty to animals attracted increasing media attention, most significantly by the Animal Planet Network. Animal Planet’s focus on animal cruelty expanded interest in the problem, while simultaneously limiting its scope to pet animals.

Television has a lot of power to structure discourse and frame issues. It disseminates the same, fairly homogenous discourse across wide geographic areas. Prior to the mid 1990s, animal rights activists talked quite a bit about animal cruelty, most often with regard to vivisection, their priority at the time. Since then, they have achieved the institutionalization of animal cruelty as a social problem. This can be seen in the increase in the number of states that include felony provisions in their anti-cruelty laws; Prior to 1990, only six states had those provisions, and by 2010, 46 states included them (Siebert 2010). As of 2016, all 50 states have statutes that include felony provisions. But the conception of animal cruelty as a social problem emphasizes domestic abuse of pet animals and ignores animals used in enterprise. Every one of those anti-cruelty laws specifically excludes the normative use and killing of farm, research, and wild animals. Animal Planet profoundly influenced the production of animal cruelty as a social problem and marketed it as a concern for all citizens, not just for radical animal rights activists. It
did so by refocusing cruelty on the pet animals with whom many Americans have relationships.

Animal Planet, the animal focused cable network, which was introduced by the Discovery Channel in 1996, has also influenced animal advocates’ emphasis on dogs and cats. The Humane Society of the United States (HSUS) and the American Society for the Prevention of Cruelty for Animals (ASPCA) in particular, seized the opportunity to recruit membership by sponsoring programming about pet animal abuses. Unlike other animal-oriented networks, which focus primarily on wild animals, Animal Planet focuses primarily on pet animals, dogs, cats, and less commonly, horses. Other networks also feature animal-related content, but the advocacy angle of the wild animal focused programming on these channels is about habitat conservation. For instance, The Discovery Channel has partnered with The Sierra Club, Nature Conservancy, and the Natural Resources Defense Council to produce programs that focus on environmental conservation, which is predicted to benefit both humans and other animals. But while environmental and animal advocacy certainly overlap in places, Animal Planet is the only network that specifically focuses on appropriate human-animal relationships.

Between 1996 and 2008, Animal Planet’s programming focused on education, providing an unprecedented opportunity for willing animal advocates to disseminate messages about appropriate human-animal relationships. Becker (2008) reports that viewers perceived these programs as “paternalistic” and “preachy”, but the network nonetheless succeeded commercially, and currently over 84% of U.S. households with a television subscribe to services that include Animal Planet.

---

21 One might be able to do a similar analysis of the relationship between environmental advocates and some of those networks.
The advertiser supported nature of television programming and the need to appeal to a broad, general audience limited the messages that animal advocates could disseminate on Animal Planet. Pet animals appeal to mainstream human-animal relationships and provide a convenient reference point for animal-advocacy messages. The Humane Society of the United States (HSUS) and the American Society for the Prevention of Cruelty to Animals (ASPCA) appealed directly to potential constituents, and also formed corporate partnerships with pet product corporations who advertised on Animal Planet as affiliates of animal advocate organizations.

Advertisers rarely support programming that criticizes them. Proposed reforms to farm or laboratory animal care typically cost companies money. Proposed reforms to pet animal care, on the other hand, are productive strategies that often create new or expand existing markets, thereby enhancing profits. Pet care reforms do not disrupt business activities or prevent people from enjoying parts of their lives. They are productive strategies in that they encourage new enjoyments, new relationships, new forms of consumption, and new subjectivities. For example, American cities increasingly require pet owners to obtain veterinary care for any condition that causes a pet animal pain. This reform expanded the veterinary care market, and subsequently produced new businesses in response. In 1997, there was one Veterinary Insurance provider operating in the U.S. By 2013, there were twelve U.S. Providers (NAPHIA 2013). Pharmaceutical companies similarly capitalized on the reconstruction of parasite infestation as animal cruelty, a market-advocate relationship which I discuss below. To attract advertisers, Animal Planet needed to support them, which coincided nicely with animal advocates’ need to avoid enterprise inhibiting activism.
Ultimately, Animal Planet specialized in programming that focused on appropriate pet care and combating pet animal cruelty. In its first ten years of programming, various “Animal Cops” and “Animal EMT” programs dominated Animal Planet’s schedule. Advocates featured in these programs included shelter workers, veterinarians, animal control officers, scientists, and new welfare activists. Through this programming, Animal Planet helped to construct pet animal cruelty as a large-scale social problem, while also limiting the scope of the problem to pet animals.

Narrator: Investigators Debby MacDonald and Mark Ramos respond to thousands of reports of animal cruelty every year.

…

MacDonald: Now, we’ve gotten a call that there’s a dog chained in the backyard with his neck open. That usually means it has some sort of embedded collar.

…

Ramos: Before we even got to see the dog, we could tell that something was wrong, just from the smell. A very overpowering smell of rotting flesh. And you just know before you even see it that something really bad is around the corner. [Dog barking] Oh, man.

MacDonald: Is he cut?

Ramos: From what I can see, he’s got a big tow chain on his neck and it’s definitely cutting in. … It’s way cutting in. … Well, it is way cut in there and that’s - I mean, they got a huge tow-truck chain on this dog. How can you feed this dog every day, not notice this, and just let this get so bad? It’s not something that happens overnight. It takes weeks and weeks and weeks for a chain to become that embedded in the dog’s neck.

Narrator: The investigators need to get the dog back to the shelter for urgent treatment.

MacDonald: This is really bad. She just fed this dog yesterday, didn’t see a thing wrong with it, don’t you know.

…
MacDonald: Everybody owned the dog, until they found out that there was this massive injury. And once they found that out, “oh no, we could possibly be in trouble for this,” they didn’t want to have anything to do with the dog. She ain’t assuming responsibility for that. She found another scapegoat.

Narrator: Their frustration is clear. But the priority now is to get the dog’s injury treated at the Detroit shelter. Sherine Cece has been waiting for them to arrive.

Cece: It looks like - there to there, all the way around. On the bottom, I couldn’t see anything. It’s not too bad on the bottom. I think it’s just the weight of the chain. I mean, this thing was huge!

MacDonald: And tangled in a knot, really bad. Our people were shocked. We see a lot of embedded chains and a lot of embedded collars - the weight of that chain was incredible.

…

Narrator: The dog has to be sedated, while Ramos uses bolt cutters to cut through the thick chain. … Thankfully, it comes away easily.

Ramos: Oh, man. It’s bad. It’s really bad. Look at how deep that is. Probably 1.5 to 2 inches deep, cutting into that dog’s neck. You just want to bash something. And namely, the people that owned him that didn’t properly care for him - not just physically, but emotionally. You know, the emotional well-being of these animals is just as important as the physical care of these animals. And he hadn’t been taken care of emotionally. (Animal Cops, Detroit – Most Unforgettable Cases 2010)

These programs overwhelmingly feature dogs, cats, and horses, and invite the audience to identify with the animal advocate protagonists. When MacDonald says that they “see a lot of embedded chains and a lot of embedded collars,” she shares with the viewer that versions of this situation happen commonly. Many people chain their dogs, and as this segment depicts, chains may embed in the dogs’ necks. Appropriate dog owners respond to this danger, and do not chain, as it not only damages dogs physically, in ways that are graphically shown in this segment, it damages them emotionally as well.
Appropriate pet ownership requires attention to both physical and emotional care.

Viewers may not have realized how often dogs experience this sort of cruelty. At the end of each episode, the narrator implores viewers to call the ASPCA number, displayed on the screen, if they spot suffering animals.

Narrator: HSPCA Senior Investigator Jennifer Francis is in North Houston, following up on a case of four dogs she believes have been abandoned.

…

Francis: There’s four dogs in the backyard. They are underweight, and obviously, the biggest thing is, the grass is taller than I am. It’s at least 5-6 feet tall. And I don’t see any visible food or water. There could be some in the backyard. I just can’t see it. But with these guys being as skinny as they are, I’m gonna assume there’s gonna be no food in here.

Narrator: This is the third day she has visited the property. No one has responded to the notices she left, and now, Jennifer’s patience has run out. She calls in Deputy Police Constable Christine Kendrick so they can take some action to end this situation. The long grass is the only shelter the dogs have, and the midday temperature’s hitting 100. … A court warrant gives Kendrick and Francis the authority to enter the yard so they can get a closer look at the dogs, and if need be, get them out of here.

Kendrick: Ow! That’s my finger, not a dog treat. Goodness gracious! You guys are hungry.

Francis: No kidding. … We just confirmed with the neighbor the names of the people that live here… and he said there’s a possibility that they moved out about five to six weeks ago. So right now we’re gonna get the dogs from the backyard and take them back to the shelter.

…

Narrator: There’s another problem caused by being left out in the long grass - ticks feeding on the dogs’ blood.

Kendrick: Tick on the back of her neck. It looks like it’s about to detach itself ‘cause it’s so full. But overall, she is thin, but she’s got a very good personality. I’m sure they’re gonna be just as thirsty as they are hungry. … They’re very food-aggressive toward each other. Seem like sweet dogs. They’re just gonna need some time.
Francis: I’ve actually done a fair share of abandonments, people leaving animals behind. But I’ve never seen grass this tall, both in the front yard and the back yard. I just don’t understand how people can do this.

Narrator: Three days later, the dogs’ owner has gotten in touch with SPCA Senior Investigator Jennifer Francis. Now he has to explain himself in court. … He says he and his wife had to move out of their house for a few weeks, and each thought the other was feeding the dogs.

Judge Dale Gorczynski: You still want the dogs?

Owner: Yes, I do. I wouldn’t be here otherwise.

…

Gorczynski: I’ve looked at these pictures, and their lack of proper nutrition is pretty clear. I just think that either personally or financially, the animals were getting left out. So in the best interest of the animals, I am going to award all the animals to the Houston SPCA.
(Animal Cops, Houston – Sanctuary Seizure 2010)

Again, the animal advocate points out that “I’ve actually done a fair share of abandonments.” Viewers learn that many people abandon their pets, and can share in her outrage. She reminds us that it happens commonly, even if we, personally, have not witnessed it. Animal cruelty abounds.

In addition, this segment encourages us to worry about parasites. Animal cruelty, in this case, abandonment in tall grass, can lead to parasitic infestation, and also, parasitic infestation signifies animal cruelty. Not coincidentally, flea, tick, and heartworm prevention medications advertise heavily on Animal Planet. Since the mid-1990s, when Bayer introduced the first consistently effective pharmaceutical flea and tick preventative to the pet consumer market, animal advocates have increasingly viewed parasites as evidence of neglect. Prior to the introduction of Bayer’s Advantage flea and tick control, pet owners used flea collars, bathed pet animals with pesticide shampoo, and even fed
them garlic, trying to keep parasites under control, to varying degrees, but they did not associate parasites with animal cruelty. Now, part of appropriate pet ownership includes purchasing and using parasite prevention. Preventing parasites requires attention, but viewers learn that they must avoid even accidentally neglecting a pet animal by allowing fleas or ticks to feed on it.

Narrator: Police officers have discovered a house that’s overrun with 13 cats and dogs, and they need expert help to remove them. The police officers have been shocked by how the animals were living.

Police Officer: They were thin. A lot of them were missing hair. Several animals were chained up. Some of them were in just unacceptable conditions.

Narrator: The owners have accepted that the situation has to change.

Moss: There are 9 dogs and 4 cats. That’s from the outside.

Narrator: SPCA Investigator Dana Moss has some sympathy for the owners, but the animals’ welfare comes first.

Moss: The young girl, the daughter, is really upset. I think she does care about her cats, especially two that she’s talked to me about. The house is really piled up with clothes and debris, and it does smell like feces and urine. The floor in the hall is covered with newspaper, so I think they tried a little bit. But out of all the cats we got, they only had one litter box in the whole house.

Narrator: The Houston SPCA team has brought all the animals back to the shelter, and now they can see that the dogs have some serious problems.

Moss: For the most part, they have a tremendous amount of fleas on them. Some of them have a lot of hair loss, to the point where you just can barely see any hair on the bodies. So, it just depends. I think the fleas are a big consideration. They look like they’ve been fed, so I don’t think that’s an issue. I think it’s just a lack of veterinary care and neglect.

Francis: The owners are claiming, from what I heard them say, that they take these dogs in because no one else wants them. But they’re letting them suffer with all this going on. It’s appalling.

(Animal Cops, Houston – Sanctuary Seizure 2010)
Once again, in this segment, flea infestation signifies neglect. Viewers also learn that although we may genuinely want to help animals, without appropriate space and supplies, like litter boxes and flea prevention, we might treat them in “appalling” ways, unintentionally. The featured family adopted stray dogs, but accumulated too many animals and couldn’t provide them with appropriate care. Over time, they accidentally became neglectful. These reminders that animal cruelty can occur without intention encourages viewers to learn more about appropriate human-animal relationships. Fortunately, Animal Planet offers substantial programming that addresses these issues, and its advertisers sell everything a viewer needs to care appropriately for pet animals. Stories of animal cruelty are wedged between advertisements for parasite prevention medication, veterinary health insurance, food that will extend your pet’s life, and toys that will enhance your bond with your pets, thereby nurturing both of your emotional well-being.

The above example segments typify these programs. Hours and hours of this programming emphasizes the extent of human cruelty toward dogs, cats, and horses. We must remain vigilant to how we care for our animals, to protect not only their physical, but also their emotional health. Repeated stories of neglect and abuse imply that pet animal cruelty occurs commonly, even if viewers have not seen it. If watching these stories creates anxiety in viewers about the appropriateness of their pet care, during commercial breaks, advertisements for pet food and parasite prevention medications point them toward solutions. The ASPCA and HSUS also advertise heavily, reminding
viewers that they can help alleviate the serious and pervasive problem of animal cruelty by donating to those organizations.

Iams, a manufacturer of pet food for dogs and cats, stands out as an important and prominent supporting advertiser of these programs. Iams also conducts laboratory tests on pet animals. Since 2002, PETA has boycotted the corporation, and the U.S. Department of Agriculture has levied fines against it for nearly 40 violations of the Animal Welfare Act. Not coincidentally, while Animal Planet has featured innumerable hours of programming about cruelty by individual pet owners, it has never, at any time, aired a program about animal research\textsuperscript{22}.

Similarly, advocates who threaten advertiser profits cannot buy airtime. Like some other networks, Animal Planet regularly features appeals from HSUS and the ASPCA. PETA created an advertisement for Animal Planet that incorporated most of the same elements as HSUS advertisements, “showing sad-looking animals, playing a slow Sarah McLachlan-esque song, and featuring a charismatic spokesperson begging for doggie dollars” (CCF 2017).

Thematically, only the choice of which sad animals appear differentiates common HSUS advertisements from the one produced by PETA. A recent, and typical HSUS advertisement featured 83.3% pet animals, 8.3% farm animals, and 8.3% seals\textsuperscript{23}. Since the U.S. already prohibits seal hunting, criticizing the practice hardly threatens the profits of Animal Planet’s advertisers. Francione (1999) notes

\textsuperscript{22} Animal Planet has also never aired a program about large-scale animal farming. Occasionally, usually on the veterinary programs, a family farm will be featured.\textsuperscript{23} The 2 minute advertisement included 17 dogs and cats, 3 horses, 1 cow, 1 goat, and two baby seals (HSUS 2012).
that activists can more easily recommend or enact prohibitions regarding animal uses that are simply not part of the traditions of a particular culture, or not part of the traditions of the dominant group in a society, and therefore are not part of the institutionalized exploitation of animals in that culture. For example, Americans are often critical of bull-fights, which are generally illegal in the United States, but not of rodeos or bow hunting, which are legal. (164)

This HSUS advertisement aired in June, 2015, on Animal Planet.

The PETA advertisement featured 57.1% pet animals, no farm or hunted animals, 28.6% vivisection animals, and 14.3% entertainment animals. The charismatic spokesperson didn’t speak directly to any specific issue, he just implored viewers to help PETA help animals who cannot help themselves. Animal Planet refused to air the PETA advertisement, and subsequently other networks, including CNN and Lifetime, refused to air it as well (CCF 2017).

Animal Planet has contributed significantly to constructing animal cruelty as a social problem, on a large scale, and then limiting it to pet animals. It does this by telling some stories, those about cruelty to dogs, cats, and horses, over and over again, constructing them as pervasive. At the same time, it leaves out other stories, those of research animals, factory farm animals, and circus animals, contributing to the invisibility of those animals in the mainstream imagination of animal cruelty.

Animal Planet has provided a national venue in which the largest new welfare organizations and commercial advertisers of pet care products can reach sympathetic,

---

24 The 1 minute PETA advertisement included 8 dogs and cats, 4 primates, caged in laboratories, a polar bear in a zoo, and an elephant in a circus (PETA 2012).
mainstream constituents.\textsuperscript{25} As Americans have increasingly accepted animal cruelty as a social problem, new welfare activists have seized opportunities to protect pet animals, through legislation and enforcement of protection statutes.

Animal rights activism has changed substantially since PETA’s original “I’d rather go naked than wear fur” ad campaign, referenced at the beginning of this chapter. In this first empirical chapter, I briefly outlined some changes in the strategies of animal rights activists since the mid 1990s, showing a shift from disruptive to productive strategies. I argue that two important contributing factors to this shift were anti-terrorism legislation that repressed direct action, and the popularization of pet animal cruelty as a social problem. In the face of these changes, animal advocates encountered new opportunities for productive strategies of government, and increased risks to disruptive direct action. In this context, they developed corporate, state, and media relationships that aid in producing what they consider appropriate human-animal relationships, rather than directly disrupt the exploitation of animals.

Next, in the second empirical chapter, I address the relationships among animal rights activists, medical, and corporate actors, particularly those affiliated with the vegetarian food industry, that inform activists’ lifestyle politics. Animal rights activists increasingly emphasize prefigurative, lifestyle politics, politicized culture and conscious consumption, and an increased willingness to focus on relationships in advocacy work. These are all productive strategies as activists work to build a cruelty free subculture and attract adherents to their politicized lifestyle.

\textsuperscript{25} Over the almost ten years that I worked on this project, overwhelmingly, when I told non-activists and non-academics about it, they responded with a story about pet animal cruelty that they had seen on Animal Planet.
In this second empirical chapter, I address the prefigurative, lifestyle politics of animal rights activism. Animal advocates have, in many ways, embraced productive strategies for change, those that produce, rather than disrupt. Animal rights activists produce ‘cruelty-free’ subculture, conscious consumers, and ethical identities that shape and are shaped by ‘cruelty-free’ consumption. They have developed relationships with medical and corporate actors, particularly those affiliated with the veg*n food industries, as they forward their politicized lifestyles. Both new welfare and animal rights activists construct an ethical model of pet ownership, and their commitment to animal rescue bonds them, despite differences in their organizational focuses. Contemporary animal advocates embrace a productive strategy of changing hearts and minds; that is, a strategy of producing particular kinds of ethical subjectivities that live particular kinds of lives.

**Vivisection: Protest and “Cruelty-Free” Consumption**

The reduction in animal testing by cosmetic and personal care product manufacturers represents one of the successes of the animal rights movement. In 1933, Lash Lure mascara blinded at least 17 women, initiating calls for government regulation, which stalled until 1938, when ingredients in sulfanilimide, an antibiotic, poisoned over 100 people. In response, Congress passed the Federal Food, Drug, and Cosmetic Act, which requires verification of the safety for humans of food, drugs, and personal care products (National Research Council 2004:21). Most American manufacturers of
personal care products began testing on animals at that time as a means of assessing risk to human consumers, because it was the only way in which they could satisfy the new FDA safety requirements (McNeal 2010).

In 1980, Henry Spira26 and his Animal Rights International (ARI) led the national lobby to abolish the LD50 and Draize eye and skin irritancy tests (Singer 1999). The Draize test involves dripping substances into animals’ eyes, usually rabbits, to determine the toxicity of the substance. On April 15, 1980, ARI ran a full-page newspaper ad in the New York Times, featuring an image of a rabbit and the caption “How Many Rabbits Does Revlon Blind for Beauty’s Sake?” Responding to immediate pressure from consumers, Revlon donated $750,000 to fund a major research program to develop alternatives to the Draize test. Other large cosmetics companies, including Avon, Bristol Meyers, Estee Lauder, Max Factor, Chanel, and Mary Kay Cosmetics quickly followed suit, providing substantial donations that led to the creation of the Center for Alternatives to Animal Testing (CAAT) at Johns Hopkins University in 1981 (Singer 1999).

The CAAT established ALTWeb, an online source of information about alternatives to animal testing, including the results of toxicity tests for already tested ingredients. Prior to ALTWeb, companies independently tested ingredients that had already been tested. ALTWeb established a list of “Generally Recognized as Safe” (GRAS) ingredients that do not require further testing. Now, while a number of

---

26 Henry Spira (1927-1998) was a Belgian-American animal rights advocate. He founded Animal Rights International (ARI) in 1974. In 1976-77 ARI successfully campaigned against an ongoing, 20 year project at the American Museum of Natural History, where cats were being mutilated to study the impact on their sexual behavior. This campaign is credited as the first to succeed in stopping animal experiments.
alternative ways for testing substance toxicity without the use of animals exist, many companies make their “cruelty-free” cosmetics with already approved ingredients from the GRAS list.

In 2004 the European Union banned the testing of finished cosmetic products on animals, and in 2009, expanded the directive to ban the marketing of cosmetics containing any ingredient tested on animals. In spite of high hopes by animal rights activists, the United States failed to follow suit, probably because the FDA takes a great deal of time to certify alternatives to animal testing for demonstrating product safety, and cosmetic companies need to rapidly innovate in a competitive market (Wischhovover 2015). Nonetheless, since 1980, the number of lab animals used for personal product testing in the United States decreased by 90%. Companies use less than 5% of lab animals in the U.S. for personal product testing (MSPCA Angell 2017).

At the same time, many of the large personal product corporations also produce other products that they do test on animals. For example, Proctor & Gamble, which produces an astonishing array of personal care brands, including, among others, Herbal Essences, Old Spice, Cover Girl, Gillette, and Olay, announced in 1999 that it would no longer test its U.S. marketed beauty products on animals. But in addition to continuing to market animal tested beauty products in China, which requires animal testing, P&G produces a number of “food and health” categorized brands, including, among others, Eukanuba, Iams, Oral B, Crest, Scope, Vicks, Pepto-Bismol, Metamucil, and Fixodent. P&G tests its food and health brand products on animals.

 Alternatives now include in vitro (test tube) and in silico (computer modeling) toxicology analyses. Some substances are tested on human volunteers.
Many American companies enact selective “cruelty-free” policies. The U.S. does not in any way regulate cruelty-free labeling. After 1980, companies began labeling their products “cruelty-free”, based on their own definitions, to appeal to consumer demand.

Prior to the AEPA, animal rights activists held regular demonstrations and disrupted vivisection activities, but their strategic focus changed after 1992. Activists shifted their focus to the market, supporting corporations and products that did not practice vivisection. Most notably, in 1996, the Coalition for Consumer Information on Cosmetics (CCIC), a coalition of eight animal protection groups, began certifying cruelty-free products with their Leaping Bunny symbol. They do not certify products produced by companies that test other brands on animals. For years, at festivals, events, and sometimes just outside of drug stores, activists passed out wallet-sized pamphlets, containing lists of Leaping Bunny certified products, and encouraging people to carry the

---

28 The CCIC includes the American Anti-Vivisection Society, the Animal Alliance of Canada, Beauty Without Cruelty, USA, The Doris Day Animal League, The Humane Society of Canada, The Humane Society of the United States, The New England Anti-Vivisection Society, and the European Coalition to End Animal Experiments. The European Coalition to End Animal Experiments is a coalition of 20 European organizations. Five of the CCIC member organizations, with the exceptions of the Humane Societies of Canada and the United States, and Beauty Without Cruelty, focus on legislation, education, and working directly with corporations to reduce animal testing. Philosophically, they are pragmatic animal rights organizations, desiring abolition of animal exploitation. Their activities are reformist and they don’t engage in direct action. Beauty Without Cruelty is a vegan cosmetics corporation. The Humane Societies are New Welfare organizations that engage in a wide range of initiatives. They describe themselves as ‘Animal Protection organizations,’ and the bulk of their work is focused on traditional humane initiatives like pet animal rescue and adoption, spay/neuter programming, legislative lobbying, and education. The Humane Society of the United States however, is directed by a prominent animal rights activist, and in recent years has also engaged in rescue operations and undercover investigations. I classify HSUS as a new welfare organization, because, as a traditionally humane organization that is now run by an animal rights activist, but still mostly maintains its operational focus on humane, rather than rights related protections, HSUS fits well into a new welfare mold.
list and to buy from it. Currently, they maintain the regularly updated list online, and animal advocacy organizations commonly link to it.

As the example of Proctor & Gamble demonstrates, the campaign against testing personal care products on animals created a niche market for “cruelty-free” cosmetics and other personal care items. As they responded, many of these companies realized that they could save both time and money by taking advantage of the available alternatives to animal testing. In spite of advertising that emphasizes their commitment to animals, “cruelty-free” testing and marketing often decreases production costs while increasing retail value, thereby increasing profit margins. As a result, corporations that produce personal care products have become enthusiastic, albeit limited partners of animal rights activists.

The niche market for cruelty-free personal care products spawned a number of new companies dedicated to producing cruelty-free personal products. The most prominent of these companies include Avalon Organics, Beauty Without Cruelty, Burt’s Bees, Kiss My Face, and Tom’s of Maine. While cruelty-free marketing by large corporations targets the general population, these companies target animal and environmental advocates, and have, to some extent, been embraced by the activist subculture. Animal rights activists very commonly use Tom’s of Maine toothpaste, and Burt’s Bees lip balm, in particular. These products have remained popular, even though, in 2006, Colgate-Palmolive purchased Tom’s of Maine, and in 2007, Clorox purchased Burt’s Bees.
Food Politics: The Centrality of Veganism

In the 1990s, animal rights activists shifted the focus of their efforts toward prefigurative, lifestyle politics. Animal rights culture had always valued veg*nism\(^{29}\), and after 1992, animal rights activists increasingly focused on advocating ‘cruelty-free’ living, focused on consumer practices and veg*nism.

In the past, the Center for Animal Reforms and Education (CARE), where I conducted a year of ethnographic fieldwork, organized and engaged in a lot of direct action. Einwohner (1999) conducted her research with CARE between 1990 and 1994. During that time, CARE organized direct action campaigns protesting animal experimentation at a university, hunting in Western Washington, circus attendance in Seattle, and the retail fur business in downtown Seattle.

In recent years, CARE developed into a new welfare organization. By the fall of 2007, when I began my work with them, CARE’s only remaining direct action campaign was their biannual circus protest, which they organized with SCAR. As of June 2015, CARE is no longer engaged in direct action or animal rights. Prior to their transition from an animal rights to a new welfare organization, CARE was engaged in animal rights campaigns but also operated a companion animal shelter and wildlife center, which is unusual for an animal rights organization. Most animal rights organizations don’t operate shelters, and in the past, most shelters didn’t engage in animal rights activism: just humane advocacy, usually in the form of pet care standards. In that sense, CARE was always a bit of an odd hybrid, or perhaps an early adopter of what would become the new welfare model. Currently, CARE’s increasing focus on humane issues, humane education,\(^{29}\)

\(^{29}\) “Veg*n” refers to both vegetarians and vegans, without distinction.
and support for legislative anti-cruelty measures is fairly typical for a new welfare organization. Most animal shelters and wildlife rehabilitation centers never embrace animal rights activism. They develop into new welfare organizations as their staff becomes increasingly oriented toward animal rights philosophies, but they move from humane to new welfare. CARE is a bit unusual in that it moved from an animal rights to new welfare organization, in a reverse transition. As an animal rights organization, CARE was already staffed by animal rights activists. The organization has just, over time, decreased its direct action and animal rights activities, and many of those activists have left or been pushed out.

CARE employs both professional staff, who tend to be animal rights or more commonly, new welfare activists, and animal care staff, who typically love animals, but don’t engage in traditional advocacy or activism. All of the staff members at the time of my research were white. The animal care jobs can drain staff emotionally and offer few rewards. The staff all love working with the animals, even cleaning their kennels, and they express that they feel rewarded when sending animals home with adopters. On the other hand, most of them make minimum wage, and must take part in killing animals on a regular basis. Human callousness confronts them daily, as people discard pets at the shelter. At the time of my research, in the shelter, only the assistant manager (and myself) had a college degree. Depending on what occurs during any given day, animal care staff

30 I think that it is quite possible that, over time, CARE will continue to develop into a strictly humane organization, with less and less political component to its operations. However, at the time of my research, it was still engaging in one direct action, animal rights campaign, and did still have some animal rights interests.

31 When I decided to leave the shelter, after two incidents that were difficult for all of the shelter staff, I was asked by a shelter staff member, Justin, if it was true that I was leaving. I told him that I was, and he looked at me for a long moment, then said, sort of
may act relatively upbeat, or they may do their jobs with silent, pained resolve. On multiple occasions I witnessed animal care staff crying, drinking on the job, and raging at inanimate objects (kicking boxes, doors, etc.).

An always closed, connecting door separates the companion animal shelter from the administrative offices. In the administrative area, people express cheerfulness, collegiality, and happiness with their jobs. They do not make a lot of money, but they make a living wage, and they can bring their pets to work. They all have college degrees. They laugh with one another, and chat about their lives outside of work. They use computers, don’t get dirty, and never have to kill things. It feels a world apart from the shelter.

In 2005, two years before I began my fieldwork, CARE staff included more explicitly animal rights activists, many of whom were veg*ns. At that time, some of the more vocal veg*n employees began lobbying for an organizational rule to ban the consumption of meat products by humans at CARE. Activists discussed the ensuing controversy widely, online and through interpersonal networks. Other local animal focused groups, including the other sites of my fieldwork, the Municipal Animal Shelter (MAS) and the Service Coalition for Animal Rights (SCAR) watched closely.

Although I missed the controversy over staff meals at CARE, two years later, when I first asked about CARE at both MAS and SCAR, people immediately brought it up. One of the humane law enforcement officers at MAS, Jim, had worked for CARE during that time. A white man in his late forties, Jim suffers from a number of health wistfully, “you probably went to college, huh?” I interpreted his words and inflection as an expression of how stuck he felt at the shelter, unable to get another job, and unable to afford to quit without one. Justin was one of two staff members who never worked the adoption desk or interacted with the public. He regularly hid liquor around the shelter and drank at work.
issues, and prior to his MAS job, had always lived in poverty. He had worked at CARE as animal care staff, because he loved animals, but ultimately applied to work for MAS because the city job paid a living wage. He hated humane law enforcement, because conflict made him extremely anxious, and much of the job involves conflict with citizens. He eats meat. I asked him to tell me about the issue of meat at CARE.

Jim: They wanted to make it so that CARE was meat free, so that employee’s couldn’t eat meat there, like at lunch.

Me: Who wanted to make it meat free?

Jim: Well, some of the employees. Because they were vegan.

Me: What did you think about it?

Jim: I don’t really think your job should tell you what to eat. But if they did it, I would have followed the rule.

I also asked Patty, a white, vegan, professional SCAR activist in her thirties, to tell me about the issue. She had heard about it from other activists at the time, and like many activists, had paid attention.

CARE tried to go meat free, to make the organization meat free. Some of the activists there tried to get them to do that, because they’re supposed to be against animal cruelty, you know. But there were some people on the staff who were really opposed to it, so it didn’t happen.

By the time I began my fieldwork with CARE, two years later, none of the proponents of a meat-free workplace remained with the organization. As a result, I could

---

32 Jim talked to me quite a bit about trying to enforce the law while managing the anxiety he experienced when engaged in conflict. About nine months into my fieldwork with MAS, Jim took a medical leave and didn’t come back. The leave was officially for heart issues, but the other officers speculated that it was actually for mental health issues. When they emptied Jim’s locker, they found three months worth of cases that he’d stored there, rather than investigating. I had been aware that he was not investigating cases, but I had not known what he was doing with his assignments.
not ascertain specifics about which staff members had advocated in which ways. I do
know that at the time of my fieldwork, all but one of the administrative staff ate
vegetarian diets, as did the shelter assistant manager. Only the shelter manager embraced
veganism. All of the animal care staff (except for me, at the time) ate meat.

Overall, in animal rights, as direct action decreased, ve*nism increased in
importance. CARE’s shift away from its historical focus on animal rights and toward a
new welfare agenda reflects this trend. Like much of the animal rights movement, CARE
decreased its involvement in direct action. I wonder if the animal rights activists in the
organization, reflecting broader movement trends, wanted to increase their emphasis on
prefigurative politics and veg*nism as direct action declined.

If the distribution of staff activists at the time of my fieldwork remained fairly
similar to the distribution before the veg*nism controversy, then perhaps most of the
animal care staff, like at the time of my research, cared about the humane treatment of
animals, but not about activism. Humane advocates would likely not have opposed other
members of the organization engaging in direct action, as it would not particularly affect
them. If the organization adopted a prefigurative approach to animal rights however, and
banned meat, it would affect them personally. Further, it would represent an additional
imposition by a job that already imposed on them in difficult ways, for very little money.

I suspect that for veg*n activists, CARE’s unwillingness to implement a meat-free
workplace looked like the failure of an animal rights organization. I also suspect that for
carnivorous employees, the meat-free initiative looked like a radical imposition by a
humane organization that already exploited them.
As I noted earlier, most animal rights organizations do not operate shelters, but CARE has always been invested in its shelter, in addition to its animal rights activism. In the past, direct action campaigns likely fulfilled the ideological needs of staff members who were animal rights activists, without threatening the identities and lifestyles of staff members who ate meat and were not interested in activism. As CARE became less and less involved in animal rights and direct action, some of its staff members resisted the transition to new welfare by attempting to replicate, on an organizational scale, the refocus to prefigurative politics that animal rights activism achieved on a larger scale. In this sense, the disagreement about organizational veg*nism can be understood as a last ditch effort by animal rights activists to preserve their vision of an organization that was abandoning animal rights activism in favor of a new welfare orientation. In the end, CARE declined to dictate the food choices of its staff, and some staff left the organization. Without direct action campaigns, and without an increased emphasis on veg*nism, CARE further shifted away from traditional animal rights and embraced new welfarism. It lacked a clearly abolitionist mission, rejected prefiguration of a cruelty-free world at the organizational level, and no longer pursued rights issues through direct action. At the time of my research, only the shelter manager was a vegan, although most of the professional staff was vegetarian.

As demonstrated by the controversy over staff meals at CARE, animal rights activists face resistance to imposed veg*nism. In her study of four animal rights campaigns by CARE and SCAR, Einwohner (1999) found that the efficacy of the campaign depended on how targets viewed the targeted practice. Activists faced great
difficulty in changing practices that targets viewed as central and necessary, such as eating habits, which are central to personal and cultural lifestyles.

Most of the SCAR activists were vegan, and for the most part, SCAR activists acknowledge these obstacles to vegan conversion, and their educational materials reflect this awareness. Those materials consist of purchased brochures, pamphlets, and outreach fliers downloaded from vegan websites or purchased from national vegan organizations. These materials attempt to offer non-threatening, step-by-step guides to reducing animal consumption, with the ultimate end goal of veganism. The Vegan Society suggests:

Making small changes to your everyday meals is one of the easiest ways to increase the amount of plant-based foods in your diet. You could start by removing meat or dairy one day a week and go from there. Or you could try changing one meal at a time… You could even try changing one product at a time… (Vegan Society 2017)

Vegan Outreach, an organization that provides materials for activists to distribute, suggests that activists respond to targets who focus on the difficulty or unpleasantness of avoiding meat by saying “You don’t have to avoid every animal product, just the obvious ones for which an animal was bred, raised, and eventually killed” (Vegan Outreach 2017). If a target says that they could never give up ice cream, Vegan Outreach suggests that activists say “Then give up everything but ice cream” (Vegan Outreach 2017). Vegan Kit offers this advice for dealing with family and cultural traditions:

Not all families are equally supportive of a vegan life. This is often fueled by negative myths about a vegan’s diet as well as the importance of traditional foods within a family. … It may just take a while for them to get used to veganism. Be as respectful as possible and even try making some traditional dishes vegan. This will communicate to them you’re not that far out there and you’re still able to take part in important family traditions. (Vegan Kit 2017)
Local SCAR activists use these and other materials, and embrace the widespread vegan strategy of “winning hearts and minds” over time, to produce more ethical vegans. These materials emphasize gradual approaches, rather than purism, although when among other vegans, SCAR activists value purism quite highly. As a strategy however, they believe that a gradual approach might have more impact. I found the unity around this strategy both surprising and remarkable, but within the SCAR group and among other ethical vegans with whom I spoke, it was well agreed upon.

Being a vegan has taught me to fight the hearts and minds war, when I fight at all. Lead by example. Keep my cool. Argue logically and as charitably as I can. Reward half measures. Cook good food. Spend most of my time just interacting and being a friend and not trying to harp on or control what people think and do. I try to do these things even though my "enemies" (by which I mean most of you, who are the best and I fucking love) are contributing to massive real harms for what usually amounts to marginal personal benefit (with a few exceptions where people have pretty severe health concerns that to the best of their knowledge would be ill served by an all vegetable diet, but sorry zero sympathy if you just can't live without chicken nuggets or shooting at wildlife). I fight the hearts and minds war because without it I have such thrilling alternatives as abject surrender and screaming helplessly into the void. (Traci, correspondence 2017)

Traci credits vegan activism specifically as having taught her the productive strategy of changing people’s personal habits. She tries to “reward half measures,” in line with all of the materials that target potential vegan converts. She believes that a different strategy would leave her “screaming helplessly into the void.” Small changes are better than no changes.

Traci also acknowledges that she sees most people as “enemies” in terms of her animal rights activism, in spite of loving them in other respects. She points out that she judges people’s desire to eat meat, but that she keeps it to herself.
I think [a lot of people] mistakenly thought I was cool, because I was one of those live and let live vegans who understands that everyone has a right to their own life choices and opinions and dietary preferences and who are we to judge? Oops. No. I love you but I am super judgy. (Traci, correspondence, 2017).

When I first became vegan I used to use blame, guilt, hate, and other negative tactics to try and "make people wake up"... For about a year... Then I pulled my head out of my ass and realized no one learns or grows that way, they shrink away from negativity. I started just being myself and not giving a damn about preaching, and people came in droves to me with questions about my lifestyle, which they eventually adapted. That whole attracting bees with honey not vinegar. (Donald, correspondence 2017)

Like Traci, who alluded to it by mentioning the value of cooking good food, Donald embraced the strategy of using his lifestyle as an example to attract vegan converts. He tries to counter the image of the judgmental, angry vegan and believes that his positivity draws people into trying his lifestyle.

Animal rights activists have succeeded in their efforts to articulate veg*nism with health discourses, which allows them to reach a wider population. The Physicians Committee for Responsible Medicine, an animal rights and physicians group that “promotes preventive medicine, conducts clinical research, and encourages higher standards for ethics and effectiveness in research” (PCRM 2009), does extensive work articulating vegetarianism with health and diet and encouraging people to examine their eating habits and ultimately replace them with vegetarianism. This group leaked Dr. Atkins’s medical report, which detailed a weight problem and congestive heart failure33 (Kleinfield 2004) and drew criticism of his meat-heavy Atkins Diet.

---

33 Dr. Atkins’ widow and the Atkins Physicians Council dispute the veracity of the report (Kleinfield 2004).
Increasingly, popular association links the consumption of animal products, particularly red meat and animal fats, with poor health choices. Businesses, recognizing the increasing market for veg*n products, have responded by stocking and advertising veg*n products. Many restaurants offer veg*n options, or will modify dishes to meet veg*n requirements, and most grocery stores offer at least some meat alternatives. Many cities have veg*n exclusive restaurants.

Food companies compete to market veg*n food products to these restaurants. I attended the yearly ‘vegetarian fair’, organized by animal advocates, which took place at the city’s primary trade center venue. Long rows of tables created aisles through the space, and veg*n vendors occupied each table, distributing samples and information about the tastiness and health benefits of their products. Fair organizers widely advertise the vegetarian fair within the veg*n community. The promotional materials advertise the fair as a “Vegetarian Food Festival.” “Many people recognize the health and other benefit of vegetarian food choices, but they are not sure what to eat, what to buy and how to cook it. This festival provides all the support that people need, and it’s fun too” (Vegetarians of Washington 2017).

In my estimation, the event feels more like a trade fair. Many vendors tout processed veg*n food products, but I saw very few vegetables, even in the cooking demonstrations. Vendors distributed samples and encouraged visitors to request the product from local stores. By doing so, and by supporting the fair so enthusiastically, consumers demonstrate to local co-ops, groceries, restaurants, and other relevant
businesses that they constitute a substantial market. This encourages the further availability of veg*n foods.

A substantial component of the event is focused on articulating health with vegetarianism. Medical doctors provide free health screenings. They also give talks about nutrition and the health benefits of vegetarianism. In the evening, the fair offers a seminar for medical doctors and medical students, “focused on the prevention and treatment of disease with a plant-based diet” (Vegetarians of Washington 2017).

Increasingly, businesses make veg*n foods easily available, and market them not only to veg*ns, but to anyone seeking to improve his or her health. Food corporations especially target the one-eighth of American adults whom they call “flexitarians,” those who eat a vegetarian diet most of the time, but occasionally eat meat. Marketers believe that the flexitarian market has the potential to include one-third of American adults (Cultivate Research 2008). Eric Pierce, the director of strategy and insights at New Hope Natural Media, a company that works to expand health food markets, claims that in polls, 23% of American adults still associate veganism primarily with animal activism, but that 35% of American adults now associate veganism primarily with health food (Crawford 2013). As veg*nism becomes more popularly articulated with health, the market for veg*n food products increases.

Food corporations make use of health research related to veg*nism to market products, and in doing so, they broadly disseminate discourse that articulates veg*nism and health. Activists probably could not afford to market veg*nism on such a large scale.

34 Participants may request the following: carotid artery scan, bone density scan, blood pressure check, glucose blood test, cholesterol blood test, electronic body composition test, and dental screenings.
Conscious Consumption: The Politics of Lifestyle

In the past, animal rights activism often focused on direct action campaigns that drew large numbers of protesters and targeted corporate entities. Anti-terrorism legislation that targets animal focused campaigns, in the form of the AEPA and then the AETA, made direct action much more dangerous for protesters. Many animal rights groups have largely shifted their focus from direct action to prefigurative politics and educational campaigns, that is, to productive strategies.

Prior to the AEPA, direct action campaigns by animal rights activists embraced disruption. Current direct action campaigns embrace education. They encourage different choices but have not succeeded in preventing the choices that they dislike. The focus on changing hearts and minds has led these activists to converge with corporate partners in efforts to foster veg*nism and cruelty-free personal products. Animal Planet has provided a national soapbox for promoting market-supporting animal advocacy. Corporations have partnered with medical researchers, funding research that promotes veg*n food choices and disseminating educational information about that research. These relationships have created increased availability of veg*n foods and businesses, fostering activist subculture if not larger social change.

Activist subculture builds collective identity and sustains activist interest in activism, but it also represents a prefigurative politics of lifestyle. Animal rights activists practice what Lichterman (1996) calls prefigurative politics, in which activists shape their subcultural communities and their personal lives to prefigure their desired world. For animal rights activists of course, this means living, to the greatest extent possible, without harming or exploiting animals, because their ultimate agenda is to abolish all animal
exploitation. Activist subculture then, involves the consumption, production, and celebration of what is often called the “cruelty-free lifestyle”. Important components of the cruelty-free lifestyle include food, clothing, and media.

Food always has great cultural significance, and because animal rights activists so highly value veganism, the subculture places a high value on food. The activists I studied celebrated food in three primary ways. First, they held meetups at vegan restaurants, with the intention to build community, support vegan friendly businesses, and draw newcomers in a way that demonstrated how veg*nism can be ‘fun’. Second, activists regularly shared information about food. They discussed vegan friendly restaurants, online and in person. They discussed and reviewed vegan food products. They shared recipes. Finally, activists held vegan potlucks. These potlucks invariably featured chili. For reasons that were never clear to me, vegan potlucks nearly always feature chili. Potlucks sometimes took place in local parks, but in rainy weather (most of the year) activists hosted them in their homes.

Like other subcultures, activists signified through their choices in clothing. Activists did not wear fur or leather. People rarely wear fur clothing in the region in general, but leather shoes and belts are common in the mainstream. Most activists, if they wore belts, wore woven ones. They wore canvas casual shoes, and faux leather dress shoes. Faux leather provided another regular topic of conversation. The issues with faux leather seemed to be its durability and its ability to pass for real leather. Everyone agreed that durability mattered, but how much it should visually resemble leather created some contention. On the one hand, people wanted to look professional, when appropriate. On the other hand, they wanted to make a visible, anti-leather statement, and that visibility
disappeared if their shoes appeared to be leather. They spent a lot of time discussing the advantages and disadvantages of different leather alternatives.

Finally, media helps to both reflect and construct subculture. Small animal rights groups can connect with widely dispersed others via the internet. Activists produce visual media, from films, to YouTube videos, to exposés. They produce animal-free circus performances for punks and vegans. They produce educational pamphlets and write blogs. Many activists decorate their cars, bikes, and backpacks with animal rights messages in the form of stickers, buttons, or patches.

**Advocacy Overlap: The Role of Pets**

While humane and new welfare organizations and activists embrace pet ownership, and as noted previously, often operate animal shelters, a number of prominent animal rights activists and organizations consider pet ownership to be a form of animal exploitation. PETA, the most prominent American animal rights organization, forwards an anti-pet philosophy.35 Because of this, I expected that SCAR activists, who use PETA materials and generally state that they oppose all animal exploitation, would either be opposed to keeping pet animals, or that it would be a point of contention within the

---

35 For fundraising purposes, PETA depends on the popular concern for cruelty to pet animals, and the belief that PETA helps those animals. However, PETA has made it clear that it sees pet ownership as animal exploitation. It operates one animal shelter, at its headquarters in Norfolk, VA. The PETA shelter has the highest kill rate in the nation. In 2011, it euthanized 97% of the animals it received. Authorities have caught PETA staff accepting shelter transfer animals from other shelters and euthanizing the animals immediately, while still in transit back to Norfolk. The organization seems to believe that animals are better off dead than exploited, even as pets, and this is sometimes a source of controversy among other animal rights activists over whether or not to align with PETA on other issues.
group. I did not expect that relationships with pet animals would be an important part of animal rights activist lifestyles and subculture.

Because of PETA’s prominent anti-pet philosophy, I expected pet ownership to be an unresolved issue among activists, but on the contrary, all of the activists I met loved and owned pets. They talked about their pets. They anthropomorphized their pets. They talked about the sentience of their pets. Many worked in some capacity with animal rescue or shelter organizations. Several of them fostered animals awaiting adoption, in partnership with local shelters.

This creates much of the overlap between animal rights and other animal advocates. They all work with pet animals, and highly value that work. While some of the most vocal and fundamentalist animal rights activists, nationally, demand an end to pet ownership, local animal rights activists valued pet ownership and expressed deep investment in pet animals.

The mutual relationship with pet animals produces much of the relationship between new welfare and animal rights activists. Their common concern for pet animals creates much of the personnel sharing between new welfare and animal rights organizations. Many animal activists engage in both prefigurative, lifestyle activism, and also new welfare activism.

Brian, the president of SCAR’s board, loves rabbits. He runs a small, rabbit rescue from his home, taking in abandoned and unwanted pet rabbits and placing them in new homes. As part of this work, he has built and maintains a relationship with the Municipal Animal Shelter (MAS). The MAS occasionally receives unwanted pet rabbits, but the public associates the MAS with dogs and cats, so potential rabbit adopters rarely come to
the shelter. The MAS relinquishes their rabbits to rabbit specific rescue organizations, including Brian’s organization. Brian’s investment in pet rabbit rescue requires that he maintain fairly close ties to MAS, a humane organization of the state.

Similarly, Brandy, another SCAR activist, regularly fosters kittens for CARE. When litters of kittens are relinquished to CARE, she takes them home, cares for them, and sees to their medical care until they mature enough to go back to the shelter for adoption. In order to do this work, about which she cares deeply, she must maintain close ties to CARE, a new welfare organization, in addition to her animal rights work.

**Conscious Consumption: Pets**

Pet animals provide a foundation for the relationship between new welfare and animal rights activists. Of course, many people own pets; many more people are pet owners than are animal advocates. Advocates construct ethical subjectivities around rescuing pet animals, in particular. None of the people whom I met, at any of my research sites, the Municipal Animal Shelter, CARE, or SCAR, purchased pet animals from breeders of any kind. Without fail, they adopted unwanted animals from animal shelters or other animal rescue organizations, and that was, for them, the ethical dimension of pet ownership. It’s what differentiated them from other pet owners and what united them across differences in focus.

Ethical pet ownership entails its own conscious consumption. The initial and most important conscious consumption, in terms of pet ownership, is the obtainment of the pet itself, which should be rescued. Beyond that, pet products should be consciously consumed. In their respective struggles, both animal rights and new welfare organizations
have created coalition with corporate interests. Media publicity for animal cruelty as a social problem, as discussed in the last chapter, and the importance of appropriate pet citizenship is funded by advertising. In some ways, corporate advertising, particularly with regard to pet care, has replaced news media as the forum by which these organizations get their messages to the public. For instance, Iams, Proctor & Gamble’s pet food brand, has partnered with the Humane Society of the United States (HSUS) and other large, new welfare organizations to create advertisements focused on companion animal neglect and cruelty. They donate money to HSUS and other organizations, and allow organizational representatives to sit on their advisory boards, which monitor their animal testing, in the company of hunting representatives, vivisectionists, and other traditional opponents of animal rights activists.36

As a result, appropriate animal care is linked to the consumption of animal related commodities. Similarly, animal shelters develop relationships with retailers of animal care products to help fund their activities. As I demonstrate below, shelters advocate for the conscious consumption of particular pet products, as part of ‘adoption counseling,’ the gateway to ethical pet ownership.

**Going Home**

When the adoption has been approved, the CARE adoption counselor gives the adopter a New Adoption Packet. The packet is a folder that contains a copy of the animal’s shelter records, vaccination and microchip information, and proof of

---

36 I studied local organizations, rather than the large, national organizations that have seats on Iams’ board. It seems likely that partnering with Iams might have created controversy within those organizations, but if it did, it was not publicized and I cannot speak to it.
spay/neuter. It also contains a newspaper style handout of coupons provided by a local pet supply store.

Mud Bay has 17 locations and is the largest retailer of natural dog and cat foods in the Pacific Northwest, because “Proud pet owners are often as passionate as parents when it comes to providing their (furry) babies with proper care” (Hobart 2011). In addition to natural and organic pet foods, Mud Bay stores also carry natural treats and chews, a variety of toys, some of which are made from organic cotton or wool, natural cat litter and biodegradable dog waste bags, and other pet supplies as allowed by the size of the particular retail space.

The adoption counselor’s final task, before sending the animal to its new home is to remove the Mud Bay coupons from the adoption packet and go over them with the adopter. Most counselors first ask the adopter if they’re familiar with Mud Bay stores. If the adopter is not familiar with Mud Bay, the counselor explains that it’s a chain of natural food stores, endorses its products, and identifies which store is closest to the adopter’s home. Then the counselor points out coupons for food and supply discounts that are relevant to the animal being adopted.

The Commercial Partner

There is more than one way to become a commercial partner with an animal shelter. Some of the items on sale in the lobby were marketed to the Assistant Manager of the shelter, Moira, who is in charge of retail operations. Other products she sought out because they’re products she believes in endorsing.
At one point in the fall of 2008, the CARE staff was informed by the director of the Companion Animal Services division that we were to attend a mandatory presentation by the makers of the Invisible Fence. When I asked, I learned that the company had made a $500 donation to the shelter, and in return, we were all required to attend their presentation of the product.

The presentation was 30 minutes long, and it became immediately apparent that the presenter’s objective was to convince shelter staff to include an endorsement of the Invisible Fence product in our discussions with adopters. The meeting was contentious for two reasons. First, while the shelter Manager, Lindsay, and the Assistant Manager, Moira, didn’t necessarily mind being approached by product representatives, they valued their discretion with regard to which products they considered, and the mandatory nature of this presentation annoyed Moira and really angered Lindsay. Second, not a single CARE shelter staff member would have considered recommending the Invisible Fence, because they wouldn’t recommend electroshock for sensitive dogs, and electroshock is not a secure enough confinement plan for insensitive dogs. Everyone except Lindsay was resigned to sitting through the presentation. Her anger was palpable however, and she asked several antagonistic questions about the potential cruelty of using electroshock as a method of confinement. When the representative began advocating that we encourage cat adopters to use the Invisible Fence inside their homes, to delineate the areas that were open to the cat, Lindsay got up and left the room.

After the presentation, the representative provided brochures in brochure display boxes, which we were asked to display on the counters of the shelter lobby. They were never displayed.
As this demonstrates, corporate partnership requires the participation and support of the shelter staff, who counsel adopters as to the materials they will need for pet care. Shelter staff may actively discourage the use of particular products, while actively endorsing others. Their agenda is not a well-oiled machine, and individual staff members may disagree. For example, a head harness is a collar that clasps around both a dog’s neck and its snout, pulling the dog’s head to the side if the dog pulls on the leash. Moira (and I) recommended them for particularly strong dogs, and/or dogs that need more control or leash training. However Lindsay felt that it is cruel to restrain a dog’s head movement. Moira did the purchasing of pet products, but she couldn’t stock them without Lindsay’s approval, so head harnesses were not available at the shelter. Nonetheless, we recommended them when we felt it was appropriate.

Both shelter staff and pet shop personnel consider particular products off-limits for ethical pet ownership. For example, choke chains and shock collars for dogs are particularly taboo. Coincidentally, while I was doing my fieldwork, I needed to purchase an electronic bark collar for my dog, one that administers an electric shock when he barks. I asked about them at a Mud Bay pet shop, and the clerk explained to me that they are cruel and unethical. I purchased one online, but then, out of curiosity, went to the other four independent pet shops in the central city, asking the same question. I was treated to very similar lectures at each shop. In a similar sense, advocates generally agreed that grocery store brand pet foods were not healthy, too grain based, and generally not appropriate for ethical pet ownership. Many of the small pet shops in the area offer multiple sample packages of food, so that a person’s cat or dog might choose which one it
likes best. The healthiness of the food is an ethical baseline. Good pet parents, which I discuss in detail in the next chapter, also cater to their pets’ individual tastes.

Ethical Subjectivities

As demonstrated, it is not merely pet ownership that binds animal rights and new welfare activist lifestyles. It is a particular kind of pet ownership: one that is constructed as an ethical pet ownership. Similarly, among animal rights activists, it is not merely diet that demonstrates commitment to animal rights. Rather, one must embrace veganism for the right reasons. In this next section, I focus particularly on the construction of veganism as an ethical and politicized identity for SCAR activists.

"Real" Vegans: The Importance of Intention

As an animal rights organization, we advocate for the rights inherent to all sentient beings to live a full life, to be free, and to not be used and exploited. We engage in campaigns and other educational actions to expose, challenge, and alleviate the suffering, use and abuse of non-human animals. We also advocate that veganism is the best and most consistent way to respect the lives of animals; by rejecting the support of products and companies that deny them their inherent rights to live a life of freedom and fulfillment of their interests, it is the living practice of animal rights. (SCAR 2017).

I spent a year participating in the Service Coalition for Animal Rights (SCAR)’s activities. As is evidenced by their organizational mission statement, above, SCAR prioritizes veganism as the single most effective strategy for animal rights. SCAR hosts a monthly meet-up for socializing and for encouraging participation from newcomers. This meeting takes place in a different restaurant each month. The organizers choose the restaurant based on its veg*n friendliness, and advertise it to the constituency.
Although SCAR conducts actions beyond veg*n outreach, these meet-ups focus on veg*nism. This surely, to some extent, reflects SCAR’s strong emphasis on veg*n outreach, but that may be exacerbated by the restaurant context, which brings food issues to the fore. Regardless as to what prompts the veg*an focus at these meetings, discussions of veg*nism function to solidify the cultural collective identity of the participants and reinforce the ethical nature of their choices.

SCAR members build collective identity as animal rights activists, in part, by discussing the issue of what makes a ‘real’ vegan. My first monthly meet-up included a typical conversation on veganism. A regular attendee, Patty, initiated the conversation, saying that she had recently encountered a vegan who avoided animal products for health reasons, and that she felt irritated because that’s not real veganism. Other participants agreed with her. Brian, a group leader, said that he felt that a real vegan must avoid animal products for altruistic ethical reasons. Activists’ conscious consumption makes vegan a political category and an ethical identity. Another person clarified that the self-serving nature of health-focused veganism prevents it from counting as veganism. If vegan is a political category and an ethical identity, then apolitical food choices cannot count as vegan, even if they avoid all animal products. The conversation continued, with participants offering examples and restating the argument in a variety of ways.

Of course, from a pragmatic perspective of reducing the consumption of animal products, it makes no sense to differentiate vegans based on their intentions. These conversations politicize veganism, construct it as activism, and solidify the ethical identity with which many animal rights activists identify. Many of these activists do not
engage in direct action, but this politicization of veganism functions to make their lifestyles into activism. For those whose veganism is their primary or only activist activity, this politicization matters, and helps to maintain their identities as animal rights activists. It differentiates their actions, their lives from people who avoid animal products for self-serving reasons.

In this case, although animal rights activists may not consider vegetarians and/or non-ethical vegans allies to their cause, they share with food producers a common goal of promoting veg*n eating practices. Manufacturers of vegetarian foods take up the vegetarian cause in their advertising, participate in the articulation of vegetarianism with health and diet discourse, and work hard to make vegetarianism more attractive and convenient to the American public. This governmental technique articulates people’s desires for health and beauty with vegetarianism. Animal rights activists could not have achieved the relative success of vegetarianism without help. No amount of pamphleteering reaches the wide audience enjoyed by corporate advertising and medical findings. While the social change effected by the veg*n food industry may not create the ethical veg*nism truly desired by activists, it has nonetheless displaced some meat consumption with non-meat alternatives.

Animal rights activists develop relationships with corporate and medical actors to further the cause of veg*nism. Animal rights and new welfare activists develop relationships with one another and with corporate actors to further specific consumer practices of pet ownership. In both instances, activists work discursively to differentiate
between the practice (eating veg*n, owning pets), and the ethics of engaging in these practices for politicized reasons.

In this second empirical chapter, I addressed the lifestyle politics of animal rights activism, and its productive emphasis on conscious consumption as well as the lifestyle politics of pet ownership embraced by both animal rights and new welfare activists. Next, in the third empirical chapter, I focus more specifically on the practices that new welfare activists use as they attempt to shape the subjectivities of prospective adopters. They utilize relationships with media and advertisers that both provide opportunities and set constraints on their activism. Contemporary animal advocates attempt to produce particular kinds of ethical subjectivities that live particular kinds of lives. They attempt to change hearts and minds, for the purpose of changing animals’ lives.
CHAPTER 6

UNLIKELY ALLIES AND STRUCTURED SUBJECTIVITIES

In Chapter 4, I described some of the contextual changes produced by the Animal Enterprise Protection Act and Animal Planet that may have contributed to changes in animal rights and new welfare activism. In the last chapter, I discussed the productive emphasis on conscious consumption and lifestyle activism by both animal rights and new welfare activists. In this, the third empirical chapter, I focus specifically on the practices that new welfare activists use as they attempt to shape the subjectivities of prospective animal owners. They engage in relationships with media and advertisers to encourage consumptive pet ownership, and attempt to link appropriate animal care to the consumption of animal related commodities, producing a particular kind of ethical subjectivity among pet adopters. They encourage changes in the discourses that structure appropriate human-animal relationships in the United States.

Activists are not the only group engaged in efforts to shape the subjectivities of American pet owners and consumers through discourses of animal cruelty and the nature of appropriate human-animal relationships. Businesses, activists, and the state each benefit from and are constrained in varied ways by this endeavor, and have allied in particular instances toward this end. Requirements for animal care can provide revenue for businesses and for the state, fulfill the ethical goals of activists, and invest enforcement responsibilities in the state, which both eases taxed activist resources, and provides legitimization for extensions of state surveillance and discipline of populations. Businesses, activists, and the state have nurtured relationships to further these goals.
Corporations sponsor research and market products that are ostensibly designed to improve pet animals’ lives. Perhaps more importantly however, through their marketing efforts and sponsorship of new welfare organizations, they also articulate a relationship between pet animals and humans that mimics the relationship between parents and children. The shift from pet owner to pet parent subjectivity imbues the human with all the responsibilities of parenthood. In American culture, this includes not only food and shelter, but education, supervision, and the nurturing of mental health.

What practices brought about a shift from “pet owner” to “pet parent”? As I show, companion animal advocates have engaged in relationships with media and advertisers that has both provided opportunities and set constraints on the focus of their advocacy. These relationships have furthered the development of a pet animal market that parallels the explosion of child-product marketing that predates it. In addition, I utilize extensive ethnographic data on the common practices of pet animal adoption, which both encourage, and in some cases ensure through surveillance, pet animal care discourses that are linked to parenting subjectivities.

**Making Pet Parents: Human Subjectivity, Consumption, and Cruelty**

Since moving to America from Britain, I have found that failing to view one’s dog or cat as a furry, non–English-speaking human is considered a sign of callousness. So is calling one’s animal a “pet.” They are no longer pets but family members. When I brought my two cats to an American vet, I discovered that they had been given my surname. Cat carers insisted on referring to Stanley and Pius as my “kids.” In Britain, it was a joke that I treated my animals like children. In America, my maternity to two felines was accepted as an obvious fact. …when I remarked cheerfully to a neighbor in the elevator that nearly everyone in the building had a dog, I was put firmly in my place: “Every dog in the building has an apartment.” (Murphy 2015)
This perception of the animal as child is new, even in the contemporary U.S. context, but it is founded in the Victorian Era. Victorians began sentimentalizing the domestic sphere in the late eighteenth century, and by the middle of the nineteenth century, had firmly established a romantic ideal of Victorian domestic life that, among the privileged classes, included the sentimentalization of pet animals, specifically dogs (Kreilkamp 2013). “By the middle of the nineteenth century what has been called the Victorian cult of pets was firmly established” (Ritvo 1989:76). Kreilkamp (2013) argues that this Victorian cult of pets not only “foundationally emblematizes the link between pets and a sentimentalized home” but that this very way of understanding domesticity, one invented or at least mass-produced in the Victorian period, relied in the first place on the existence of pets in the home and on the page. That is, the Victorian cult of domesticity and family life does not retroactively sentimentalize the animal as pet; that very vision of domestic space and domestic writing is partially constituted by the pet, which operates as a defining supplement of extravagant affect to the home. That a home permits the luxury of love for an animal proves its domesticity. (72)

The “cult of domesticity” (Welter 1966) defined the private, domestic sphere as the appropriate place for women, who were to care for the private home. Part of the domesticity of that home, as Kreilkamp notes, is a pet animal, which, along with husband, children, and physical space, is nurtured by a woman caretaker. Initially, Victorian domesticity was about separating the private and public spheres, and encouraging a specific sort of femininity; The focus was conceptualizing womanhood, not children or pet animals, which are objects in the construction of appropriate Victorian femininity.
Prior to the Progressive Era in the United States, fathers shouldered the primary responsibility for the moral development of their children, even as mothers nurtured them. Children without fathers were often removed from their mothers and institutionalized alongside criminal, mentally ill, and developmentally disabled children (Ward 2005). Beginning around 1890 however, Progressive reform, with its emphasis on the nuclear family, began to shift the moral responsibility for children to their mothers, constructing the ‘natural’ nurturing capabilities of mothers and focusing on love and caring for children, in contrast to the focus on discipline and role modeling that had characterized paternal responsibility.

Between the 1870s and the 1930s, the value of American children was transformed. “The twentieth-century economically useless but emotionally priceless [child] displaced the nineteenth-century useful child. …The new sacred child occupied a special and separate world, regulated by affection and education, not work or profit (Zelizer 1985:209).”

Deborah Ward (2005) demonstrates that the family interventions of the Progressive Era created the discursive foundations for the institutionalization of public family support in the New Deal. Ward shows that the Mother’s Pensions Movement helped construct the moral importance of mothering and that the implementation of mothers’ pensions was framed by discourses as to who “deserved” social welfare, based on standards of “appropriateness” that were structured by race and class (2005).
Dogs, already symbolically partially constitutive of domesticity, also became increasingly sentimentalized during that time.\(^{37}\) Jenkins (1999) discusses the late nineteenth century “transformation of dogs from domesticated animals (whose value resided in their productive labor or exchange price) into “pets” (whose value was primarily sentimental)” He further argues that the sentimentalization of children and the sentimentalization of dogs is inextricably entwined.

In the adult symbolic order, dogs and children are primarily beasts of burden, who are assumed powerless to speak for themselves. The muteness of dogs and the inarticulateness of children are mysteries the adult imagination seeks to penetrate -- part of their charm, part of their fascination. To serve adult purposes, the innocence of children and the intelligence and fidelity of dogs have been fetishized, endowed with a broad range of connotative associations and meanings. Both dogs and children are assumed to be supra- or non-human: the child's innocence pulls it away from and the dog's intelligence pulls it towards the adult realm, yet both remain outside. They exist in a state of nature, or so the mythology goes, so that the meanings that seem to originate from within them are pre-social and pre-ideological. The communication between children and dogs is immediate, concrete, and closed to grown-ups. Ideology gets naturalized through its association with children and dogs, and as such, they remain our most powerful symbols for speaking about what is most "precious," "pure," and "valuable" in the face of modernity and change. (Jenkins 1999)

Similarly, Kete (1994) examined French tax codes, finding that stories and discussions about interactions between dogs and children helped to define the legal status

\(^{37}\) The concept of cats as house pets developed later, for a variety of reasons. One of those reasons is probably that humans and dogs share certain social qualities, like pack loyalty and hierarchical but very social interaction needs. Humans and domestic dogs also share a lifetime interest in play for the sake of play, a quality that distinguishes domestic dogs from other animals. Cats are less similar to humans in those ways, and seem ‘wilder’ and less knowable. In addition, in the middle ages, in Europe, cats were associated with witches, and witches didn’t fare well, so dogs became more popular. Finally, cat litter and litter boxes were only developed in 1947, so the keeping of indoor cats became much more feasible in the mid twentieth century, whereas the keeping of indoor dogs had already been occurring among the privileged classes for two hundred years.
of dogs as domestic “pets.” Indeed, the first child abuse prosecution in the United States, in 1874, was prosecuted by the American Association for the Prevention of Cruelty to Animals under a statute prohibiting the beating of horses (Markel 2009). After that, until recent years, child welfare activism, legislation, and intervention far surpassed interest in animal advocacy.

Social movement claims-making has contribute to the sentimentalization of children since the Victorian Era (Zelizer 1985, Best 1990, 1994). Zelizer (1985) documents how safety campaigns in the 1920s and 1930s led to a reduction in the accidental deaths of children, while simultaneously promoting their domesticization, that is, their segregation from the public, adult world (49-55). Best (1990, 1994) illustrates similar processes as children were used in later twentieth century claims-making processes (for instance, in campaigns to prevent child abuse, teen pregnancy, etc.). I argue that a similar process has occurred in the case of pet animals, and that in late modernity, it has occurred in relationship with corporate partners.

**Marketing One of The Family**

Select animal species hold privileged positions in relation to humans. Dogs, cats, and horses in particular, are considered animals with which humans can have relationships. In spite of this, until relatively recently, like children, these animals have also been expected to be useful, except for the most privileged classes.

Recently, our relations to these animals, and most especially dogs, have shifted, in that they are no longer expected to be useful in the traditional sense of herding, guarding, or hunting, but are rather regarded as wards, and like children, are most valued in terms
of their relationship potential. This is obviously partially due to shifts in economy that have led to urbanization. Dogs and horses are ‘useful’ to fewer and fewer people, particularly in cities (Hills 1993; Franklin and White 2001). Franklin (1999) further argues that the emotional shift in expectations for pet animals stems from post-modern ontological insecurity as described by Giddens (1990:92). Social and economic changes have weakened traditional social ties, for instance those of the nuclear family, creating relational anxiety. Americans are increasingly mobile, leaving family ties for economic opportunities in other parts of the country. Rapid technological changes distance generations from one another culturally, and the nuclear family has become increasingly insular. In a world where young adults move thousands of miles away from home, the elderly are placed in institutions, and children are eager to leave home, “Animals become substitute love objects and companions precisely because they can be involved in enduring relations of mutual dependency” (Franklin 1999: 57).

Unlike children, who ultimately become independent adults, pets are “family members” that always require supervision, training, and physical care. As a result, the model for the role of the pet family member, regardless of maturity, has been that of a perpetual child, and recent years have produced a shift from pet owner to pet parent. PetSmart, the pet product superstore, and largest American pet product retailer, probably coined the term “pet parent,” which it discussed for the first time in its 2002 Annual Report, noting that the company had “identified a large group of pet owners we call "pet parents." Pet parents are passionately committed to their pets and consider their pets
family members” (PetSmart 2002:1). The term is mentioned 4 times in that report. In the following year’s report, it’s mentioned 6 times, in specific reference to advertising. “Our television advertising communicates the bond between pet and pet parent” (PetSmart 2003:10). PetSmart spends 42% of its six million dollar advertising budget on cable television commercials, and another 24.5% on network television commercials (kwise4utk 2012:3). In 2006, PetSmart’s Annual Report was titled “Creating A Smarter Pet Parent,” and the term is mentioned 57 times (PetSmart 2006).

The pet product industries increasingly adopted the term. An early 2012 market research report prepared for PetSmart states that “The most popular cultural trend in the pet industry right now is that of the ‘pet parent.’ The human-animal correlation is what Packaged Facts calls an ‘untapped goldmine’” (Lumis, 2010). According to American Pet Products Association (APPA) President Robert Vetere, speaking on the resistance of the pet product industries to recession losses, “people become more attached to their pets in times of uncertainty and stress, so we continue to reward them for their unconditional love and companionship. Couple this with the trend of humanizing products and services for our pets and the result is an overall increase in spending so we can strengthen that human animal bond.” (Lumis 2010). The strategy seems to pay off. According to the APPA, in 1994, Americans spent 17 billion dollars on their pets. In 2005 they spent over 36 billion, and in 2017 they spent almost 70 billion dollars (APPA 2017).

When polled, 91 percent of pet owners agreed with the statement “I consider my pet(s) to be part of the family” (Lumis 2010). This view is one quality that distinguishes a pet owner from a pet parent. Pet parents are individuals who place high importance on the care of their pets, their

---

38 This is the earliest reference to the term that I could find, and I was told anecdotally that PetSmart had invented the term. Also, the claim to have “identified” a group that “we call” pet parents implies that they invented the term.
relationships with them, and the emotional ties that justifies those pets as a significant part of the individual’s family. These owners have a desire to present their pets with the highest standard of life, and have the financial means to offer the best quality and safety in every product and service they purchase. Highly invested pet parents focus on premium products and services for their pets, strengthening their emotional relationship with the pet, as well as providing for their health and wellness.” (Lumis 2010)

It’s clear that the concept of the pet parent and the fostering of “humanizing products and services” and affective bonds benefits pet product industries. This strategy helps to increase sales as well as opening additional markets. “As people follow the trend of being a ‘pet parent,’ they also become more inclined to follow other trends, like traveling with their pets. This has opened up an entirely new aspect to the pet industry with airlines and hotels providing pet oriented alternatives” (Lumis 2010).

**Relationships**

Pet parenting was not the only innovation embraced by PetSmart and other pet product industries; They also pursued cause-related marketing, forging relationships with new welfare organizations, with the understanding that consumers spend more money when they believe that their spending supports a cause (Lumis 2010). PetSmart formed its charitable branch in 1994, the first national pet product retailer to do so. Petco, its primary competitor, formed its foundation in 1999. Both non-profit organizations formed explicit relationships with new welfare organizations. Rather than selling cats and dogs in their stores, they offer space for local shelters to house and adopt homeless animals. PetSmart Charities donates funds to over 3,000 different animal welfare organizations and claims responsibility for ten percent of homeless animal adoptions in the United
States, which is over 400,000 animals annually (Petsmart Charities 2017). Petco’s Foundation claims that it places another 400,000 homeless animals annually. Additionally, these organizations fund low cost spay/neuter programs, pet animal cancer research, and service and therapy dog training programs.

PetSmart Charities’ mission is “to improve the quality of life for all pets by creating and supporting programs that save the lives of homeless pets and promote healthy relationships between people and pets.” To facilitate this mission, it actively collaborates with new welfare agencies. Of course, as quoted above, the “quality of life” and “healthy relationships” that PetSmart desires for pets are linked to the definition of “pet parent.” “Highly invested pet parents focus on premium products and services for their pets, strengthening their emotional relationship with the pet, as well as providing for their health and wellness.” (Lumis 2010)

It is through these common relationships between various pet product industries and new welfare organizations that the concept of the “pet parent” spread throughout the animal advocacy public. Animal shelters in particular, offer a wonderful advertising opportunity for all sorts of industries, from leashes and electric fences, as described in a previous chapter, to veterinary insurance and training programs. New pet owners are excited about their new pet, eager to do their best and therefore particularly susceptible to accepting product advice, and resigned to spending money to establish the new pet in their home.

39 Coincidentally, I once adopted a cat through PetSmart, where local shelter animals were displayed, in early 1996. At that time, adoption counseling was not a part of the process. I just filled out a sheet of paper, lying about my address, because my apartment didn’t allow pets, paid a fee, and took the cat home.

40 These are the two most prominent organizations, but many businesses form these alliances.
As described earlier, children and dogs are linked as “powerful symbols for speaking about what is most "precious," "pure," and "valuable" in the face of modernity and change (Jenkins 1999). Social movement claims-making contributed to the sentimentalization of children as activists emphasized those symbolic attributes in forwarding their agendas for reform (Zelizer 1985, Best 1990, 1994). New welfare activists embraced the concept of “pet parent” to engage in similar claims-making on behalf of animals, with similar results. The “nature” of children and pet dogs (who are representative of pet animals, although pet animals now generally includes cats, and sometimes rabbits and horses) has been entwined since the Victorian Era (Jenkins 1999). Their (constructed) similarities benefited new welfare activists who articulate their discourses with the discourses about children that seem to have effectively constructed them as fragile, private, dependent, unable to communicate, and in need of familial protection.

New Welfare

Animal and child welfare have long intersected one another, as discussed above. Pet animal advocacy efforts have, in many ways, paralleled those of child welfare. Most people will probably agree that animal cruelty is wrong, much like they agree that child abuse is wrong. Yet in both cases, people disagree as to what constitutes mistreatment. For a number of reasons, particularly their greater resources of time, money, and access to media and political representation, the white, middle class dominates the ideological and legal constructions of both child and animal cruelty.
Much like the social workers who organized the first legal standards for child rearing in the nineteenth century (Rose 1999), the animal advocates who pursue legislative protections for animals are disproportionately female, white, and middle class (Peek, Bell, & Dunham 1996). As a result of this positioning (Bourdieu 1984), the conceptions of cruelty and mistreatment that animal advocates produce are shaped by their white, middle-class, gendered, and urban concerns. Legislators are also disproportionately white and middle or upper class and so activist constructions of cruelty and neglect fit well with their worldviews.

In addition, the corporate marketing of pet parenthood explicitly targets white, middle and upper-class women. Recall that for PetSmart, having financial means and focusing on premium pet products is a marker of the pet parent. Class is built into the definition of a pet parent. Additionally, PetSmart’s advertising, “is directed toward younger generations who are delaying starting a family and, instead, getting a pet. This target audience, referred to as the ‘pet parent,’ considers his or her pet as more than just an animal. They also target adult females with higher income who can afford to take care of their pet.” (Lumis 2010). Similarly, Petco’s targeted consumer “is white, married adults between the ages of 25-34 with at least a four year college degree and an income of $40,000 or above” (kwise4utk 2012:12).

As a result, animal cruelty discourses, including legislation, disproportionately represents a white, middle-class construction of cruelty. For example, at both the Center for Animal Reforms and Education (CARE) animal shelter and the Municipal Animal Shelter (MAS), the application that prospective dog adopters must complete before being allowed to view animals includes a question about whether or not they have a back yard.
I initially suspected that they preferred adopters to have yards, but I was wrong. In both organizations, prospective adopters who indicated that they did have back yards were then engaged in discussion about how much time they intended to spend walking the dog, and how much time they intended to leave the dog in the yard by itself. Leaving a dog in the back yard all day (or worse, all night) was considered neglectful, and poor pet parenting, and neither shelter would place an animal with a family that intended to do that. Like children, dogs should be supervised when outside the safety of the domestic home, a standard that is classed in much the same way that Lareau (2003) describes childrearing. To translate her terms to dog-care, the achievement of natural growth might include leaving the dog in a yard, or even off-leash in a neighborhood, so long as the dog was fed, could access shelter, and wasn’t hurt or diseased. Rather, increasingly, the pet parent standard is the middle-class standard of concerted cultivation. Dogs should be supervised, trained, and potentially put into day-care, so that they don’t become bored or lonely.

In this way, new welfare discourses parallel those of child welfare, from constructions of cruelty and neglect, to discourses about ‘pet parenting’. Child welfare rhetoric constructed “the good mother”, and the distribution of resources like mothers’ pensions, and later Aid to Dependent Children, served to discipline families that failed to parent appropriately. While there is no financial aid provided to ‘good pet parents’, animal shelters and rescue organizations distribute pets according to standards of care that are increasingly like those advocated by middle-class child welfare advocates. Concern for child welfare and concomitantly suitable family environments ultimately led to the establishing of legal structures to segregate and protect children, disciplinary
mechanisms, and a plethora of institutionalized means of subjectifying parents who would treat children in ways deemed appropriate (Ward 2005; Lareau 2003). These institutions range from state aid programs and schools to corporate advertising and self-help books that aim to create better parents.

Similarly, new welfare interests have led to increasing legislation that protects certain pet animals, disciplinary mechanisms to ensure compliance with this legislation, and institutions that attempt to shape the subjectivities of pet parents in ways that mimic child parenting subjectification. If the pet is adopted, the adoption process, as described below, aims to produce pet parents. Breed specific rescue organizations utilize similar processes, but with more rigor, often including home visits and landlord or home insurance checks in their evaluations. Corporate advertising of various pet products, as discussed, initiated and promotes the concept of the pet parent, a parent who purchases premium products and offers the highest quality of life to their pet. Pet parents are encouraged, by pet product companies, shelters, and humane law enforcement, if they become involved, to engage in training programs (schooling). Through schooling, pet parents are taught to better incentivize positive behavior. Veterinary offices often refer to clients as the “parents” of their pets, and to pets as fur kids or furbabies. They increasingly encourage the purchase of veterinary insurance, which comes in both PPO and HMO varieties.

As our relationships to pet animals have changed, so has societal interest in their “welfare”. Animal cruelty has only become a mainstream issue in recent years. As discussed in Chapter 4, the Animal Planet Network has been influential in this effort, highlighting the worst cases of abuse and neglect of dogs, cats, and horses in particular.
The Animal Planet Network initially focused on educational programming, but by the early 2000s, its lineup heavily featured reality programs, particularly ‘Animal Cops’ shows of different varieties. These are documentary style programs that follow law enforcement and/or animal control officers as they investigate animal neglect and abuse. Between 2001 and 2011, Animal Planet broadcast 12 different animal cruelty related reality shows of this sort. Between 2001 and the present, it additionally broadcast 9 programs focused on educating pet owners about communicating, training, and properly caring for their cats and dogs. Animal Planet programming is overwhelmingly supported by advertising for pet care products, juxtaposing animal cruelty with consumption-focused pet parenting. Recently, Animal Planet launched its own brand of pet products, which can be found in major pet stores.

Currently, animal cruelty is firmly planted in the minds of the mainstream public as a pervasive and important social problem, and parallel to issues of child abuse, the solution has been to promote better parenting. But we are not only responsible for treating our pet animals humanely. Like parents, we are now expected to offer development of the pet’s character, particularly through training. Donna Haraway notes that the training of children and the training of dogs embrace the same philosophy (Haraway 2003). Through training, we can create “Good Canine Citizens”.

41 Programming included Animal Cops shows featuring Detroit, Houston, Miami, Phoenix, San Francisco, and South Africa, as well as Emergency Vets, E-Vet Interns, Judge Wapner’s Animal Court, K9 Cops, and Miami Animal Police.
42 Programming has included Bad Dog!, Barking Mad, Dogs 101, Cats 101, Good Dog U, Housecat Housecall, In the Dog House, It’s Me or the Dog, and My Cat from Hell.
43 Interestingly, cats are popularly considered untrainable. There is quite a bit of evidence that they are indeed quite trainable, if someone trains them. While they are as beloved pets as dogs, their ‘wildness’ may be part of their appeal, and when they are out of control, it is less likely to be socially disruptive, because of their relative smallness. So
The official Good Canine Citizen curriculum includes a schedule of training and official testing for the conferring of the degree. To achieve certification, dogs must successfully master not only basic obedience training, but they must learn to sit still in the presence of exciting stimuli, respond to direction on command, and submit to human authority. The process is not unlike the focus of schooling for working-class children. Although it has only been recently that pet animals have been considered “children,” the groundwork for this sort of anthropomorphization was laid by the entwinement of dogs and children as they were sentimentalized in the early twentieth century. New welfare activist campaigns for the protection of pet animals, in close relationship with business interests that have realized the potential profit in pet parent subjectivities and cause-marketing, have used humanizing discourses that equate pet animals with children to further their vision of appropriate human-animal relationships.

**Pet Parents: Governed Subjects and Consumption**

Animal shelters and rescue organizations are front line institutions for shaping the subjectivities of pet owners. Unlike children, pet animals must be procured from outside the family. They are most typically purchased from licensed or unlicensed breeders, adopted from shelters or rescue organizations, or obtained from the streets or directly from owners who no longer want them. Some of these options require prospective pet
parents to engage with practices designed to shape not only the ways that they care for their new family member, but also their subjectivities in relation to their pet.

There is a hierarchy to these options. To avoid these practices altogether, a prospective pet owner can adopt a stray animal s/he finds on the street or purchase an animal from a pet store (although most pet stores no longer sell dogs or cats). Pets can also be purchased from Craigslist, where screening standards vary considerably. Some people can obtain pets directly from friends or family who no longer want them.

Buying an animal from a registered breeder is expensive, and much like a shelter, typically involves a process of adoption. The American Kennel Club, which registers purebred dogs, advises breeders to

screen buyers as thoroughly as you possibly can, with interviews, background checks, home visits, and lists of written pros and cons of the breed. Do your homework! And most of all, trust your gut. Spend a lot of time listening to people, because they will eventually reveal themselves. Don’t make hasty decisions, because you will regret them (AKC Staff 2014).

The club advises breeders to look out particularly for financial issues, such as home stability, yard area, and ability to pay potential medical costs for a sick pet. A 2014 questionnaire by the AKC found that breeders are particularly concerned with the education of buyers, and provide them with numerous resources for becoming educated about training, breed-specific behavior, and health and nutrition issues. The AKC further encourages breeders to maintain contact with buyers through updates and picture exchanges, so as to monitor the circumstances of the pet.

One [breeder] said that she thinks of herself as the birth mother, and that now she had an extended family. Once you have this extended family, you stay in touch with them. Ask for photos and updates. Continue to send them articles and encourage questions. This type of support helps to
maintain the contract and you will never need to enforce it (AKC Staff 2014).

Any reputable breeder will not only accept an animal back if the buyer’s circumstances should change, many of them require such a return in the purchase contract.

Breed specific rescue organizations are typically the most selective and diligent in their follow up surveillance of adopters. Most require extensive application and (often multiple) interview processes, and check veterinary references. Many require home visits before and after adoption. Some have more restrictive standards, such as not adopting to first time dog owners, or people who live in apartments. Some want a “parent” to be home full time. Additionally, some adoption contracts specify that the rescue organization is the ultimate owner of the animal, so that, at any time, should the organization become dissatisfied with the dog’s care, it can remove the dog from the home (Johnson 2014).

In a widely publicized 2007 incident, Ellen DeGeneres and Portia de Rossi adopted a dog, Iggy, a Brussels Griffon mix from the Mutts & Moms rescue organization in Pasadena, CA. DeGeneres and de Rossi claimed to have spent three thousand dollars on training before rehoming him because he couldn’t learn to live with their cats.\(^\text{44}\) They gave him to DeGeneres’s hairdresser, whose eleven and twelve year old daughters loved him. When Mutts & Moms contacted DeGeneres for an update and found that she’d re-homed Iggy, they went, with a police escort, and confiscated him from the new family, as re-homing was in violation of the adoption contract. DeGeneres publicized the event on her talk show, crying in front of the audience. She was distraught because the daughters

\(^{44}\) DeGeneres and de Rossi ‘owned’ the dog for two weeks, but 9 days of that was spent with a trainer. They then kept him for 5 days and in emails, said that they weren’t up for caring for a puppy, which is why they gave him away.
of her hairdresser had bonded with the dog, but Mutts & Moms policy did not allow for
dogs to be adopted by families with children under 14 years old, so Iggy was ultimately
placed elsewhere.45 DeGeneres’s fans were incensed, as were many animal advocates,
and the women who operated Mutts & Moms received death threats46 (Milazzo 2007).
The incident publicized the contracted authority that breed specific rescues can have over
adopted animals, long after they’ve left the organization. Because of that authority, some
shelter workers feel that breed specific rescue organization rules actually drive potential
adopters to purchase from breeders. “The saddest repercussion of all is the potential for
tens of thousands of dogs and cats to go unadopted, and to be euthanized, due to the
anger engendered toward rescue groups as a result of this debacle” (Milazzo 2007).

Animal shelters are typically less intrusive than breed specific rescue
organizations or responsible breeders, but more intrusive than the other alternatives. They
interrogate and educate prospective adopters, and allow the adoption of specific animals
based on screening questions to determine best fit. They form relationships with pet
product industries to not only promote specific products, but also to promote a particular
human-animal relationship, one that constructs adopters as potential pet parents. At the
Center for Animal Reforms and Education (CARE), the cornerstones of the pet adoption
process are personality and lifestyle testing and adoption counseling. Together, these
institutionalized practices construct pet animals as childlike family members and evaluate
and educate adopters, subjecting them to both discipline and government in an effort to
evaluate their suitability as pet parents.

45 Mutts & Moms claimed, well after the fact, that they would have considered an
exception to the rule if the hairdresser’s family had filled out an adoption application.
46 Other rescue groups in the area made statements to the media that they held Mutts &
Moms in high regard. The two women who ran the rescue were struggling financially,
trying to operate the rescue and run a small, boutique pet store.
Meet Your Match

At CARE, the relationship between pet product industries and new welfare is not only present in the processes of adoption, it is on full display. Two walls of CARE’s main lobby are lined with pet products. These products have been carefully selected by the shelter’s assistant manager, Moira, with the approval of the manager, Lindsay. They include leashes, collars, toys, and flea prevention medication. Head harnesses are not included, because, as mentioned in a previous chapter, while Moira is an advocate of them, Lindsay believes that they facilitate biting and isn’t willing to approve their sale. Shelter employees are not supposed to advocate them to adopters or to people who call with behavior modification questions.

In this room of pet products, prospective adopters complete lifestyle assessments and are subject to adoption counseling. CARE participates in the ASPCA’s Meet Your Match Program. Meet Your Match “evaluates an animal’s behavior and interests and matches them to an adopter’s preferences” (ASPCA). When a person wishes to adopt an animal from CARE, before he is allowed to view any of the animals, he must first fill out a short survey to assess his lifestyle and pet preferences. The survey inquires as to whether the person has pet experience, whether the pet will need to get along with other pets or children, how much time the person intends to spend with the pet, and how motivated the person is to exercise, play with, and train the pet. The dog survey also investigates whether the person is looking for a working dog and asks how much the person expects to spend annually to own the dog. An adoption counselor scores the survey, and advises the prospective adopter as to which of the 9, color-coded “canine-
“canine-ality” or “feline-ality” will best suit him. Once the best match has been identified, prospective adopters can go view the animals. The “canine-ality” or “feline-ality” of each adoptable animal is identified on its cage tag, by color. Prospective adopters are encouraged to choose an animal that matches them, based on Meet Your Match.

In practice, matches are flexible with regard to cat adoptions, and more closely adhered to when placing dogs. There are probably multiple reasons for the difference. First, there is an accurate perception that cats are ‘wilder’ than dogs, and can thrive with less care. Dogs were the first domesticated animal and have been living with humans for approximately 15,000 years (Perri 2016). Millenia of physical and social evolution alongside humans has led the domestic dog to develop social-cognitive skills that are more like human children than like the dog’s closest canine relatives or even great apes (Tomasello and Kaminiski 2009). Among the upper classes in Europe, dogs have lived inside houses for at least 300 years.

There is disagreement about when cats were domesticated, but according to genetic studies, it was not more than 10,000 years ago (Vigne et. al 2004). Unlike dogs, which were carefully selected and bred for behavioral traits and changed quite a bit as they were domesticated, pet cats are not particularly different, in terms of behavior, from wild cats (Cameron-Beumont, Lowe, and Bradshaw 2002). Likewise, cats were not purposefully domesticated. Rather, where humans lived, rodents thrived, and opportunistic cats moved in, becoming friendly with humans over time (Driscoll, MacDonald, and O'Brien 2009).

So domestic cats are much closer to wild than are domestic dogs. Additionally, in the history of the U.S., cats have really only been house pets for about 70 years. The
colonists of New England associated them with witches, and as they sometimes executed suspected witches, it was probably best to not own a pet cat.\(^{47}\) The next century, early U.S. citizens believed that cats killed babies by sucking away their breath. In the Annual Register, a publication that records the year’s interesting events, there is an entry for Jan. 25, 1791: “A child of eighteen months old was found dead near Plymouth; and it appeared, on the coroner's inquest, that the child died in consequence of a cat sucking its breath, thereby occasioning a strangulation” (Castro 2012).

Finally, as Jenkins (1999) notes, the characteristics of dogs and children as innocents who need nurture, government, and protection, have been entwined in the popular imagination since the Victorian Era. While cats have been seen as otherworldly in a dangerous sense, dogs have been seen as otherworldly in an innocent, loyal, and unconditionally loving, like a child. Because, on average, dogs cannot get enough exercise indoors, and need to eliminate outside, they do require more care. And it is possible, because their social-cognitive ways of relating have evolved with humans, that it matters more if a dog is a “good match” for a prospective adopter.

Animals are personality tested when they become the legal property of the shelter, immediately for owner-surrendered animals, and after 72 hours for stray animals. The tests evaluate for energy levels, attention needs, possessiveness and territoriality, and aggression. An animal’s personality type is a measure of these combined attributes. Dog personalities include three socially motivated types, three internally motivated types, and three externally motivated types. The socially motivated canine-alties are the ‘life of the

\(^{47}\) Interestingly, animals could also be accused of witchcraft, but the only two animals recorded as having been accused and executed as witches were dogs (Brooks 2011). Cats were the familiars of witches, but not relatable enough to humans to be potential witches themselves.
party’, the ‘goofball’, and the ‘constant companion’. The internally motivated canine-alities are the ‘free spirit’, the ‘wallflower’, and the ‘couch potato’. The externally motivated canine-alities are the ‘go-getter’, the ‘busy bee’, and the ‘teacher’s pet’. In general terms, these evaluations allow animals to be ranked from more to less difficult, with regard to their needs. A prospective dog adopter who is matched with a particular dog personality may choose a dog with a less difficult personality, but will not be allowed to adopt a more difficult dog.

Simply by categorizing and defining animals discursively by personality type, as opposed to behavioral needs, or some other method of distinction, articulates them with human psychology. Meet Your Match is explicitly marketed as personality matching, much like online dating, implying a psychological equality between human and animal. The process of filling out the questionnaire encourages potential adopters to begin thinking of their new pet as ‘one of the family’, with a human psychology. They then tour the kennels, where they find animals that match them. Kennel tags include not only the Meet Your Match assignation, but also a brief narrative about the animal, designed by shelter staff to personalize it. As a result of this process, by the time prospective adopters have chosen an animal, they have been encouraged to think not only about the animal’s physical needs, but its emotional needs as well. They have been led to consider the animal’s need for companionship and alone time, curiosity, and mental stimulation. This sets the stage for the adoption process.
Adoption Counseling

Typically, a prospective adopter only completes an adoption application after an animal has been chosen for adoption. The application asks identifying questions of prospective adopters and about their prior experiences with pet ownership. After people complete that section, they hand it to a CARE adoption counselor. Counselors sit on stools behind their computers at a high front desk, and they refer to the ‘discussion’ section of the application and to the animal’s file to determine which issues need to be discussed with the prospective adopter.

The process of adoption counseling is part evaluation and part education. The adoption application is used to determine potential issues with the adoption. These can include the lack of or fates of former pets, unsterilized current pets, young children in the household, and the amount of time the animal will spend outdoors or alone each day. The discussion is used to evaluate the caring, commitment, and nurturing capacities of potential adopters. Adopters who have given away prior pets are carefully scrutinized. In a parenting model, adoption is a lifelong relationship, and people who take it less seriously will likely make poor pet parents.

CARE rarely allows adoptions by parents of small children. A few, select animals are considered suitable for those households, but in most cases, the organization assumes that people cannot adequately parent small children and pets concurrently. This is demonstrated by the reasoning behind disallowing such adoptions, which is that young children may be too rough with animals, cannot consistently adhere to training guidelines, and may be bitten by fearful or mistreated pets. In theory, any of these issues might be managed by the adults in the household, but CARE assumes that all family
members are pet parents, and children who are not old enough for those parenting responsibilities often disqualify a household from adoption.

If evaluation identifies potential parenting problems, counselors attempt to educate adopters. One of the discussion issues is labeled “Indoor/Outdoor”, and adoption counselors are supposed to discuss the issue with every prospective cat adopter.

The Indoor/Outdoor discussion can go one of three ways. Adoption counselors ask “Will this be an indoor-only cat or will s/he go outside?” Some people readily answer that they intend to keep the cat inside, the counselor checks off the issue, and then moves on to other issues. Other people answer that they want to allow the cat to go outside, or that they’re not sure what they’ll allow. Counselors let those people know that they have chosen the wrong answer, and explain to them that an outdoor cat is usually a dead cat. Counselors inform prospective adopters that the average life span of a cat that roams outside is only 2-3 years, whereas indoor cats can live well into their teen years. The implication of course is that, by allowing a cat to roam outside, the owner shows a casual disregard for the cat’s life. Most people quickly change their answer, claiming that they will keep the cat indoors. This may be because they don’t wish to be seen as the sort of person who would put their pet in a situation that would surely kill it. Alternatively, they may (correctly) ascertain that acquiescence on this issue is a condition of adoption.

Occasionally however, a prospective adopter will take a stand on the issue, insisting that cats need to, or are entitled to go outside, and that the cat will be permitted to roam, in proper animal fashion. The adoption counselor will do her or his best to change the prospective adopter’s perspective. If the person is not concerned about endangering his pet, counselors will advise him as to the ways that cats pose a danger to
native birds. At a minimum, the adopter is supposed to commit to supervising the cat if he allows it to go outside, and most adoption counselors require that he verbally assert that commitment.

Robin is the most thorough of the adoption advisors, but not the most strict. She walks everyone through every detail of the adopter’s survey before she lets them look at the animals. Like everyone at CARE, she’s more flexible about the cats than she is about the dogs, particularly in that she distinguishes between indoor/outdoor and free roaming. On a typical afternoon, a couple came in and put on their survey that they wanted to let their prospective cat go in and out as it pleased. Robin told them that there is a leash law for cats in their area, that the citizens had gotten fed up with cats using their gardens for litter boxes and that they had gotten together to pass a leash law. The woman said “as if I’ve ever seen a cat on a leash.” Robin informed her that some people do leash train their cats, but that the purpose of the law is to act as an incentive for people to keep cats on their property. She said that at CARE, the organization likes to adopt out to people who will keep their cats indoors or supervise them when they’re outdoors, rather than let them roam free, and she pointed out that a person can get a ticket for letting your cat roam when there is a leash law in effect. She said several times that there’s no denying that cats like to go outside, but said also that they could provide a stimulating indoor environment for a cat, and that especially if it had never been outside, it wouldn’t miss it. The man said “I’m open to keeping the cat in the house. I just thought I’d let it outside to be nice to it.”

Robin is not only the most thorough adoption counselor, she also has a tendency to supervise the other adoption counselors to ensure that the adoption advising is done her way. Yet she rarely denies an adoption. She requires prospective adopters to listen to her
lectures about the issues that are most important to CARE, and/or to Robin. So ultimately, for instance, she makes people listen to her discuss the perspective that cats need to be kept indoors or supervised outdoors, but she doesn’t require them to commit to keeping their cats indoors, or even to not allowing the cat to roam. If they say “I want to let my cat roam free” she’ll not adopt to them, but if they simply remain silent after the lecture, she’ll let them have a cat. She won’t ask them to actually commit to supervision. She’s suggesting that they develop a particular type of relationship with the cat, as a parent or guardian. She can’t enforce it structurally, but she always introduces prospective adopters to the ideology.

Some prospective adopters, people looking for lost cats, and other cat owners are best educated by printed materials. CARE prints handouts (also available online) for this purpose. These handouts express CARE’s position on the issue:

What does your indoor cat miss?

Getting hit by a car, feline leukemia, attacks by dogs, poisoned food, pesticides, cat fights, fleas, ticks, worms, abscesses, getting lost, getting stolen, steel-jaw traps, human cruelty, gunshot wounds, puncture wounds, wild animal attacks, cold, rainy weather. (CARE)

The handout goes on to advise cat owners as to techniques for transitioning an outdoor cat to life indoors. It acknowledges that some cats are difficult to keep indoors, and suggests that “Despite their owners' best efforts, some cats will still have a tough time adjusting to life indoors. If your cat shows signs of extreme stress, you and your veterinarian might consider short-term drug therapy to relax the cat during the transition” (CARE).
It is better, therefore, to drug a cat, so that it accepts its confinement, than to allow it to roam outdoors. This is not dissimilar to changes in childcare. In the past, American children, like cats, spent more time outdoors, roaming neighborhoods and entertaining themselves. Contemporary parents however, have been warned that to allow their children to roam unsupervised in this way will lead to abduction, death, and other disastrous consequences. As a result, more and more children do not play outside unsupervised. The need to supervise them restricts the time that they can play outside, and hyperactivity is treated with drug therapy.

In addition to discussing the issues that may be raised by the adoption application, adoption counselors identify everyone who will interact with the animal regularly and whether the adopter rents or owns their home. In theory, counselors call landlords to verify that a renter may have an animal in the home. In practice however, landlords are only called when counselors want to deter an adoption or when the animal is a pit bull.

There is a set of standard discussion topics that must be addressed before the animal is released to its new home. These include house training, barking management and crate training for dogs, destructive behavior like chewing, digging, and scratching, introductions to other pets, confinement plans, and socialization with people and other animals. Then, based on the animal’s file, the counselor reviews the animal’s personality characteristics with the adopter, and reminds them that pet care can be costly, including not only feeding, but also veterinary care, mental stimulation, and supervision costs. Finally, the counselor informs the adopter of the animal ordinances and licensing requirements that will affect them, based on the jurisdiction in which they live.
As the above example shows, adoption counselors may embrace pet parenting discourse to varying degrees. Some counselors fully embrace it, insisting on a commitment to desired practices. Others do not. The organization however, in its policies and publications, not only embraces the discourse, but expects care practices, like medicating a hyperactive cat, that parallel common child-rearing practices.

Increasingly, pet animals are considered “one of the family.” Pet product industries developed the concept of the “pet parent” to describe the owners of these pets, whom they target as particularly likely to spend money on their pet animals. These industries overlap with new welfare organizations through relationships that benefit both of them. Pet product industries can engage in cause-marketing, encouraging consumers to spend more for pet welfare, while new welfare organizations receive much needed funding or donation of space for adoption events.

In the last century, claims-making by child advocates made gains in child protection, while also further sacralizing the child. New welfare activists, in relationship with corporate partners, have engaged in similar claims-making about animal welfare, in which they humanize the pet animal as childlike. This strategy certainly sells products, and given the speed at which pet owners have become the pet parents who buy premium products, it perhaps influences changed subjectivities.

Animal shelters are a nexus for the relationship between these corporate actors and new welfare activists, and the pet adoption process is a governmental process of subjectification, in which the prospective adopter is informed of and encouraged to embrace a new sense of self. It is only one of many such processes. After adopting the pet, the pet parent will engage in similar, yet distinct subjectification processes when s/he
purchases pet products, accesses veterinary care, or seeks services like grooming or boarding.

In this third empirical chapter, I addressed some of the processes by which pet owners are subjected to pet parenting discourses, and the relationships between pet product industries and new welfare activists that facilitate those processes. Next, in the fourth and final empirical chapter, I focus on activist and citizen relationships with the state. Activists engage in both legislative and educational campaigns to codify standards of care and engage citizens to report violations of law. However their dependence on state agents for law enforcement removes animal well-being from their control, and humane law enforcement officers can resist the pet parenting discourses forwarded by animal advocates.
In the last chapter, I addressed some of the ways in which new welfare activists and organizations have formed relationships with pet product industries to promote pet parenting. I also examined some of the processes by which pet parenting is promoted as a desired subjectivity in the adoption processes of the companion animal shelter. In this fourth and final empirical chapter, I use my fieldwork with the humane law enforcement officers to discuss the relationships that state agents have to both new welfare activists and citizens.

As discussed in the last chapter, more and more Americans think of their pets as ‘one of the family,’ and more and more are the pet parents so desired by pet product industries and new welfare activists. As this model of appropriate human-animal relationships becomes more widely accepted, new welfare activists also find increasing support, among publics and legislatures, for the pet animal welfare protections. This both helps them pass pet protection initiatives and engages citizens, who view pets as childlike and in need of protection, in looking out for violations of those protections. Ultimately however, advocates must rely on the state to enforce legislation, and while humane law enforcement officers follow the law, they resist the pet parenting discourses that are primary to new welfare standards of care.

**Pet Animal Cruelty**

In 1981, when I was 5, my father brought home two baby opossums. His coworker, while driving to work, had hit their mother, and so he had removed the baby opossums from her pouch and distributed them at the mill. My father brought one for me, and one for my little brother. The
opossums grew into tame, if rather uninteresting pets, and thrived for about a year. At that point, they began to lose coordination in their hind legs, and over the next few weeks, became progressively paralyzed from the bottom, up. My parents didn’t know what ailed the opossums, but when they could no longer use their hind legs at all, believed that they were suffering, so my father took them out behind the house and shot them.

In the spring of 2008, I accompanied Jami, a Humane Law Enforcement Officer, on a call to a home where the child, a girl of about 10, had found a baby squirrel that had fallen out of its nest, a common spring occurrence. Her mother had called the shelter, asking for information on how to care for the squirrel. Shelter staff informed her that it is illegal to keep wild animals as pets, even for rehabilitation purposes, and dispatched us to collect the squirrel. The family had placed the squirrel in a box, with a cozy, makeshift nest, and the girl was unhappy about relinquishing it to us. Shelter policy is to transport wild animals to a wild animal rehabilitation center, north of the city, but when Jami called to arrange the transfer, she was told that they didn’t currently have space for additional baby squirrels, so we took the squirrel back to the shelter, where it was euthanized.

It used to be common, and legal, to euthanize animals by bullet. Since 1990, dominant discourses about the nature of acceptable human-animal relationships has changed. Today, in most municipalities, it is illegal for private citizens to distribute or keep wild animals. Euthanization by bullet is both illegal and considered cruelly violent, but if the resources for rehabilitation and release are unavailable, institutionalized euthanization is considered preferable to domestication.

Conversely, it is increasingly considered cruel to allow domesticated animals to fend for themselves. Most municipalities prioritize trapping and eradicating stray dogs, rehoming some, and euthanizing many others. Feral cats, cats that have not had contact with humans, are routinely trapped and euthanized as a matter of course. Even PETA (People for the Ethical Treatment of Animals) advocates for capturing and euthanizing
feral cats, even when they are not a nuisance, on the grounds that to allow domestic animals to live in the wild constitutes cruelty.

As elaborated in chapter 4, the past 25 years have given rise to unprecedented animal advocacy. In the 1990s, disruptive direct action by animal rights activists became prominent. Since then, much of animal advocacy has shifted toward efforts to interpellate citizens through discourses about animal cruelty and the nature of acceptable human-animal relationships.

As noted in Chapter 3, the philosophical underpinnings of modern animal advocacy come from two competing sources. One argues that we must treat animals well because they suffer (Singer 1975) and the other argues that we must treat animals well because they have natural rights, including the right to consent about what happens to them (Regan 1983). The latter leaves no room for incremental reform. Animals cannot consent to be used, therefore they should not be used in any way, or else their rights are violated. On the other hand, suffering can be reduced incrementally.

Both philosophical positions however, use human treatment of children and developmentally disabled and severely mentally ill adults to ground their work, arguing that if we agree, as a society, that these vulnerable groups, who cannot reason like most adults can reason, should be granted basic human rights and protected from suffering as much as possible, then we cannot distinguish between human and animal based on capacity for reason (Singer 1975; Regan 1983).

The concept of animal-as-child (Jenkins 1999), elaborated in the last chapter, therefore fits well into the philosophical underpinnings of animal advocacy. It is furthered through corporate and activist processes which encourage pet parenting, that I discussed
in the last chapter, educational initiatives, like the direct actions I discussed in Chapter 4, that aim to educate passers-by about cruelty to animals, and by a variety of other processes, from puppy training programs and “kitten kindergarten” to educational programs for children that teach them how to interact with family pets in appropriate ways.

In Chapter 4 I discussed the anti-circus actions that Seattle Coalition Animal Rights (SCAR) and the Center for Animal Reform and Education (CARE) organized together, twice a year, for many years. Those demonstrations were the last holdover from the more direct action focused, animal rights organization that CARE was in the past, when it was studied by Einwohner (1999). The success of the anti-circus campaign in 2015 marks the end of CARE’s direct action. However, like many new welfare organizations, CARE has shifted its political focus to legislative lobbying.

Prior to the 1990s, animal protection legislation almost never mentioned pet animals. Most states developed some variation of animal protection legislation in the early nineteenth century, focused on protecting valuable animal property. New York’s legislation was typical: “Every person who shall maliciously kill, maim or wound any horse, ox or other cattle, or any sheep, belonging to another or shall maliciously and cruelly beat or torture any such animals, whether belonging to himself or another, shall upon conviction, be adjudged guilty of a misdemeanor” (N.Y. Rev. Stat. tit.6 §26 1829).

There are a couple of statutes from the seventeenth century requiring that cattle be rested before they drop, and occasionally someone was prosecuted for theft, after killing a commercially valuable animal belonging to another person (APRI 2006).
Further, concern about cruelty was focused on the depravity of the abuser, rather than concern for animal suffering. There was concern that people who would cruelly beat or torture an animal would also be a danger to human society.\textsuperscript{49} Reflecting this focus, early animal protection legislation was typically included with legislation about public morals and decency (APRI 2006). “For example, animal cruelty offenses in the New Hampshire code were in the same section as those related to adultery, incest, blasphemy, profane swearing, grave-robbing and tomb desecration. The Minnesota statute was in the same section as that describing the penalties for “attending a dance on the Lord’s Day” (APRI 2006:6).

The American Society for the Prevention of Cruelty to Animals (ASPCA) was founded in 1866 and worked to make animal protection statutes include “any living creature.” This revised wording allowed officials to outlaw dog and cock-fighting, in states that adopted it.\textsuperscript{50} Apart from fighting however, it seemed to not occur to anyone that pet animals could be subject to abuse. From the founding of the ASPCA to the mid twentieth century, animal protection statutes were applied primarily to farm animals, and more occasionally, to wild animals. Violators were typically subject to fines.

Americans first became concerned with the treatment of pets, not by their owners, but by research companies. Congress briefly discussed research animal welfare in the early sixties, but there wasn’t much interest in pursuing the issue. In 1965, Sports Illustrated published the story of Pepper, a Pennsylvania Dalmatian that had been stolen from a family’s yard and sold to a research hospital in the Bronx, NY. Pepper died as the

\textsuperscript{49} Current research strongly supports this view (Merz-Perez and Heide 2003).
\textsuperscript{50} In 2008 Louisiana became the last of the 50 states to outlaw cock-fighting.
subject of an experimental surgical procedure (Engber 2009). By the next year, increasing evidence suggested that pet dogs were being stolen and sold to research facilities and the Animal Welfare Act was passed. It set minimum housing and welfare standards for research animals, and was amended eight times, none of which addressed pet animals. Over the next few years, Congress additionally passed legislation protecting horses, marine mammals, and endangered species. In 1990, the Animal Welfare Act was amended so that dealers (including animal shelters) who sold dogs and cats to research laboratories would be required to hold the animal for 5 days before selling it and to provide a report of its origin. This was in response to continued problems with pet animals being lost or stolen and sold to research institutions. No mention was made of potential cruelty to pet animals by their owners.

In the 1990s, extreme acts of animal cruelty became increasingly publicized. The felony anti-cruelty laws in many states are named after a particular animal, a case that mobilized public sympathy. In most states, the animal is a dog. In Washington State however, the animal was Pasado, a 21 year old pet donkey that lived in a petting zoo outside of Seattle and was cherished by the local community. In the spring of 1992, three young men, aged 16, 18, and 20,\textsuperscript{51} broke into the park and attempted to ride Pasado, who didn’t cooperate. The boys then beat him with sticks and a metal pipe, and hung him by the neck from a tree, where he was found dead the next morning. They were charged with breaking and entering, because the misdemeanor offense of torturing an animal carried fewer penalties. This enraged the community, and the Washington legislature passed Pasado’s law, which made intentional cruelty to an animal a felony (Pasado’s Safe Haven

\textsuperscript{51} Men under 30 are the most common intentional abusers of pet animals. Women over 60 are the most common hoarders of pet animals (DeViney et al. 1983).
As of 2016, all 50 states now have some felony provisions in their animal cruelty legislations.

Since that time, concern about cruelty to pet animals has skyrocketed. As just mentioned, in many states, it was highly publicized cruelty to a pet dog that initiated changes to animal cruelty protections. Additionally, research on family violence has indicated that 71% of domestic violence perpetrators were also hurting the family pet (Breiding, Chen, and Black 2014). Also, over this time period, as described in Chapter 4, Animal Planet popularized pet animal cruelty as a pervasive social problem. In their report on the prosecution of animal-cruelty cases, the American Prosecutor’s Research Institute identifies Animal Planet programming as influential to “growing public and professional interest in the prosecution of crimes against animals” (2006:4).

Television shows such as “Animal Precinct,” which highlights the efforts of the Humane Law Enforcement division of The American Society for the Prevention of Cruelty to Animals (ASPCA) in New York City, are extremely popular—leading to numerous spin-offs showcasing similar efforts in Houston, Detroit, Miami, San Francisco and elsewhere. (APRI 2006:5)

Since the mid 1990s, urban publics have increasingly supported pet animal protection legislation. As noted previously, in Chapter 4, Animal Planet has created a forum in which animal advocates can disseminate discourses about animal cruelty and the nature of acceptable human-animal relationships. Pet product corporations similarly use television advertising to construct ‘good’ pet parents. The subtle implication of this advertising, juxtaposed with programming about animal cruelty, is that other pet owners are less ‘good’, and might even be cruel or neglectful. These discourses make use of narratives of danger, fear, and innocence. I discussed in Chapter 6 the ways that they
construct pet animals as childlike, and human caretakers as pet parents. As pet animals are increasingly seen as a childlike class, and the scope of animal cruelty has been established as a social problem, new welfare activists have enjoyed more public support for anti-cruelty measures.

**Narratives**

As illustrated by Pasado’s Law, passed in Washington in 1994, states very often name their animal cruelty statutes after specific animals, whose extreme abuse is publicized and creates public support for increased animal protection. In 1999, New York passed Buster’s Bill, named for a cat who was doused in kerosene and lit on fire by a 16 year old boy. In 2000, Alabama passed Gucci’s Law, named for a twelve week old Chow/Husky mix that was beaten, hung by the neck, and set on fire by a group of teenagers. In 2001, Texas passed Loco’s Law, named for an 8 month old puppy who was stolen, and then returned to the owner’s front porch, mutilated. The list goes on and on. Dexter in Wyoming, Scruffy and Magnum in Kansas, Henry in Utah, Romeo in Kentucky, Justin in New York, Susie in North Carolina, Cooney in Nevada, Daniel in Pennsylvania, Nitro in Ohio, Patrick and Duffy in New Jersey, and finally, Puppy Doe’s Law in Massachusetts, named for a puppy, found beaten, tortured, and starved on the streets in Quincy, Massachusetts (ALDF 2016).

This habit of naming state animal cruelty legislation after specific, dramatic cases is related to the role that tragedy plays in animal protection legislation. Tragedy offers an

---

52 Gucci survived, was adopted by the person who saved him, and lived to be 16.
53 Loco also survived and is still living with his original owners. His paw print is next to the governor’s signature on Loco’s Law, which provided a touching photo opportunity.
opportunity for activists to produce narratives that change and shape perceptions. For animal protection advocates, narratives of tragic incidents are nearly required for passing legislation. A narrative about a tragic incident mobilizes private citizens and politicians (often reaching across the aisle) around an issue. Perhaps more importantly, it disseminates, through media, a construction of animal cruelty more expansive than the current legal definition and produces a relationship between the activists who produce that construction and the private citizens who can be convinced of its legitimacy (Jasper 1997, Jasper and Poulsen 1995).

Animal advocates make particular use of narratives featuring danger, fear, and innocence. These narratives do four important things:

1. They aid in constructing pet animals as a childlike class that needs/deserves protections parallel to child welfare protection.

2. They produce and reify a construction of cruelty, contrasting that with appropriate or responsible pet ownership.

3. They demonstrate that animal cruelty is everywhere, that it impacts everyone, and that it can only be stopped when private citizens care enough about animals to monitor their surroundings and report abuse or neglect.

4. They structure and communicate appropriate human-animal relationships.

These narratives largely appear in media, and as demonstrated by my discussion of Animal Planet in Chapter 4 and previously in this chapter, television has been influential in constructing pet animal cruelty as a social problem and disseminating these narratives, through programming like Animal Precinct and its spin-offs, mentioned earlier, that are exclusively focused on these tragic narratives. Since the turn of the century, as internet access becomes increasingly common in the U.S., social media has
also played an important role. People publicize locally reported cases of pet animal cruelty and they go viral.

This is a very different focus than the interest in animal protection that existed prior to 1990. In those discourses, animals are not constructed as children; they are constructed as property. A special class of property, certainly, as demonstrated by legislation that prohibits “deep and repetitive branding” and injuring horses ankles to make them step higher, but animals in the home are not considered at risk. Even at the height of the animal rights movement, in the 1980s, the focus was on vivisection and farm animal abuses, and no mention is made of abuses to pet animals. In the 1990s, with cable television widely available, new programming that exclusively featured animal cruelty, and the ability to share information quickly via the internet, new welfare activists heavily utilized tragic narratives to pass pet animal protection legislation and prosecute offenders. Next, I discuss in greater detail two examples of these processes in Washington state before turning to enforcement of legislation.

**Tethering**

Keeping dogs tethered 24/7 is not just cruel. Dogs are social animals that crave contact, and to keep them chained and isolated is torture for them. - Robert Pregulman, Seattle Dogspot Editorial

Dogs are often tethered when people do not have secure enclosures in which to keep them, or when they want a dog for safety, rather than for sentimental reasons. People often use dogs as a deterrent to property crime, and indeed, crime prevention experts advocate dog ownership for that purpose. People in wealthier neighborhoods, even if they fear crime and choose a dog for protection, can often enclose their property,
so that the dog can roam around it. Anti-tethering statutes therefore, place an economic limitation on dog ownership: either the dog must be allowed inside the home, or the yard must be fenced. For renters, both options require landlord approval and are potentially costly. I discuss these class issues further in the next section.

In the Fall of 2008, the King County Council considered legislation that would ban the tethering of dogs outside for more than 10 consecutive hours. All of the local animal advocacy organizations are opposed to long-term tethering in general, and support anti-tethering legislation on the grounds that tethering is inhumane and contributes to aggression in dogs. In spite of this, the legislation encountered opposition from individuals, and floundered.

In 2010 the League of Humane Voters introduced an anti-tethering bill to the Washington State Legislature, but it was not assigned to a committee that year. They reintroduced the bill on February 3, 2011, and it might have quietly disappeared again, but the issue received dramatic reinforcement on February 8, when a Seattle woman looked out her bedroom window and saw her neighbor’s dog hanging by its neck from her fence, dead. The dog had jumped the fence, but its tether was not long enough to allow its feet to reach the ground. The woman called humane law enforcement, took a photo, and sent it to local news organizations. This facilitated increased support for the 2011 anti-tethering law, and provided a tragic incident narrative around which anti-tethering advocates could mobilize. The law made it through the Senate Judiciary Committee and the Senate Rules Committee, but was not brought to the floor for a vote during the 2011 session, to the great ire of animal advocates.
Anti-tethering advocates typically approach the issue first from the perspective that tethering is inhumane, and second from the perspective that tethering increases the likelihood of aggression. Dogs Deserve Better, a national anti-tethering advocacy organization, says of tethering that “As the days become years, many of these dogs sit, lay, eat, and defecate within the same 10-foot radius. Chained by the neck, they exist without respect, love, exercise, social interaction, and sometimes even basic nourishment. They live as prisoners, yet long to be pets” (Dogs Deserve Better 2015).

Anti-cruelty statutes already require that dogs be provided with basic nourishment, so an anti-tethering statute would likely not further prevent starvation. But linking starvation to tethering discursively links the current legal definition of animal cruelty, which covers unnecessary physical pain and suffering, with the psychic pain and suffering that anti-tethering activists argue is experienced by tethered dogs. This discourse expands cruelty to include psychic discomfort and puts forth the argument that dogs are entitled to respect, love, and social interaction.

In Seattle, as in most cities, all dogs are prisoners, in that they are legally required to be either on a leash, or confined on private property. The focus on mental stimulation and emotional connection that is implied by the notion that dogs require respect and love constructs them as childlike. They require emotional nourishment, and indeed, confinement. Much like children, some things should be done for their own good, but they require protection from not only physical, but also emotional neglect.

The tragic incident narrative in which the Seattle dog hung herself on her tether not only provided an opportunity for distributing this expanded conception of animal cruelty, it also demonstrated that cruelty is everywhere. It endangers us all, in that any of
us might be traumatized by it. In news reports and in blogs, the dog was always and repeatedly referred to by her name, Amber. The neighbor who found her was quoted repeatedly as saying, “It was horror. It was just horror” (Cartier 2011; Gertsch 2011).

This neighbor was not the owner of the dog, and surely her horror was sincere. Part of the message conveyed by this narrative is that the horror of animal cruelty and neglect is not confined to the abused animal, nor to its owners; it can spill over and affect any of us. As the narrative was repeated, on blogs, in the press, and on the television news, it carried the message that none of us are safe from animal cruelty, which is horrible, and will traumatize us. Anti-tethering laws, advocates implied, as they disseminated the narrative, are part of the answer, because an anti-tethering law would have empowered Amber’s neighbor to call humane law enforcement, to prevent the horror of Amber’s death, and thereby preempt the traumatic experience of finding her dead.

**Bestiality**

There was no law against sex with animals because nobody wanted to talk about it. - Pasado’s Safe Haven spokeswoman, 2007 private interview

During the summer of 2005, in a widely publicized incident, Kenneth Pinyan, a Boeing engineer, died of internal bleeding from a perforated colon after having sex with a horse in Enumclaw, Washington. Although aware of his internal injuries, for several hours Pinyan resisted his companions’ urging that he seek medical attention. Enumclaw Community Hospital staff responded to a request from an anonymous man that they help his friend in the emergency room, and found Pinyan already dead. The Sheriff’s
Department investigation led to James Michael Tait, one of Pinyan’s companions, and a video he’d made of the events. Sheriff’s Department officials found many similar videos in Tait’s home. Tait, who lived next to the farm where the incident occurred, regularly connected with men online, took them to the farm, for a fee, and made videos of their sexual encounters with the Arabian stallions, which he then posted on the Internet.

Pinyan’s death was ruled accidental, and the entire drama might have escaped the attention of the greater public but that, in spite of confiscating numerous videos of horse-human sexual intercourse, the Sheriff’s Department could find no evidence of animal cruelty. The animal cruelty statutes in Washington State in 2005 did not prohibit bestiality unless it caused physical harm to the animal involved, and the stallions appeared fully unharmed. As a result, James Michael Tait was charged only with trespassing, to which he pled guilty and for which he paid a $300 fine and completed one day of community service.

Enumclaw is a small town in Southeast King County with a reputation for being a “horse town”. In 2005 there were fewer than 10,000 residents, many of whom have (nonsexual) relationships with horses. The community was outraged that Tait could operate an “animal brothel”, using their horses, with impunity under the state’s animal cruelty statutes. Within two weeks of Pinyan’s death, Pasado’s Safe Haven, an animal rights organization, began advocating for legislative action, and a week later State Senator Pam Roach, who represents that district, drafted a detailed bill in response. Early in 2006, with no modification and no serious discussion, Roach’s “anti-bestiality bill” made any “sexual contact”, “however slight”, with a non-human animal, or recording such contact, a Class C Felony under the state of Washington’s animal cruelty statute.
The King County Sheriff’s Department had not expected the Seattle Times to print this story, because of the “gruesome” nature of the issue, but the Times staff decided that because multiple people engaged in sexual contact with these horses, that the story needed to be told (Messer 2005). It was the most read Seattle Times article of 2005, was distributed internationally, and was featured on numerous websites and blogs (Seattle Times Staff 2005).

As a nearly universal sexual taboo, bestiality is largely disapproved by people from all social groups in the United States. Yet nowhere is the linking of animals with children as a protected class more explicit than with regard to sex. Pasado’s, the organization responsible for pressing the anti-bestiality bill, explicitly equates bestiality with pedophilia and considers zoophiles to be sexual predators (Pasado’s 2011). Senator Roach, in promoting her anti-bestiality bill, said of it that “If these animals don't have the cognitive ability to consent, and that's the case, then we have to be protecting them. That's one of the reasons we protect children; and while this is lower, it will still protect innocence from sex predators” (Roach, quoted in Barker 2006).

By all accounts, the horses involved in this tragic incident neither suffered in any physical way, nor tried to escape or resist. This campaign successfully capitalized on the bestiality taboo to expand the definition of animal cruelty to include the violation of animal innocence. Animal advocates’ discourse explicitly equated animal protection with child protection, using this tragic incident narrative.

Tragic narratives help garner public support for anti-cruelty legislation and also educate the public as to appropriate human-animal relationships. New welfare activists actively use these narratives to contribute to discourses that construct animals as childlike
and needing protection from predatory adult humans. They encourage citizens to stay vigilant, looking for signs of animal abuse, and once legislation has been passed, they rely on those citizens to report violations of the law.

**Legislation**

Narratives that feature danger, fear, and innocence are used to pursue legislation that institutionalizes dominant discourses about animal cruelty and the nature of appropriate human-animal relationships. Activists have worked to build direct relationships with legislators, and indirect relationships with private citizens, and have made substantial legislative gains. Once enacted however, animal protections statutes must be enforced. Activists rarely contribute directly to shaping state enforcement practices, which are often poorly funded and of low priority to human law enforcement.

In Seattle, which has a fairly typical structure in this regard, there are thirteen humane law enforcement officers who enforce state and municipal animal care and control statutes for approximately 600,000 city residents, approximately 62% of whom own pets. There are almost never more than four officers in the field at any given time, patrolling 142.5 square miles within the city limits. On most days, two officers patrol the city, one in the North end, and one in the South end, between about 9AM and 7PM. Humane law enforcement relies almost entirely upon private citizens to make reports of violations, which officers then investigate. So while officers engage in the practices of state intervention, surveillance for animal protection violations falls to private citizens.

Although animal cruelty statutes are enacted by state and municipal governments, and therefore vary somewhat, their similarity is striking. This is because lawmakers often
either consult with or enlist activists to write the anti-cruelty bills they sponsor, and animal activists distribute successful legislation for pursuit in other locales. In Washington, first degree animal cruelty is a felony offense, and the definitions of cruelty are typical:

(1) A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering or while manifesting an extreme indifference to life, or forces a minor to inflict unnecessary pain, injury, or death on an animal.
(2) A person is guilty of animal cruelty in the first degree when, except as authorized by law, he or she, with criminal negligence, starves, dehydrates, or suffocates an animal and as a result causes: (a) Substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or (b) death.
(3) A person is guilty of animal cruelty in the first degree when he or she: (a) Knowingly engages in any sexual conduct or sexual contact with an animal; (b) Knowingly causes, aids, or abets another person to engage in any sexual conduct or sexual contact with an animal; (c) Knowingly permits any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control; (d) Knowingly engages in, organizes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or (e) Knowingly photographs or films, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal. (RCW 16.52.205)

(1) A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal.
(2) An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence: (a) Fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; (b) Under circumstances not amounting to animal cruelty in the second degree under (c) of this subsection, abandons the animal; or
(c) Abandons the animal and (i) as a result of being abandoned, the animal suffers bodily harm; or (ii) abandoning the animal creates an imminent and substantial risk that the animal will suffer substantial bodily harm. (RCW 16.52.207)

Game and agricultural animals, and research subjects are excluded from these protections. Despite the attempts of animal advocates, the cropping of dogs’ ears, which is cutting off half of a floppy ear to make it pointy, and the docking of dogs’ tails to create short tails in long-tailed breeds are also exempt from animal cruelty laws. The American Kennel Club (AKC) show guidelines favor cropping and docking in specific breed standards, and breeders have lobbied extensively to ensure that these practices are exempted from anti-cruelty legislation.

These laws have some class specific effects. At its simplest, Washington’s (typical) anti-cruelty statute requires that pet owners have the financial means to provide food, shelter, space, medical care, and if necessary, rehoming services to their pets. Medical care, in particular, is expensive, and legally required if a pet is ill or injured in a way that might cause it pain. As I noted in discussing the recurring efforts by new welfare activists to enact anti-tethering legislation, people often tether dogs when they can’t afford to fence a yard, live in rental properties that don’t include fenced yards, or live in unsafe neighborhoods and keep a dog for protection purposes. Wealthier people are more likely to own homes, more likely to be able to afford to fence a yard, and are less likely to need a guard dog.

And yet, two significant exceptions to the anti-cruelty statutes, cropping and docking, are practices that are outlawed in the European Union, condemned by the American Veterinary Association (AVA), and are dominantly practiced by people who
have enough money to purchase a purebred, show-quality puppy, register the dog, train the dog, travel with the dog, groom the dog to show specifications, and often, hire a handler to actually show the dog. In other words, people who show dogs are more likely to be middle or upper class, and they are permitted to chop off parts of their dogs for aesthetic purposes.

Interestingly, the other group of people who crop and dock their dogs are people who fight dogs. Fighting dogs are cropped and docked because ears and tails are easily bitten and pulled during a fight.\textsuperscript{54} At a veterinary clinic in South Seattle, in a fairly poor neighborhood that is known for gang activity, I encountered, in the waiting room, a portfolio of the veterinarian’s ear cropping work. Knowing that the AVA has condemned the practice, I asked him why he not only performed the procedure, but advertised it. His response was that “I just got tired of repairing the ears of dogs that people had tried to cut off with scissors. They’re going to do it, and I’d rather it be done right” (Personal Interview 2007). Of course, dog fighting is entirely illegal in the United States. Opponents of cropping and docking sometimes argue that if it were outlawed, it might be easier for law enforcement to spot fighting dogs, but so far, the show dog lobby has been very successful in defending the practice.

\textsuperscript{54} There also seems to be a belief that pointy ears look “tougher” than floppy ears. I’m not sure whether that’s an effect of the tradition of cropping fighting dogs’ ears or not.
Citizen Surveillance

Humane law enforcement officers are responsible for enforcing the animal cruelty statutes, among other things. Because humane law enforcement is not particularly well funded or well staffed, animal advocates rely on their indirect relationships with private citizens to root out animal cruelty. Through their educational outreach, as discussed in Chapter 4 and Chapter 6, they teach citizens what constitutes abuse and encourage them to report it. They educate the public, disseminating discourses of animal cruelty and citizen responsibility. This emphasis intersects with their legislative pursuits because once legislation is enacted, someone must ensure that laws are obeyed. New welfare organizations work to enact legislation, and train citizens to monitor their communities for infractions that might endanger animals.

Almost all new welfare organizations have some sort of direct educational program. CARE hosts periodic workshops on cat and dog behavior, leads tours of private homes with cat enclosures, and offers family events to educate children about pet care responsibilities. They also do periodic presentations in elementary schools, to raise awareness of appropriate human-animal relationships among children. Additionally, animal advocacy organizations have an indirect relationship, through both news and entertainment media, to many more private citizens. The large organizations advertise directly, using television media, as detailed in Chapter 4, and many organizations have partnerships with pet product corporations, as described in Chapter 6. These affiliations help disseminate and make dominant the discourses about animal cruelty and appropriate human-animal relationships that activists desire. Further, it encourages private citizens to

55 Officers also enforce leash and registration laws, capture stray or injured wild animals, assist the police with dangerous dogs, and collect dead animals for cremation.
act as animal advocates, by engaging in surveillance of their neighborhoods and reporting their concerns. Because humane law enforcement relies so heavily on private citizens to report violations, if new welfare advocates want to see their legislation enforced, they must provide those citizens with both the desire for and the tools of enforcement. Activists use discourse to build this relationship with private citizens around shared conceptions of animal cruelty and stewardship.

**The Uses of Cruelty**

Once animal protection legislation is in place, citizen enforcers have been educated and made allies, and humane law enforcement officers are prepared, the apparatus of enforcement can practice animal protection. In Seattle, the Municipal Animal Shelter (MAS), a municipal shelter that operates very much like CARE operates, provides humane law enforcement services within the city limits. Citizens call and report law violations or concerns when they observe them, and unless an emergency situation is ongoing, a call form is generated by dispatch and the case is assigned to an officer who investigates the issue as it comes up in her or his caseload, usually within a couple of days.

Officers are called to all parts of the city, but they are most regularly called to gentrifying neighborhoods. In economically and racially homogenous neighborhoods, I suspect that neighbors either share standards for animal care and therefore have fewer concerns about the welfare of one another’s pets, or that when they do have concerns they feel comfortable addressing those concerns directly, without involving law enforcement. In gentrifying neighborhoods however, race and class heterogeneity likely makes it more
difficult for neighbors to communicate with one another directly when they have concerns. Most complainants probably mean well and have genuine concern for the animals whose owners they report. But my observations indicated that complaints disproportionately come from citizens in gentrifying neighborhoods.

**Cause for Concern**

In August of 2007 I rode with Ben to an apartment in the North end. Someone had anonymously complained that a pit bull puppy was tied to a car battery on the porch. The complaint did not specify beyond that. Presumably, the very fact that a dog was tied to a car battery was cause for concern.

The building was laid out like a motel, single story, with each apartment opening onto its own stoop with a rail and a car sized plot of grass. The building was a beige, tannish sort of color, and the paint was peeling. Indeed, as we approached the door, we saw a car battery on the porch. Ben pointed at it and I nodded.

A thin, young, white man answered the door, shirtless. His demeanor was quite friendly. Ben asked him about his dog, just as the dog ran out into the yard. He commanded it to stay in the yard. Its name was Gangster. Ben asked him if he ties the dog to the car battery, and he said that he does, because he can move the battery around the yard and the dog can’t escape. Then he said that the dog stays in the yard and is very obedient. To demonstrate, he commanded it to eliminate and it did. Ben suggested that he get the dog neutered so that it wouldn’t wander. The young man said that it already doesn’t wander.
We could see two cats through the window next to the door. Ben asked about them, whether they belonged to the respondent. He said that they did. Ben asked whether he had bought licenses for the dog and for the cats. None of the animals were licensed, so Ben wrote the guy a $375 citation for failure to license. Ben explained that he was required to write the citation, that officers aren’t allowed any discretion with regard to licensing violations. The guy accepted his ticket cheerfully and didn’t seem to mind at all. Ben was very surprised that the guy wasn’t more upset.

There is no inherent reason why tying an animal to a car battery should elicit citizen concern. A dog that is tied to a car battery is not having a different experience than a dog that is tied to anything else. It’s impossible to really know whether the complainant would have called humane law enforcement if Gangster had been tied to a dog tie-out stake, purchased from a pet store, but the complaint was not that the dog was tethered. In fact, I never saw an officer go on a call for which the complaint was simply that a dog was tethered, and I don’t believe that dispatch would have taken the complaint, since, despite the anti-tethering campaign, anti-tethering legislation has not been enacted. Someone was concerned for the welfare of this dog because he was tied to a battery. Car parts in the front yard are a potent symbol of low-income life. What concerned the complainant and made the complaint legitimate for the MAS was likely the linking of a pet to the lack of ‘class’ that is symbolized by a used car battery.

**Wielding Legislation**

In some cases, wealthier neighbors use animal protection and control laws to harass their less affluent neighbors. Noise ordinance violations are the most common
complaint of this type, although callers will often not simply complain about the noise, but will specify that they fear it means that the annoying dog is barking because it suffers from neglect.

In November of 2007 I rode with Jami to the home of Greg Eames. Jami said that she was eager to meet him. Greg is the only person whom the City of Seattle has tried to prosecute for noise violations. He has been cited 11 times, each time when his neighbors have complained. Jami said that he has two pit bull dogs, and that she thought that they probably do bark some.

We arrived, on a very nice, short block deep in the historically Black Central District, a neighborhood that has been gentrifying rapidly. There were four, turn-of-the-century, renovated craftsman houses, and then a ranch style, somewhat dilapidated house, with a round charcoal grill and some unidentifiable other things in the yard, and an big, old, American car parked beside it. This was Greg’s house.

We approached the house. The front door was standing open, but there was a screen door. Rap music was playing pretty loudly and two young, adult Black men were sitting on couches in the living room inside. They were playing video games on an enormous tv. Jami introduced herself, calling in to them, and asked if Greg was home. They said that he wasn’t there. She said that she would just leave a door hanger and I waited while she wrote a note on it and hung it on the door. The men had paused their game and they sat and watched us, but didn’t say anything. While we were standing there, I saw the neighbors enter and exit two of the other houses on the block, including the immediate next-door neighbors. The occupants of both homes were white.
After we left Greg’s house and closed the doors to the truck, Jami said, “People use us to harass neighbors they don’t like.” I asked her what reasons people have for not liking the neighbors they report. She said “People especially don’t like renters, but sometimes it’s about race or sexuality too.” Jami didn’t state specifically that she felt that was the situation with Greg, but the context of her comment seemed to imply as much.

**Disciplinary Measures**

Regular viewing of Animal Cops programming on the Animal Planet Network would lead one to believe that Humane Law Enforcement Officers regularly discipline offenders by removing their pets from their homes. While this occasionally does occur, in most cases, officers do not pursue such dramatic action. Yet there are nonetheless consequences for people against whom complaints are filed. First, it provides an opportunity for officers to check on the license status of a person’s pets, and to issue citations for non-licensed animals. Second, during contacts with respondents, officers often look around people’s homes in the process of examining a pet’s accommodations, and they may contact law enforcement, Child Protective Services, or other state intervention agencies if they feel that it is for any reason appropriate. Finally, complaints are permanently filed, and regardless of their resolution, are included with any future complaint when it is assigned to an officer. Officers regularly take prior complaints into account in their assessments of a situation.

As specified in my earlier discussion of cruelty laws, and exemplified by the incident with Gangster, the puppy tied to a car battery, the construction of animal cruelty discourses leads to complaints that disproportionately target the animal care practices of
lower income pet owners. The discipline effected by those complaints, particularly increased state surveillance, tracking, and potentially fines, are less burdensome for wealthier pet owners, who have greater financial and educational resources for paying citations, negotiating with surveillance and intervention agencies, and mounting legal challenges, should it come to that.

**Humane Law Enforcement Officers**

Advocates for animal protections expect the state to provide humane law enforcement officers who will investigate complaints of animal cruelty or neglect. They tend to see the passage of legislation as a “win,” and they rely upon private citizens to root out animal cruelty. Through their legislative efforts, they pursue the protection statutes that reflect their desired standards of pet animal care, and through their educational efforts, they pursue a relationship with citizens by disseminating what are now dominant discourses about animal care and cruelty.

In practice however, advocates lose control of their animal protection campaigns once they succeed at encoding them in law. There is no substantial relationship between humane law enforcement officers and animal advocates. Although humane law enforcement operates out of the Municipal Animal Shelter, it is based on the second floor of the building, and the shelter is located on the first floor. The first and second floors have separate entrances, and except for when officers drop animals off at the shelter, there is very little overlap between shelter and enforcement staff.

MAS staff engage in adoption counseling practices that are very like those at CARE. Like CARE, MAS staff offer humane education presentations to schools and
community organization. In addition, they operate an on-going pet loss support group, for people who are grieving the loss of a pet. A couple of MAS employees, at the time of my research, were former CARE volunteers or employees. Although MAS staff appear to be much happier than CARE’s shelter staff, that may be because, as city employees, they earn living wages and have benefits packages. One person, who had worked for both organizations, identified that as a significant difference in job satisfaction.

Although the Municipal Animal Shelter engages in constructing and disseminating discourses of pet parenting that are in line with those embraced by CARE and pet product corporations, as a group, humane law enforcement officers do not share advocates’ conceptions of animal cruelty or neglect. This may be because they differ, in some ways, demographically from many animal advocates, who are overwhelmingly white, female, and middle-class (Sperling 1988; Plous 1991, 1998; Richards & Kranich 1991; Jamison & Lunch 1992; Jasper & Nelkin 1992; Jasper & Poulsen 1995; Peek, Bell, & Dunham 1996).

At the time of my research, all but one of the city’s humane law enforcement officers were white. Unlike animal advocate organizations however, there were more male than female officers (9 male, 4 female). Only two of Seattle’s thirteen officers were college educated. Only one of them, a single, never married, man in his forties, could afford to live within the limits of the city that they patrol. While all of them owned pets and could be described as animal lovers, and most of them said that they pursued humane law enforcement in order to work with animals, none of them were politically active around animal related issues, and only one of them was a vegetarian. Several of them however, were active in their union.
The practices of Humane Law Enforcement contribute to dominant discourses about animal cruelty and appropriate human-animal relationships, because they are mandated by statutes that have been shaped by animal advocates. As a result, they serve as a disciplinary mechanism through which pet owners are shaped. Yet most of the officers, to varying degrees, resist using dominant discourses about appropriate pet care when talking with citizens. Rather, they prefer to focus specifically on the legality of pet care practices. In effect, once the state legislates animal protection and becomes responsible for intervention into reported animal cruelty, advocates lose control of the process. All of the officers whom I observed took their responsibility for ensuring animal protection seriously, and they followed the law. But I never once heard a humane law enforcement officer use the terms ‘pet parents,’ ‘furbabies,’ or ‘furkids,’ nor did I ever hear an officer lecture a citizen about an animal’s emotional health.

One chilly, rainy afternoon in February, I rode with Ed through a relatively wealthy neighborhood in the North end of the city. It was a slow day, so Ed called in to request a park patrol, which entails driving through parks, in theory to generally surveil, but in practice it’s nearly always leash law enforcement.

We cruised slowly down a residential street, past a small park. It was perhaps a quarter of a city block, just green grass, with a tall chain link fence and a tree border distinguishing it on three sides from the surrounding properties.

Parks tend to be relatively quiet in bad weather, and this park was being utilized by only one, middle-aged white woman, who was walking slowly across the grass with her unleashed dog, leash draped over her arm.
Ed parked the truck and we walked over to her. He told her that the city has a leash law, and that her dog must be leashed when not on her property. She said that she thought that was ridiculous, as her dog was obviously well-behaved and under her control. Ed countered, repeating that the law requires a leash, and does not allow for substituting voice control. She appeared extremely irritated, and replied that she wasn’t going to put her dog on a leash to satisfy an irrational law. Ed said that if she didn’t comply with the law, he would have to write her a $69 ticket. She said “go ahead.” He wrote her a $69 ticket for a leash law violation. She took it, turned around, and began walking out of the park, her dog by her side, still unleashed.

At CARE, when discussing leashing with potential adopters or anyone else, the law is mentioned, but the emphasis is on the dog’s safety. Staff are trained to focus on the potential for harm to the dog. When a person argues that their dog is under voice control, CARE staff point out that even a well-controlled dog might see a squirrel and impulsively chase it, or be frightened by thunder or another loud noise and run from it. In those cases, CARE staff would argue, the dog might get lost, hit by a car, or injured by another animal. The implication is that people who care about the safety of their dogs use leashes. Ed, in a practice typical of the city’s humane law enforcement officers, never mentioned any of that. Rather than linking leashing to the safety of the dog, he focused on its legality, linking it to citizenship. By doing so, he discursively prioritized the city-citizen relationship over the human-animal relationship. It might be, that as agents of the state, the city-citizen relationship is simply primary in the interaction. However, I’m inclined to speculate that it has more to do with the classed nature of pet parenting discourses being in conflict with the class position of humane law enforcement officers. Officers clearly
have a different agenda than new welfare advocates, in terms of protecting pet animals. While both groups value animal protection, they conceptualize it differently. I suspect that this is largely a class issue.

While animal advocates typically prioritize the human-animal relationship, officers typically prioritize the city-citizen relationship. This may result in either punitive or supportive practices, but it resists the dominant discourse that constructs pets as childlike. Unlike animal advocates, officers do have regular, direct relationships with private citizens, through their enforcement practices. In some cases, they subvert the law in favor of those relationships, particularly for bureaucratic, as opposed to cruelty infractions. For instance, while officers are required to check for pet licenses when they make a contact, Ben is the only officer who regularly issues the $125 citation for failure to license. Sometimes officers just don’t ask, but more often, particularly for low-income respondents, officers will instruct the respondent in how to go online and license their pet that day, to avoid the fine. This is a regularly practiced work-around among Seattle’s humane law enforcement officers. One officer, Dawn, after helping a respondent buy a license online, said to me that “he didn’t need to pay another $125.”

Officers often engage in social work practices, in an effort to keep dogs with their owners. In January of 2008 I rode with Sarah to a home in the Central District. A neighbor had complained that a pit bull dog was being kept in the back yard without shelter from the elements. It was cold, and raining.

The house was a turn-of-the-century craftsman, but the yard was unkempt and it needed paint. The back yard was enclosed in chain link. We walked up the steps and
Sarah knocked on the front door. A middle-aged Black woman answered the door and Sarah told her that the shelter had received a complaint about the welfare of a dog at this house. She asked the woman if the dog belonged to her. The woman said that the dog belonged to her son. She invited us into the living room to wait while she called him from upstairs.

The house was clean and warm. The son came downstairs. He was probably in his late teens, and assented when Sarah asked him if the dog belonged to him, but was otherwise quiet. Sarah asked to see the dog, and he led us through the kitchen to the back yard. The yard was mostly dirt, mud really, in the rain. The dog had a bowl of water, and appeared physically sound and well fed, but was wet and had no shelter, as the neighbor had claimed. It was friendly. Sarah told the young man that dogs are required by law to have shelter from the elements. He said that his mother didn’t want the dog in the house. He seemed unsure as to what Sarah wanted from him. I had the impression that he was afraid of legal repercussions, of losing his dog, or both. Sarah told him that the shelter gets donations of dog houses and crates that people don’t want anymore, and that if he or his mother could come to the shelter she would arrange for them to get one. She told him that they should put an old blanket or some hay inside it for the dog. The young man seemed relieved, and Sarah repeated what she’d told him to his mother as we went back through the house. She also made sure that they knew where the shelter is located, and told them that she’d be back in a couple of weeks to check on the dog again.

Sarah could have simply told this family that they needed to procure a shelter for their dog and that she would return in a couple of weeks. The shelter has no formal program or policy for distributing the dog houses and crates that are donated, and does
not distribute them to adopters, even upon request. Officers use their discretion to distribute these resources to respondents whom they feel need help procuring adequate shelter for their animals. Most often, officers instruct contacts to come to the shelter to pick up what they need. However it is also not uncommon for an officer to transport a doghouse or large crate to a person’s home.

On average, officers try to correct welfare issues, rather than pursue punitive measures. They do not attempt to educate respondents as to appropriate pet care practices, as constructed by dominant discourse. Rather, they inform respondents as to their legal obligations, and try to help them meet those obligations. This disciplines pet owners into legal accordance, and engages in city-citizen relationship building, in both punitive and supportive ways, but resists efforts to shape pet owners into the pet parents desired by new welfare activists.

Discourses of protective legislation and its enforcement produce a relationship between animal advocates and private citizens, but they fail to produce a close relationship between advocates and humane law enforcement officers. The discourses produced and disseminated by animal advocates, in established legislation and with regard to potential legislation, construct animals as a protected class, establish the scope of animal protection as inclusive of psychic well-being, and imply that animal cruelty might affect anyone, at any time.

This relationship between animal advocates and private citizens furthers animal protection by enlisting citizen enforcers of animal protection laws, who will monitor their neighbors, particularly if their neighbors are different from themselves, and will report
violations. The effort to shape animal care practices however, is complicated by the city-citizen relationship that is prioritized by humane law enforcement officers and the lack of activist control over enforcement. As a result, officer practices sometimes resist dominant discourses about animal cruelty and appropriate pet care.

In this fourth and final empirical chapter, I described the use of tragic narratives in legislative campaigns. These narratives galvanize public support while also educating publics about appropriate human-animal relationships and engaging them in looking for violations of anti-cruelty laws. Activists engage in relationship with the state through their legislative campaigns, and citizens engage in relationship with the state either as complainants or respondents to allegations of misconduct. The discourses that dominate activist standards of care are classed, and subsequently, so is at least part of the legislation they pursue. Their need to relinquish control to state agents, humane law enforcement officers, in order to enforce that legislation, results in their losing control over the discourses of enforcement. Officers, most of whom do not come from middle-class backgrounds, resist pet parenting discourses and actively aid low-income citizens to comply with legislation, rather than penalizing them or even implying that they should not own pets.

In the next chapter, the final chapter, I discuss the main findings of my research and its significance. I also discuss the way in which I believe this work contributes to the larger study of social change, and its particular relevance to contemporary U.S. politics.
CHAPTER 8
DISCUSSION

Ultimately, this work is about social change. It is founded on the premises that power operates and can be used differently in different political and economic contexts and that publics are composed of relationships. Activists within a given public navigate opportunities and constraint in constellation with partners who may be motivated by other interests. These relationship constellations are always changing, shifting, as actors pursue both allied and oppositional objectives.

Because recent years have brought significant social changes in the animal rights movement, legislation regarding acceptable animal treatment, and cultural norms about appropriate human-animal relationships, the animal advocacy public presented an interesting opportunity to examine social change in late modernity.

My analysis suggests that in the context of increased repression of direct action, relationships with less radical activists, media, state, and corporate partners presented animal advocates with specific opportunities to implement productive strategies. These relationships also largely constrained the breadth of animal advocacy. The success of productive strategies, particularly new forms of subjectification, prefigurative, lifestyle politics, and the dissemination of truncated parts of animal rights ideology has contributed to substantial legislative gains. Once codified in law however, animal protections become the responsibility of state actors. While the state itself may have an interest in the disciplinary and surveillance functions of humane law enforcement, the officers who enforce animal protection laws may have their own agenda, one that is not necessarily in line with either activist intentions or state interests.
Relationships

The decline in direct action by animal rights activists in the 1990s coincides with an increase in animal protection legislation and a rise in mainstream concern about animal cruelty. It might be tempting to understand the decline in direct action as either abeyance (Taylor 1989) or co-optation (Piven and Cloward 1979) of the animal rights movement. I argue that rather, it’s indicative of a shift toward productive, rather than disruptive strategies. This shift may have been partially influenced by increased state repression, and perhaps partially by new relationships and opportunities.

In the 1990s, the political context for animal rights activism changed. In 1992, the Animal Enterprise Protection Act (AEPA 1992) and subsequently the Animal Enterprise Terrorism Act (AETA 2006) constructed animal rights activists specifically as terrorists and prohibited them from disrupting the business of animal exploitation. In 2001, post 9/11 concerns about terrorism, the US PATRIOT Act, and increased surveillance and repression of protest further affected the context of activism. These changes increased the risks of disruptive direct action for animal rights activists.

Also during the 1990s, new opportunities arose, for relationships with mainstream media, particularly in the form of Animal Planet, and with pet product corporations seeking advocate endorsement. Some formerly radical animal rights organizations transitioned toward less radical campaigns, and many formerly humane organizations began to pursue animal rights issues, albeit through the use of reformist strategies. Personnel overlap further blurred the line between animal rights and the institutions of
humane advocacy. Francione (1999) has called this hybrid form of animal advocacy new welfare, and it has come to dominate efforts for change.

Both animal rights and new welfare activists embrace a focus on productive strategies. For both groups, educating the public is a primary goal. They hope to influence the production of ethical subjectivities, the humane citizen, who shares their concerns about animal suffering and exploitation. The focus on educating the public is shared by both large, national organizations and small, local organizations, and includes many specific techniques.

The priority for the animal rights activists of SCAR is building and sharing a cruelty-free lifestyle, with veganism as its central factor. They continue to engage in direct action, but it is much less likely to be disruptive than it was prior to the 1990s. SCAR activists use their demonstrations not to directly disrupt commerce, but as opportunities to educate bystanders about animal cruelty issues.

An important factor in producing a cruelty-free lifestyle is relationships with businesses. As detailed in Chapter 5, SCAR activists form direct relationships with local vegan restaurants, where they hold events. Their relationships with a variety of conscious corporations is less direct, but as part of a primary target market, they share amongst themselves information and reviews of vegan food, cruelty-free clothing, and personal hygiene and beauty products that are not tested on animals. They very much value producing a cruelty-free subculture, and support and endorse businesses that aid in that goal by providing cruelty-free products.

Animal rights activists also develop relationships with corporate and medical actors to further the cause of veg*nism. Both animal rights and new welfare activists
develop relationships with corporate actors and with one another to further specific, consumer practices of pet ownership. In both instances, activists work discursively to differentiate between the practice (eating veg*n, owning pets), and the ethics of engaging in these practices for politicized reasons. That is, they engage in producing an ethical identity in line with the ethical subjectivities they foster as part of their activism.

New welfare organizations like CARE encountered two particular opportunities in the 1990s. First, as detailed in Chapter 6, pet product industries were, for the first time, significantly interested in reciprocal partnerships with these organizations. Increasingly, pet animals are considered “one of the family.” Pet product industries developed the concept of the “pet parent” to describe the owners of these pets, whom they target as particularly likely to spend money on their pet animals. New welfare organizations also embrace the pet parent discourse because it articulates with childcare discourses and thus furthers their interest in protecting animals. Over the last century, claims-making by child advocates made gains in child protection, while also further sacralizing the child. New welfare activists, in relationship with corporate partners, have engaged in similar claims-making about animal protection, in which they humanize the pet animal as childlike. These relationships allow pet product industries to engage in cause-marketing, encouraging consumers to spend more, for the benefit of helping animals, while new welfare organizations receive much needed funding or donation of space for adoption events. These actors engage in relationships that benefit both of them.

Second, in the 1990s, the Animal Planet Network began broadcasting on cable television. Animal Planet’s programming disseminated discourses that encouraged viewers to worry about pet animal cruelty, and through that focus, constructed animal
cruelty as particular to pet animals. Advertisers, eager to reach pet parents, encouraged pet owners to purchase products and services that indicated their devotion to their pets. Concomitantly, organizations began to focus on not only legislative campaigns to protect pet animals, but also humane education, a goal of which is to shape pet owners into pet parents. As the public became more concerned about pet animal cruelty and adopted new welfare activists’ standard of pet care, public support for anti-cruelty legislation grew.

Animal shelters are a nexus for the relationship between corporate actors and new welfare activists, and the pet adoption process is a governmental process of subjectification, in which the prospective adopter is informed of and encouraged to embrace a new sense of self. It is only one of many such processes. After adopting the pet, the pet parent will engage in similar, yet distinct subjectification processes when s/he purchases pet products, accesses veterinary care, or seeks services like grooming or boarding.

With media, pet product industries, and animal advocates working to construct pet animal cruelty as a social problem, contrary to the proper practices of pet parenting, new welfare activists found increasing support for legislation protecting pet animals. They made good use of tragic narratives in legislative campaigns, adding legislation and strengthening existing statutes. These narratives galvanize public support while also educating them about appropriate human-animal relationships and engaging them in looking for violations of anti-cruelty laws.

Activists engage in relationship with the state through their legislative campaigns, and citizens engage in relationship with the state either as complainants or respondents to allegations of misconduct. The discourses that dominate activist standards of care are
classed, along the lines of dominant childcare discourses, and subsequently, so is at least part of the legislation they pursue. Their need to relinquish control to state agents, humane law enforcement officers, in order to enforce that legislation, results in their losing control over the discourses of enforcement. Officers, most of whom do not come from middle-class backgrounds, resist pet parenting discourses and actively aid low-income citizens to comply with legislation, rather than penalizing them. They pursue their own agenda, while complying with the agenda of the state, and are not reliably partnered with other advocates for animals.

**Figuration**

Social movement researchers have explained lessening of protest activity in a number of ways, including movement decline (Miller 1999), abeyance (Taylor 1989), co-optation by elites (Piven and Cloward 1979), and submerged networks of activists (Melucci 1985). I believe that these understandings of social change in a given public are not flexible enough to explain changes in animal advocacy. Rather, I argue that the figuration of relationships among animal advocates and corporate, media, and state agents has shifted.

While it is impossible to pinpoint a direct cause of this shift, it is likely that both state repression of protest and new corporate and media relationship opportunities contributed to it. Although the AEPA was established in 1992, it wasn’t until after 9/11 that it became widely publicized, with the arrest of the SHAC7. Animal enterprise business leaders had been growing more vocal about the lack of use of the AEPA, to no avail. In the specific political context of the post 9/11 U.S., which explicitly embraced
claims that economic growth and consumerism were means of combatting terrorism, protecting businesses from vandalistic activism may have taken on more importance. The SHAC7 were chosen for prosecution because they were highly visible representatives of radical animal rights activism, not because they could be linked to the commission of any specific criminal activity. I have to wonder whether publicizing the power of the AEPA among animal rights activists was perhaps the point.

The relational figuration shifted however because both constraints and opportunities shifted. Although state repression increased, with regard to the post 9/11 political climate generally and the response to animal rights activism more specifically, previously unavailable opportunities also revealed themselves. Perhaps the context of the changing public both enticed and pushed activists away from direct action, at the same time. It seems to me that such a context might preserve activists’ sense of agency, and therefore result in less direct opposition to repressive measures, while also channeling their change efforts in a direction that was less threatening to business and state interests.

Corporate and media partners have fairly well limited the public scope of new welfare concerns to pet animals. With regard to pet animals however, they have enthusiastically engaged with new welfare activists in producing cruelty as a social problem and encouraging an unprecedented, child-like standard of pet care. In doing so they have aided in establishing pet animal protections have been legislated at remarkable speed.

It is possible that the attention these powerful allies have brought to the issue of pet animal cruelty might “trickle down,” to other animals, in a limited way, perhaps as Einwohner (1999) suggests, if the use of the animal is perceived neither central nor
necessary to a way of life. For instance, when Barnum & Bailey Circus announced its
closing, its owner acknowledged that animal rights demonstrations, in which activists
educate circus goers, had created pressure on the circus to retire the elephants, and
without the elephants, people won’t attend the circus (Lush 2017).

I suspect that, years ago, the circus might have been seen as more central and
necessary to American life than it is today. Now, we can find wild elephant videos online,
or stream a wildlife documentary, whenever we please. If we want to see people doing
ridiculous or miraculous things, we can find it on reality television or YouTube. I wonder
if, over time, the circus became less central and necessary as family entertainment, thus
making people more inclined to listen to the information presented by animal rights
activists.

If that explains animal advocates’ success in closing the circus, it begs the
question: Is it possible for activists to change dominant practices that *are* perceived as
central or necessary? In a direct campaign, I doubt it. Attempts to change such practices,
in addition to threatening cherished ways of life, will necessarily be seen as radical, and
radicalism is not popular in the U.S. I would speculate that in order to change central and
necessary practices, they must first be decentralized and/or made unnecessary. I think that
in some cases that it certainly possible, and once a practice, like a circus, is no longer a
cherished way of life, it can more readily be stopped. The testing of cosmetics on animal
subjects is a similar case. Animal testing is required in China, and U.S. companies, who
stopped testing their U.S. products on animals when alternative tests became available,
have increased their animal testing in response to increased penetration of the Chinese
market. In light of that, we might reinterpret American companies’ past abandonment of
animal testing as it becoming less necessary, when alternatives were developed and accepted by the FDA. In order to market in China, animal testing is again necessary, and most companies show no overall commitment to not using animals for research purposes. One use of productive strategies then, might be to build alternatives to central and necessary practices, alternative practices, alternative ways of being, alternative lifestyles. It’s a long game, but over time, by decentering an offensive practice, it might become vulnerable to opposition as the centrality and/or necessity of an offensive practice is reduced.

When a practice is no longer central or necessary, stopping it may still require struggle. Even in the European countries that never ate much foie gras, it took activist efforts to ban its sale and/or production. In the case of the circus, while I suspect that the availability of electronic media entertainment decreased the importance of the circus for families, Barnum & Bailey was still filling arenas, until it lost the elephants. So there’s no reason to believe that the circus couldn’t have continued for years as one of many entertainment forms, had activists not protested the use of the elephants. I would therefore recommend that activists strategize their opposition, focusing on practices that might be vulnerable in a given context.

The Animal Rights Movement

Francione (1999) complains that there is no longer an animal rights movement in the U.S. One interpretation of my work is that collective action around animal rights has become less collective. Less of it is done in collective settings, the group settings that exist are smaller, and its targets are more likely to be individual consumers than
collectivities like a business or the state. Conversely, new welfare might be understood as a more collective form of humane advocacy, one that does target collectivities, particularly the state, through lobbying, letter writing campaigns, and other, (semi) collective actions.

I disagree with Francione (1999) however that there is no animal rights movement, unless movement is defined entirely by abolitionist direct action. At the radical fringe, activists are still releasing mink and picketing researchers in Berkeley. The pragmatic animal rights activists, who both value and desire abolition, are still making vegan chili and attempting to convert meat eaters, in small groups all over the United States. These people exist, and they act with intention to create change.

I can think of two organizations that, on the face, appear to be just barely new welfare organizations, or even humane organizations, that do substantial fundraising for cute, furry animals, and then spend most of it on lobbying around traditional animal rights issues like factory farming and vivisection. Based on this work, I am inclined to think that they have found the most effective way for animal rights activists to utilize the public support for pet animal rescue and protection. I do not expect that factory farming will be eradicated. I can however, imagine it becoming somewhat less cruel, through reform legislation.

A few years ago, I probably would have said that the animal rights movement was particularly vulnerable to repression, and perhaps it was, in the past. It targets a powerful lobby, and it represents animals, which can’t advocate for themselves. Most Americans directly benefit from the use of animals, and are aware that animal use benefits them, or even that they enjoy it. Many Americans believe in a religious mandate for animal use.
The past year, however, has led me to reconsider that perspective, particularly in light of mobilizations to have Black Lives Matter declared a terrorist organization. In the current environment, I am inclined to think that any oppositional public is vulnerable, and any public with a radical fringe, especially so.

**Direct Action and Productive Strategies**

While I value oppositional direct action, I am not entirely convinced of its efficacy in the current context. Often, it is difficult to even target an entity with the power to make desired changes, and mobilizing protesters, except in direct response to a grievous incident, seems to be difficult. Both our memories and our attention spans are short, and we subject our choices to a neoliberal rationality that values attending work over participating in democracy.

Leaving aside direct action then, productive strategies can sometimes effect certain changes, and incur little risk. The question remains: are the changes they help effect desirable to the activists who engage in them? In the case of animal advocates, I believe that activists are pleased with recent changes. Animal rights activists would like more, and will always want more, unless all animal exploitation is abolished. Nonetheless, there is a thriving, vegan, anti-cruelty subculture, of which they are quite proud. I believe that new welfare activists are extremely pleased with the substantial animal protection legislation that has been enacted, and they expect more in the future.

If activists are pleased with their gains, then they have both effected change, and made good use of productive strategies. Large-scale social change advocacy very rarely wins or loses in a clear way. Advocates and other actors employ strategies, and the
outcomes can rarely be anticipated, for a variety of reasons. Sometimes outcomes are influenced by chance. Sometimes, as in the case of humane enforcement officers, once changes are institutionalized, people may act in unexpected ways. Still, my work with animal advocates leads me to believe that productive strategies are worth pursuing, with the caveat that relationships should be evaluated intentionally. Opportunities entail both gains and losses.

**The Market and The State**

Relationships with the market can be very effective, but as in the case of animal advocacy, they may influence a narrowing of the scope of change. Strategies that create new markets, for food, clothing, services, or experiences, may be embraced by pre-existing or new businesses. Strategies that cost businesses may be vetoed, or simply not considered by activists engaged in relationship with market actors.

In current struggles between the radical right and mainstream liberals, relationships between activists and businesses have been important and well publicized. Corporations are choosing sides, and one focus of activists has been influencing those corporate choices, through boycott campaigns and consumer reference apps. The tech giants opposed the immigration bans. Amazon still advertises on Brietbart. Uber was punished for supporting the Trump Administration and profiting on its Muslim Ban. Each time that a powerful corporation takes a stand, activists applaud or censure it.

The state is, of course, also courting corporations, and has much to offer them. In this epic showdown between the old and new industries, I wonder if liberal activists, who are trying to take advantage of corporate relationships, will have to narrow their focus.
Capitalism, while exacerbating class divisions, over time, tends to slowly wear down other status hierarchies, as capital seeks to exploit talent as cheaply as possible. I suspect that poor and working class people will be casualties of this struggle, whatever the outcome.

I do see something of a parallel between animal rights activists increasing focus on a prefigurative, lifestyle sphere, and political rhetoric about state succession, withholding tax dollars, and other forms of retrenchment based on political geography. It is possible that liberal cities will turn inward, embracing productive strategies for local sustenance and community organizing, much like activists have done with anti-cruelty subcultures. If so, like activists who acquiesce to pragmatic animal rights activism, that abandons most exploited animals, at least in the short term, liberals in these cities would risk abandoning people who live outside liberal enclaves.

**Other Projects**

This work brings up, for me, a number of related projects that would interest me. I would like to see a similar, relational analysis applied to other publics. The environmental public, in particular, overlaps and shares many of the NSM qualities of the animal advocacy public. The key difference, it seems to me, is that the environmental public has not been as explicitly repressed by the state, and has, in some cases, seemingly allied with the state to a substantial degree.

New welfare activists engage in relationship with the state to legislate animal protections. Once legislated, the state is responsible for enforcement of the statutes. My work demonstrates that at that point, activists lose control, and humane law enforcement
officers are allowed to enforce the law according to their own agendas. In this case, their agenda of helping citizens keep pets was privileged over pet parenting discourses and care standards, and sometimes over the technicalities of the law. I would like to know if similar disconnects occur with other activist efforts that have been successfully codified in law. Could that now, or have ever been the case with regard to child welfare efforts?

Also with regard to humane law enforcement, I would like to see a more detailed investigation of cases, complainants and respondents, using an inequality focused analysis. I believe that more often than not, humane law enforcement officers are used by neighbors who, for whatever reason, dislike or are uncomfortable with one another. I suspect, based on my observations, that in particular, residents of gentrifying neighborhoods are subject to this sort of intervention. If I’m correct, I’d like to know if or how residents in more homogenous neighborhoods resolve animal related concerns.

Finally, I’d like to see a study of vegan activists that focused on white privilege. Contrary to the way that Einwohner (1999) talks about centrality, I don’t really think food politics are as much about lifestyle patterns as they are about subjectivity. It seems to me that vegan activists regularly fail to acknowledge or understand the raced and classed dimensions of meat importance. Telling someone that their culturally important foods can just be subbed out for vegan food entirely misses the importance of these characteristics to our subjectivities. I have had numerous conversation with left-leaning activists of color who describe what are, at best, racially insensitive, and often racist encounters with white vegans when trying to form coalition. It was those conversations that led to my interest in animal rights activists in the first place.
Conclusion

States are increasingly repressing protest. On January 20, 2017, over 230 people were arrested and charged with felony rioting in Washington, D.C., including six members of the press (Pyke 2017). Over the past months, over twenty states have introduced legislation that criminalizes peaceful protest (Gabbatt 2017). The FBI Terrorism Task Force is investigating Standing Rock water protection activists (Levin 2017), and a new executive order encourages increased authoritarianism among police (Pyke 2017). Given the extent to and speed at which this has been happening, it is reasonable to expect that protest and dissent will be increasingly repressed.

The neoliberal context is particularly conducive to collective action focused on identity, culture, or ways of life. Governmental power dominates in this context, shaping, managing, cultivating. Productive strategies are strategies of government. It makes sense that, as neoliberal rationality becomes more and more pervasive, strategies of government should become more prevalent. Unlike power based on force, governmental power can be shaped by a greater diversity of actors, although with differential leverage.

Because NSMs proliferate in the neoliberal context, I expect that these are more likely than other types of collective action to experience the relationships and changes that I describe in this work. I expect responses to different uses of power to take different shapes, and I expect them to embrace different strategies. In a way, direct action is symbolically privileged by left-leaning activists because of its success as a civil rights tactic, which is typically seen as the quintessentially successful American social movement. It was however, a form of collective action produced in a different context, by more direct uses of power. Its targets were more obvious than many of the targets of
challengers in a neoliberal context. As such, it’s possible that at least some movements, perhaps NSMs, would have better success with productive strategies, which might be better suited to their form and the context that produces them.

Ultimately, the animal advocacy public is unique, even among NSMs, in that it has experienced legal, codified repression of its direct action in a way that other groups have not yet experienced. I think it is likely that protest will be increasingly repressed, through direct and indirect means. I also think it is unlikely that animal advocates shifted their strategies from disruptive to productive, based on careful deliberation and strategic planning. Rather, I suspect that these broad strategic shifts were responses to changes in contextual constraints and opportunities. In the current political climate of rapid change and increased repression, particularly of left-of-center agendas, I suspect that many activists are forced, or at least tempted to react, without substantial time for strategic consideration. I have tried to show in this work that there are strengths and limitations in the relationships and strategic choices made by animal advocates. If other forms of collective action are formally repressed, they might benefit from considering the experience of the animal advocacy public.
BIBLIOGRAPHY


234


N.Y. Rev. stat. tit. 6, 26 (1829).


260


