Constructing Animal Rights Activism as a Social Threat: Claims-Making in the New York Times and in Congressional Hearings

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CONSTRUCTING ANIMAL RIGHTS ACTIVISM AS A SOCIAL THREAT:
CLAIMS-MAKING IN THE NEW YORK TIMES AND IN CONGRESSIONAL HEARINGS

By

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ABSTRACT

Since the mid-1970s, the modern U.S. animal rights movement has grown in size and influence. Membership in People for the Ethical Treatment of Animals (PETA), the world’s largest animal rights organization, for instance, has grown from fewer than 100 members in 1980 (Plous, 1991), to more than 1,800,000 “members and supporters” today (People for the Ethical Treatment of Animals, n.d.b), and donations to the organization indicate a similar upward trend (Charity Navigator, 2006). At the same time, the influence of the movement has been felt by animal users, consumers, and the government, and continues to be relevant to this day. From early campaigns leading to a considerable decrease in the numbers of animals used in product testing (Jasper and Nelkin, 1992) and a plummet in sales of fur coats (Singer, 2003), to more recent victories including concessions by McDonald’s, Burger King, and other restaurants regarding their animal welfare policies (Martin, 2007), and a spate of initiatives passed at the state level banning or curtailing particular animal uses (Lubinski, 2003), the U.S. animal rights movement has had an effect on business practices, on the law, and on the nation’s consciousness. Additionally, a minority faction of the movement has engaged in crimes in an effort to bring about animal liberation, resulting in millions of dollars in damage to animal use industries (Southern Poverty Law Center, 2002).

This research explores the response of animal use industries and their supporters to these objective threats. I argue that opponents of the animal rights movement and their surrogates have responded to this growing and persistent threat by engaging in a campaign of claims-making, the goal and/or effect of which is to construct for the public, policy-makers, and other social control authorities an image of the animal rights movement as a social problem as well as a more serious threat necessitating social control. This project therefore combines key ideas from several different literatures, including claims-making, framing, and social movement and countermovement, and is theoretically grounded in the social threat-social control tradition.

I rely on two different sources of claims—one, a sample of items published in the New York Times and the other, a sample of written statements prepared for and presented in Congressional hearings. Claims in these documents were coded and analyzed using a grounded theory approach (Glaser and Strauss, 1967).

The project is guided by two different epistemic objectives. First, I examine the nature of the claims put forth by opponents of animal rights and their surrogates. My goal here is not to confirm or debunk the veracity of these claims, but rather, to uncover and understand the kinds of claims serving not only to counter the animal rights movement’s assertions that animal use and abuse is a social problem, but also to construct animal rights as a threat. Second, after analyzing these claims, I offer an assessment of whether, in each sample, such claims-making is consistent with the expectations of social threat-social control theory (Blalock, 1967; Liska, 1992b). Consistent with past research informed by this theory, I expect to find that as the animal rights movement became more threatening to animal users and their supporters, there was a corresponding change in the quantity (e.g., in frequency) and/or quality (e.g., in intensity) of claims made about the movement.

The research findings indicate that both primary and secondary claims-makers utilize a variety of claims, framing processes, and rhetorical strategies so as to support the status quo as it concerns animal use. Furthermore, consistent with the expectations of social threat-social
control theory, in general, in both samples, the findings provide support for the idea that, as time passed and the threats by the animal rights movement increased, the number of claims in defense of animal use and claims constructing animal rights as problematic increased. Particularly noteworthy are the findings of increases in claims constructing animal rights as a threat, and indicating that increased criminal control of the movement is necessary.

This research makes several contributions to the literatures it borrows from. First, this study expands conflict theory’s threat hypothesis by extending it to explain the threat and control of a social movement (whereas, traditionally, this theory has been used to explain control of racial minority threat). Second, this study provides qualitative support for the idea that social control is mobilized by claims-making. Third, by demonstrating how opponents engage in claims-making activities for the purpose of constructing a social movement as a threat, this study provides a unique contribution to the social constructionism/claims-making perspective, which has tended not to examine the use of claims to construct a movement as a problem. Finally, this research is timely, in the sense that it helps explain the current focus of social control authorities on animal rights-motivated crimes and acts of “terrorism.”
CHAPTER 1
INTRODUCTION

The animal rights movement questions the long-prevailing notion that we may treat animals however we see fit, and, in the process, is an aggressive challenge to thousands of years of human dominion. The movement makes allegations about how people use animals, seeks to establish the various forms of animal exploitation as social problems, and consequently, advocates significant change with respect to the way people behave toward animals. This is epitomized in one of the animal rights movement’s often-cited sound bites, in which it is asserted that “animals are not ours to use for food, clothing, entertainment, experimentation, or any other purpose” (People for the Ethical Treatment of Animals, n.d.a).

As suggested by this statement, animal rights challenges the interests of a wide range of stakeholders, including, but not limited to, those involved with animal agriculture, bio-medical research, fur production, hunting and fishing, rodeos, circuses, zoos, and kennel clubs, as well as those members of the public who are not morally troubled by the idea of using animals to provide for their needs and wants (Munro, 1999:36). But the challenge is more than just philosophical, and as is suggested in this research project, rises to the level of a threat.

A very recent example provides a vivid illustration of this threat. In February 2008, the U.S. Department of Agriculture ordered the nation’s largest meat recall in history. The recall of the 143 million pounds of beef—a California slaughterhouse’s entire production for the last two years—was prompted after a Humane Society of the United States undercover investigator working at the plant filmed “downed” animals (i.e., crippled and sick animals unable to walk) being electrically shocked, sprayed with high-intensity water hoses, and moved with forklifts (Brown, 2008; Risling, 2008). In addition to the recall, one worker was charged with five counts of felony animal cruelty and another was charged with three misdemeanors for illegally moving a non-ambulatory animal (Risling, 2008). The Wall Street Journal reported that as a result of the recall, the meatpacking company—one of the biggest suppliers of beef to the national school-lunch program, with sales of about $100 million a year—is on the verge of collapsing and will probably shut down permanently. The ripple effects of the investigation will likely continue, as the event has prompted a national debate over meat safety, and Congress has already scheduled hearings to explore the effectiveness of Department of Agriculture inspections and the safety of the U.S. meat supply (Kesmodel and Zhang, 2008). It is worth emphasizing that neither the recall, nor the national conversation, nor these hearings likely would have occurred had it not been for the investigations by animal rights activists.

But animal rights represents more than just an economic threat. Indeed, in the pages that follow, it will be argued—and impacted animal users and their supporters will vigorously reiterate—that the contemporary movement on behalf of animals has presented and continues to pose a range of other challenges. To name just a few, opponents of animal rights argue the

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1 Federal regulations prohibit cattle that cannot stand or walk on their own from being slaughtered for food. The reason for these regulations is that such animals are more likely to suffer from bovine spongiform encephalopathy, the infection more colloquially known as “mad cow disease” (Brown, 2008).

2 Indeed, for the 2004-2005 school year, the government named the slaughterhouse in question the federal school lunch program’s “Supplier of the Year” (Kesmodel and Zhang, 2008).
movement represents a threat to free enterprise; a threat to people’s livelihoods; a threat to science, and by extension, human health and safety; a threat to freedom and individual choice; a threat to many aspects of Americana, pastimes, and traditions; and a criminal and even terroristic threat.

The purpose of this research study is two-fold. First, in two samples—one, a sample of items published in the *New York Times* and the other, a sample of written statements prepared for and presented in Congressional hearings—I examine the nature of the claims put forth by opponents of animal rights and their surrogates. My goal here is not to confirm or debunk the veracity of these claims, but rather, grounded in the constructionist approach to understanding social problems, to uncover and understand the kinds of claims serving not only to counter the animal rights movement’s assertions that animal use and abuse is a social problem, but also to construct animal rights as a threat. From rape (Rose, 1977) to road rage (Best and Furedi, 2001), the social constructionist/claims-making approach has been used to explain how a range of social phenomena have been constructed as “social problems.” Key to this approach is examination of the claims made about a putative problem. Generally, the intent of the claims-makers is to convince the public, the press, and policy-makers “that X is a problem, that Y offers a solution to that problem, or that a policy of Z should be adopted to bring that solution to bear” (Best 1987:102). Notably, the claims-making approach has also been used to explain how advocates of animal rights have constructed as social problems activities such as factory farming (Kunkel, 1995), the consumption of meat (Maurer, 1995) duck shooting in Australia (Munro, 1997), and vivisection (Kunkel, 1999).

Second, after analyzing these claims, I offer an assessment of whether, in each sample, such claims-making is consistent with the expectations of social threat-social control theory (Blalock, 1967; Liska, 1992b). Building on Blalock’s (1967) seminal work, the threat hypothesis of the conflict perspective (also referred to here as social threat-social control theory) is rooted in the premise that repressive measures (i.e., social control) can be understood as “a response of elites, authorities, and majorities to acts, people, and distributions of people deemed threatening to their interests” (Liska, 1992a:174). As articulated by Liska (1992b:18), the threat hypothesis contends that “the greater the number of acts and people threatening to the interests of the powerful, the greater the level of deviance and crime control.” Consistent with past research informed by this theory, I expect to find that as time passed and the animal rights movement became more threatening to animal users and their supporters, there was a corresponding change in the quantity (e.g., in frequency) and/or quality (e.g., in intensity) of claims made about the movement.

Research testing the threat hypothesis has analyzed the relationship between threatening populations, threatening conditions, or threatening behaviors, and various social control mechanisms. What all variations of the threat hypothesis have in common is the assumption that as the perceived threat increases, there is a corresponding response by the government—and pressure on the government by others who are threatened—to increase its coercive power against challenges to the *status quo* and the interests of the dominant group. As suggested by some of these studies, the logic of social threat, originally used to make sense of repressive measures taken against racial minorities, also applies to the social control of other threatening groups including the unemployed (Chamlin, 1992), foreign-born (Brown and Warner, 1992), women (Faludi, 1991; Karlson, 1998; Messerschmidt, 1993), surplus populations (Rubenstein, 1983), and the mentally ill (Arvantis, 1992; Foucault, 1965; Rothman, 1971). By extension—and as is argued in this project—the logic of social threat-social control theory is also useful for
understanding repressive measures taken against challenging subordinate social movements (King, 2002). I thus offer a broadened articulation of the social threat-social control perspective, extending it from its traditional application to race, to explain social control as a response to the ideas and behaviors of a threatening social movement.

**The Present Research Project**

This is a study of anti-animal rights claims-making and an exploration of how opponents and their media surrogates respond to the growing threat of animal rights by constructing the movement as a social problem as well as a more serious threat necessitating social control. If I were to diagram the process I expect to uncover, it would look something like this:

![Diagram](image)

**Figure 1.1. Expected process.**

The process in the above diagram progresses as follows: (1) The animal rights movement has emerged as a formidable social movement. (2) The animal rights movement makes claims about humans’ exploitation of animals, most of which have strong implications with respect to the *status quo*. Therefore, these claims, and their implications, are seen as threatening to a diverse range of stakeholders. (3) Those threatened by animal rights have banded together in the form of an anti-animal rights counter-movement. (In the case of anti-animal rights claims-making in the media, this would also include sympathetic writers.) (4) This counter-movement, in turn, not only makes defensive counter-claims in an effort to establish the “non-problematicity” of animal use (Freudenburg 2000:106), but also makes claims about animal rights, animal rights activists, and the animal rights movement in an effort to socially construct animal rights as a social problem. (5) These claims may then be accepted by sympathetic policymakers and social control authorities. (6) These claims often call for, and sometimes result in, various forms of social control of animal activists.

The organization of this project is as follows. I begin with a description of the basic elements of the social constructionist/claims-making approach to understanding social problems in Chapter 2. In the next two chapters, I briefly flesh out the broader and key theoretical issues in the framing (Chapter 3) and social movement/countermovement (Chapter 4) literatures that may be useful in furthering the goals of this study. Next, Chapter 5 provides a brief description of social threat-social control theory, in which the major propositions of that theoretical
perspective are identified. In Chapter 6, I offer a history of the contemporary U.S. animal rights movement, an articulation of the issues involved in the animal rights debate, and discussion of the anti-animal rights backlash. Chapter 7 provides a review of existing research done on the struggle over animal rights. The methods used in the current project are detailed in Chapter 8. In this chapter, I describe the sampling and coding procedures used to obtain and analyze the two samples relied on for this project. The next two chapters are the heart of this dissertation. It is here that I discuss the claims that were revealed in the samples. Chapter 9 presents my findings with respect to the kinds of claims made in the New York Times sample, and Chapter 10 presents the findings of the Congressional testimony sample. In both of these chapters, I also discuss whether, consistent with past research informed by social threat-social control theory, there is support for the hypothesis that as the animal rights movement became more threatening to animal users and their supporters, there was a corresponding change in the claims they made about that movement. Finally, in Chapter 11, I summarize this research project and place its findings in the contexts of previous research and theoretical expectations.3

3 In the interest of the full disclosure recommended by Becker (1967), it must be mentioned that the author is supportive of animal rights, and mindful of this, has consciously and carefully attempted to guard against the various “distortions” that Becker warned might otherwise be introduced into this work.
CHAPTER 2

THE SOCIAL CONSTRUCTIONIST/CLAIMS-MAKING APPROACH TO UNDERSTANDING SOCIAL PROBLEMS

In this chapter, I describe the basic elements of the social constructionist/claims-making approach to understanding social problems. Since the 1970s, this approach has been used to explain how an apparently otherwise unconnected range of social phenomena have been constructed as “social problems.” An incomplete list of social conditions and behaviors studied in this manner includes rape (Rose, 1977), child abuse and neglect (Pfohl, 1977), drunk driving (Gusfield, 1981), AIDS (Albert, 1989), cigarette smoking (Troyer, 1989), wife abuse (Loseke, 1989), elder abuse (Baumann, 1989), sexual abuse by members of the clergy (Jenkins, 1995), stalking (Lowney and Best, 1995), monocultural education (Nelson-Rowe, 1995), discrimination against fathers in custody cases (Williams and Williams, 1995), crack cocaine (Reinarman and Levine, 1989, 1995), hate crimes (Jenness, 1995), “postabortion syndrome” (Lee, 2001), sexual harassment (Cahill, 2001), bullying (Furedi, 2001), and road rage (Best and Furedi, 2001).

Because the present study is about animal rights, it is also worth pointing out that the claims-making approach has been used in several instances to explain how advocates of animal rights have constructed as social problems activities such as factory farming (Kunkel, 1995), the consumption of meat (Maurer, 1995) duck shooting in Australia (Munro, 1997), and vivisection (Kunkel, 1999).

Constructing Social Problems

Social constructionism, the underlying framework guiding each of these studies, assumes that all knowledge—including our definitions and perceptions of social problems—is socially created. Thus, rather than focusing on objective troublesome social conditions, the claims-making analyst focuses on the claims which have been made about these putative problems.

The Objectivist Approach

According to the objective (a/k/a traditional, normative, functional) approach to understanding social problems, social problems are those objective social conditions that are harmful or otherwise problematic. Social scientists who subscribe to this approach believe that these conditions may be identified using the scientific method, and this methodical study of social conditions will reveal that some social phenomena are, in fact, truly objective social problems (Miller and Holstein, 1993:5). According to Blumer (1971:298), “[t]he objective condition or arrangement is seen as having an intrinsically harmful or malignant nature standing in contrast to a normal or socially healthful society. In sociological jargon, it is a state of dysfunction, pathology, disorganization, or deviance.” To illustrate, Merton and Nisbet (1976:7) explain that “a social problem exists when there is a sizeable discrepancy between what is and what people think ought to be.” Horton and Leslie (1978:4) define a social problem as “a condition affecting a significant number of people in ways considered undesirable, about which it is felt something can be done through collective social action.” And Bassis, Gelles, and
Levine (1982:15) define a social problem as “a social condition that has been found to be harmful to individual and/or societal well-being.”

But by treating social problems as simply reflective of objective conditions, these objective definitions tend to disregard the subjective nature of the phenomena identified as social problems. They ignore the fact that many social problems have “histories,” and likely have not always been considered problematic or worrisome (Hilgartner and Bosk, 1988; Gusfield, 1981). Indeed, critics of objectivist definitions emphasize that there are many situations that could be defined as social problems that, for whatever reason, are not so defined, or have only relatively recently been so defined. As Blumer (1971:302) suggests,

It is a gross mistake to assume that any kind of malignant or harmful social condition or arrangement in a society becomes automatically a social problem for that society. The pages of history are replete with instances of dire social conditions unnoticed and unattended in the societies in which they occurred.

Thus, in spite of the existence of an objective condition, these critics contend that “[n]o condition is a social problem until someone considers it a social problem” (Best, 1989:f:xvii). Segregation in schools, restaurants, hotels, and restrooms, for example, persisted for more than a century and a half—most of U.S. history—without becoming a recognized problem (Edelman, 1988:13). Similarly, child abuse, elder abuse, domestic violence, and sexual harassment have very long histories; yet only recently have they found their way onto the public’s list of recognized social problems. And some conditions which cause great harm to many people have yet to be perceived as social problems. Conditions and events presently occurring in Third World countries—conditions and events that significantly affect the life chances of millions of persons—seem to attract only brief and superficial public attention (except during times of crises). Closer to home, the American public appears to be more concerned about toxic chemical wastes disposed of in our landfills than it is about toxic chemicals found in our workplaces (Hilgartner and Bosk, 1988:54).

In short, critics of objectivist definitions of social problems contend that “[a] theory that views social problems as mere reflections of objective conditions cannot explain why some conditions are defined as problems, commanding a great deal of societal attention, whereas others, equally harmful or dangerous, are not” (Hilgartner and Bosk, 1988:54).

The Subjectivist Approach

An alternative approach to thinking about social problems not only recognizes, but indeed, embraces and makes foremost this inherently subjective nature of social problems. According to Blumer (1971:300), one of the early proponents of this subjectivist approach, “a social problem exists primarily in terms of how it is defined and conceived in a society instead of being an objective condition with a definitive objective makeup.” In contrast to the objectivist, the subjectivist finds that “[s]ocial problems are not the result of an intrinsic malfunctioning of a society but are the result of a process of definition in which a given condition is picked out and identified as a social problem” (1971:301).
Social Constructionism

Those who take a subjectivist approach to the study of social problems may speak of the “social construction” of social problems. This term was made popular by Berger and Luckmann (1966) in their book, *The Social Construction of Reality*. Berger and Luckmann argued that “all human ‘knowledge’ is developed, transmitted and maintained in social situations,” and, as such, is a “socially constructed reality” (1966:3, 172). This includes our definitions and perceptions of social problems. In other words, the social constructionist perspective holds that social problems are a humanly produced, socially created phenomenon.

Spector and Kitsuse’s 1977 book, *Constructing Social Problems*, and Blumer’s 1971 article “Social Problems as Collective Behavior,” are generally acknowledged as the most influential accounts of this social constructionist perspective (Best, 1995c:351, footnote 1). Other key works include those of Lemert and Becker in general, as well as Berger and Luckmann (1966), Mauss (1975), Gusfield (1981), Schneider (1985), Best (1987), and the edited collections of Schneider and Kitsuse (1984), Holstein and Miller (1993), Miller and Holstein (1993), and Best (1989, 1995).

In many significant aspects, social constructionism is similar to the labeling theory of deviance. In the same way that labeling theorists think of deviance as a product of social processes (i.e., the application of labels), constructionists conceive social problems as products of social processes (i.e., claims-making activities). In addition, both perspectives shift the focus of attention away from the behaviors and conditions back to the members of society who have defined or constructed these behaviors or conditions as problematic (Spector and Kitsuse, 2001:60). In fact, the writings of early constructionists have been called “the labeling theory of social problems” (2001:60). However, there is an important distinction between the two theoretical perspectives: while labeling theory focuses on who gets tagged deviant, social constructionism emphasizes what gets called problematic.

In his article “Social Problems as Collective Behavior,” Blumer (1971) argues that, rather than imagining social problems as objective conditions having an intrinsic makeup, we ought to envision them as the end result of a process by which society collectively comes to recognize them as harmful and requiring some form of corrective action. Spector and Kitsuse agree: “The notion that social problems are a kind of condition must be abandoned in favor of a conception of them as a kind of activity” (emphasis in original) (2001:73). Thus, Spector and Kitsuse define social problems as “the activities of individuals or groups making assertions of grievances and claims with respect to some putative conditions” (2001:75), and they refer to these activities as “claims-making activities.”

The crux of this subjective, constructionist approach, then, is the subject matter the researcher pays attention to. Social problems are not considered objective conditions, and conditions are simply the subjects of claims. Therefore, constructionists do not pay attention to conditions themselves, and do not ask the questions which concern those subscribing to an objectivist definition of social problems, such as What is it?, What causes it?, and Is it getting worse?. Instead, they focus on what the claims-makers themselves say about the conditions (Best, 1995c:6; Spector and Kitsuse, 2001:x). Social constructionists would therefore argue that the reason why hunger in Third World countries, in spite of the great harm it causes, is not considered a social problem by many Americans—but terrorism is—may be explained by examining the claims-making that has (or has not) been made about these alleged conditions, and the relative effectiveness of these claims.
While the objectivist approach to analyzing hunger in Third World countries would focus on measuring the number of hungry people, exploring the reasons for the shortage of food (e.g., drought, war and politics, population, etc.), and so on, a constructionist approach would focus on what had been said about the hunger problem, who had made these claims, the response of the public, media, and policy-makers to these claims, and so forth.

“Ontological gerrymandering.” Constructionist analysis has not evaded its own criticism. Central among these is Woolgar and Pawluch’s (1985) charge that constructionists engage in “ontological gerrymandering.” Woolgar and Pawluch note that while constructionists take great pains to emphasize the necessity of studying claims made about social problems instead of the conditions themselves, they nevertheless make the assumption that in many cases claims about social problems will vary while the conditions themselves remain unchanged. “While the claims of the claims makers are depicted as socio-historical constructions (definitions) that require explanation, the claims and the constructive work of the authors remain hidden and are to be taken as given” (1985:217).

For instance, Spector and Kitsuse’s observe that during the 1930s, the official definition of marijuana included the notion that it was dangerous and addictive. During the 1960s, however, marijuana was no longer classified as addictive. Spector and Kitsuse state that “there is nothing in the nature of marijuana itself to explain this definitional change” and assume (creating an epistemological inconsistency, according to Woolgar and Pawluch) that “[t]he nature of marijuana remained constant throughout the interval” (2001:43). Herein lies the problem. Spector and Kitsuse assert that the actual character of marijuana remained constant, yet fail to allow that their identification of “the nature of marijuana” is itself a definitional claim.

In sum, the crux of Woolgar and Pawluch’s critique is this:

[O]ne category of claims is laid open to ontological uncertainty and then made the target for explanation in terms of the social circumstances which generated them; at the same time, the reader is asked to accept another category of claims on faith (1985:218).

Constructionists have responded to this charge of ontological gerrymandering in a number of ways. I now turn to these very different approaches.

The Relevance and Significance of the Accuracy and Veracity of the Claims

As discussed above, sociologists who use a constructionist approach to studying social problems give more attention to the claims about the putative social problem than they do the actual conditions that inspire the claims. Notwithstanding this, there has been much debate over the extent to which the sociologist studying social problems claims-making ought to be concerned with whether or not these claims are truthful or accurate. Three approaches to dealing with this issue—strict, debunking, and contextual—have been identified.

Strict constructionism. The most rigid of these three perspectives is the one advocated by Spector and Kitsuse (2001). Strict constructionism adopts a phenomenological perspective, in which everything we know is socially constructed. Strict constructionists therefore are skeptical about sociologists’ ability to judge social conditions:
In this view, the sociologist is not specially privileged; he or she is just another actor trying to make sense of the surrounding world. A sociologist who makes statements about social conditions is simply another claims-maker, one more participant in the claims-making process (Best, 1989a:246).

Those adopting this perspective assert that sociologists should focus their attention on the social process by which claims-makers make and develop claims about social conditions as they define them, and avoid the temptation to verify or assess the validity or reality of those same conditions:

[W]e assert that even the existence of the condition itself is irrelevant to and outside of our analysis. We are not concerned whether or not the imputed condition exists. If the alleged condition were a complete hoax—a fabrication—we would maintain a noncommittal stance toward it unless those to whom the claim were addressed initiated their own analysis and uncovered it as a hoax (Spector and Kitsuse, 2001:76).

Rafter (1992b:38) asserts that “[a]t the heart of strict constructionism lies a terror of backsliding into objectivism.” It is for this reason that Spector and Kitsuse (2001) use the term “putative conditions” to indicate their interest in the claims made about a condition, without regard to the claims’ validity or even the existence of the condition itself. In short, making social problems putative has the effect of placing quotation marks around an alleged condition (Gusfield, 1984:41).

**Debunking constructionism.** At the other extreme is the approach described by Best as “debunking” (1989a:246) or “vulgar constructionism” (1995c:345). Most often, the approach is taken by those who wish to point out erroneous or misguided claims. However, when the debunker assumes that she herself is capable of knowing the actual nature of objective reality, she ignores the fundamental constructionist principle that all human knowledge, including her own, is socially constructed. Furthermore, because the debunker focuses on the actual character of social conditions instead of the claims-making process, debunking constructionism is arguably less a form of constructionism and more like objectivist sociology (Best, 1989a).

**Contextual constructionism.** Perhaps most constructionist research is neither strict nor debunking, but rather falls somewhere between these two extremes. Although contextual constructionists remain focused on the claims-making processes, they also assume it is possible to know, with reasonable confidence, about the underlying social conditions. For example, if one is studying a campaign against “increasing crime” in an era when official statistics indicate that there has not been an increase in the crime rate, a contextual constructionist might point out the discrepancy between the claims and other available information about the social condition. While a strict constructionist might argue that statistics about rising crime—themselves claims—should not be used to explain other claims (such as those about “increasing crime”), a contextual constructionist—acknowledging the socially constructed nature of crime rates—nevertheless assumes that we can use such information to (albeit, imperfectly) depict the historical context within which the claim has been formulated (Best, 1989a:247). Contextual constructionists believe that in order to understand claims made about a social condition, the analyst must sometimes also understand the context in which they were made.

Wishing only to acknowledge the above debate, and choosing not to get bogged down in it, this writer adopts the approach proposed by Best (1993), who elects to “give in to temptation”
and join those “heretics” who, by engaging in contextual constructionism, admittedly suffer the sin of ontological gerrymandering. The approach endorsed by Best and adopted by this writer is one whereby the analyst may continue to presume at least some knowledge of objective conditions and may locate claims within their broader social context.

Claims-making as an Analytic Tool

Most constructionist/claims-making analyses take the form of case studies—accounts of how and why a particular social condition or behavior comes to be constructed as problematic and attract attention. Best (1989:250) suggests that when using the constructionist perspective as an analytic tool, the claims-analyst ought to concentrate on three primary focal points: the claims themselves, the claims-makers, and the claims-making process.

Claims

According to Best (2001:8), a social problems claim is an argument having four elements: (1) some condition exists; (2) it is problematic; (3) it has particular characteristics (for example, the condition is common, has known causes, or is of a particular type); and (4) some sort of action should be taken to deal with it. More simply, deYoung (1996:55) defines social problem claims as those “statements, descriptions, allegations and demands that are made by individuals and/or groups to convince others that a particular issue is indeed a social problem.” The intent of the claims-maker is to “assert the existence of some condition, define it as offensive, harmful, or otherwise undesirable, publicize these assertions, stimulate controversy, and create a public or political issue over the matter” (Spector and Kitsuse, 2001:142). However, a fully-articulated claim will also identify causal responsibility and political or moral responsibility, and will propose remedial solutions to the problem or harm (Hilgartner and Bosk, 1988:62, footnote 10).

Claims-making activities include “demanding services, filling out forms, lodging complaints, filing lawsuits, calling press conferences, writing letters of protest, passing resolutions, publishing exposés, placing ads in newspapers, supporting or opposing some governmental practice or policy, [and] setting up picket lines or boycotts …” (Spector and Kitsuse, 2001:79). Claims-making activities may even take the form of hunger strikes (see, for example, Mulcahy’s (1995) case study of the 1981 Northern Irish hunger strike, in which prisoners who were members of Northern Irish Republican paramilitary organizations sought to reconstruct themselves as “political prisoners,” rather than the official and legal conception of them as “terrorists”), the creation of new laws (Spector and Kitsuse, 2001:165), and even “doing science” (Aronson, 1984). Standard sources of claims include press coverage, academic and professional books and journals, articles in general-interest magazines, talk shows, testimony in hearings before lawmakers, ephemeral materials (such as pamphlets, flyers, and handouts), public opinion polls, and interviews with claims-makers.

Questions constructionists ask about claims. When analyzing the content of claims, important questions include: What is being said about the social condition?, How is it being typified?, What is the rhetoric of claims-making—in other words, how are the claims presented so as to persuade those receiving them?, and finally, What solutions are proposed? (Best, 1989:250).
**Typification.** Typification refers to how claims-makers characterize the nature of a problem; it helps shape our sense of what the problem is as well as what the problem is not (Best, 1989f:xix-xxi). Typification can take several forms. First, claims-makers might typify a problem by giving it a particular name. In turn, the names they assign to problems are reflective of the policy claims-makers are likely to support:

Thus, speaking of “teen promiscuity” highlights the morality of sexual activity among the young, and people who use this term are likely to advocate policies that will promote abstinence. In contrast, those concerned with “teen pregnancy” focus on pregnancy as the problem, and they are more likely to try to reduce pregnancies by giving young women access to contraception and abortion (1989f:xx).

Claims-makers also typify by providing a particular orientation toward the problem, for instance, by implying or stating outright that a particular condition is a moral problem, an educational problem, a medical problem, a criminal problem, or a political problem. Finally, claims-makers might use illustrating examples to typify the problem. Thus, while pro-choice advocates speak of victims of rape and incest, abortion opponents mention women who have abortions because these women feel having a child would be inconvenient. Similarly, where proponents of welfare emphasize the deserving poor, those who are opposed to it speak of “welfare Cadillacs” (Best, 1987:114).

**Counter-claims.** Counter-claims are made in response to claims made by the original claimant. In addition to disputing the original claims, counter-claims-makers may alter the political landscape in significant ways. Both claims- and counter-claims-makers may engage in “cultural crusades” with the aim of altering values and shared meanings. Thus, the introduction and response of counter-claims-makers may affect the way claims-makers conduct their routine work, recruit members, raise funds, frame grievances, develop tactical strategies, or form collective identities. In addition, claims-makers may inadvertently create opportunities and generate mobilization for the very groups they oppose. For instance, Fetner’s (2001) case study of Christian anti-gay counter-claims-making reveals that although opponents of gay rights achieved some political success, including the repeal of Dade County, Florida’s gay rights bill in the late 1970s, the emergence of this anti-gay counter-movement had the unintentional effect of inspiring gay and lesbian activists to pursue rhetorical opportunities that had not previously existed.

**Counter-strategies.** Counter-strategies are designed to counter the characterizations made by the original claims-makers. Hilgartner and Bosk (1988) identify several counter-claim strategies which may serve to “dedramatize” the issue. First, counter-claimants may deny the existence of the problem. If they acknowledge the problem’s existence, then they may argue that other problems are more pressing, claim that the harm is caused by something else, or contend that there are no known or feasible remedies (1988:62, footnote 11).

In another typology of counter-rhetoric, Hirschman (1991) identifies three major arguments made by opponents who seek to debunk and roll back reformist policies and movements of ideas. Hirschman labels these three principal “reactive-reactionary” theses the “perversity” thesis, the “futility” thesis, and the “jeopardy” thesis:
According to the *perversity* thesis, any purposive action to improve some feature of the political, social, or economic order only serves to exacerbate the condition one wishes to remedy. The *futility* thesis holds that attempts at social transformation will be unavailing, that they will simply fail to “make a dent.” Finally, the *jeopardy* thesis argues that the cost of the proposed change or reform is too high as it endangers some previous, precious accomplishment (emphasis in original) (1991:7).

Although Hirschman explains that these arguments may be relied on by any group that opposes change, he points out that they are most often relied on by conservative thinkers who attack existing or proposed policy changes (1991:7-8).

Additional counter-strategies include the sympathetic and unsympathetic counter-rhetorics identified by Ibarra and Kitsuse (1993:38-43). Although sympathetic counter-rhetorics may accept all or part of claims made about the problematic nature of the condition-category, they nevertheless block its remedy. Such moves include *naturalizing*, which refers to “making inevitable the very condition-category that claimants seek to render problematic and contingent (i.e., eradicable),” and might include a response such as, “Well, what did you expect? Of course society is violent, the world has always been, and always will be, a hostile place” (1993:39). *Speaking to the costs involved* suggests that “two wrongs don’t make a right,” or that the proposed benefits are outweighed by their costs. Thus, “‘s[aving] the spotted owl might result in ‘costing’ thirty thousand logging jobs; implementing civil rights legislation to eradicate racism in the workplace might involve ‘reverse discrimination’; pornography is the ‘price’ of free speech” (1993:39). *Declaring impotence* points to a shortage of resources—at either the individual or institutional level—for addressing the problem. *Perspectivizing* involves characterizing the claim as simply an opinion, which implies that the counter-claimant is not obligated to have the same opinion, nor must support the remedy called for by the owner of that opinion. Finally, *tactical criticism* involves accepting the characterization of the condition-category being proffered, but demurring in the means the claimants employ; the tactical critic may acknowledge that women are oppressed, but question why feminists engage in “militant” claims-making activities (1993:40-41).

In contrast to these sympathetic counter-rhetorical strategies, unsympathetic counter-rhetorical strategies contest the idea that the social condition truly is a social problem; because a problem does not exist, these strategies reject any proposals to fix them. The first of these, *antipatterning*, asserts that the claim does not refer to a full-scale social problem, but rather, something more like “isolated incidents.” The *telling anecdote* serves as an exception which disproves the general rule; an abnormal single case may be cited as a reason to cast doubt on the generality of the original claim. Thus, in response to the charge that smoking tobacco is a problem since it causes cancer, the counter-claimant might respond, “My grandfather smoked two packs a day and lived to be a good eighty years and then some” (1993:41). A counter-claimant relying on the *counter-rhetoric of insincerity* may assert or imply that the claimant is motivated by some sort of “hidden agenda” or ulterior motive, such as power or money. This strategy may have an accusatory, *ad hominem* quality, and may take the form of what Ibarra and Kitsuse term a “sincerity test”:

If prolifers really cared about children, then why don’t they do something about malnutrition or children in poverty? If antivivisectionists really cared about
animal rights, then why don’t they wear synthetic fibers on an exclusive basis? (1993:42).

A final unsympathetic strategy is the *counter-rhetoric of hysteria*, which discounts the soundness of the claim by suggesting that the claimant is irrational or emotional. In such instances, the claimant might be dismissed as a “bleeding-heart liberal,” a “narrow-minded religious fundamentalist,” or a “crazy environmentalist” (1993:42).

**The Role of Rhetoric in Claims-making**

The purpose of making claims is to persuade. Generally, the intent of claims-makers is to convince the public, the press, and policy-makers “that X is a problem, that Y offers a solution to that problem, or that a policy of Z should be adopted to bring that solution to bear” (Best, 1987:102). Thus, claims-making activity may be thought of as rhetorical activity—activity centered around the art of using words effectively, so as to influence or persuade—and the examination of the rhetoric of claims is often an important part of a case study of claims-making (Best, 1987:102).

Rhetorical analyses have been conducted on claims made about social problems as diverse as missing children (Best, 1987), elder abuse (Baumann, 1989), the first U.S. eugenics campaign (Rafter, 1992a), Satanic ritual abuse (deYoung, 1996), and tritium levels in Ontario’s drinking water (McMullan and Eyles, 1999). Constructionists studying the claims of animal rights activists have also examined the rhetoric those claims-makers used in their attempts to draw attention to the conditions they sought to establish as problematic, including the consumption of meat (Maurer, 1995), factory farming (Kunkel, 1995), and vivisection (Kunkel, 1999).

**Best’s (1987) analysis of rhetoric in claims-making.** Relying upon Stephen Toulmin’s (1958) scheme for categorizing the structure of an argument, Best (1987) adopts a strategy to analyze claims-making rhetoric by focusing on the three principal components of rhetorical claims—grounds statements, warrants, and conclusions. 4 *Grounds statements* are those basic facts which become the foundation for the rest of the discussion, and may include definitions, examples (often including vivid “atrocity tales”), and numeric estimates—such as the number of cases or people affected, the growth of the problem, or its range—of the problem. *Warrants* are “statements which justify drawing conclusions from the grounds” (1987:108) and are often tied to values. To illustrate, Best identifies six warrants frequently used by missing children claims-makers: (1) the high sentimental value of children; (2) the blameless, innocent nature of child victims; (3) the evils associated with those who would abduct children (e.g., child abusers, sex offenders, pimps, pornographers, drug dealers, organized criminals, and Satanists); (4) inadequate policies and resources to handle the problem; (5) historical continuity; and (6) rights and freedoms. Finally, *conclusions* are the calls to eliminate or eradicate the putative problem. Thus, in the case of the missing children problem, claims-makers sought to promote awareness of the problem, prevention, and the enactment of new social control policies.

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4 Others following Best’s lead include Baumann (1989) and deYoung (1996).
**Rhetorical Strategies**

Claims-makers may make use of number of different strategies in their efforts to persuade others about a putative social problem. These rhetorical strategies include the use of rhetorical themes, rhetorical idioms, motifs, claims-making styles, the rhetorical construction of collective identities and the melodramatic moral order, domain expansion, and rational expansion.

**Rhetorical themes.** Best (1987) identifies two distinct types of rhetorical themes that claims-makers may use in their efforts to persuade. First, some claims emphasize the rhetoric of rectitude, in which the claims-maker appeals to values or morality in his or her assertion that a condition demands attention. The rhetoric is often adopted in the early stages of the construction of a social problem by claims-makers who are relatively inexperienced (1987:116). In such circumstances, “this helps evoke widespread sympathy and consensus” (Best, 1990:65). The rhetoric of rectitude is often directed toward either the already converted or the openly hostile, and is often “associated with demands for reinterpretation, because moral considerations can justify viewing a problem in a different way” (1987:116). Anita Bryant’s anti-gay organization, Save Our Children, relied on this tactic when it appealed to voters to repeal legislation prohibiting discrimination against gays and lesbians (Fetner, 2001:415). Other claims emphasize the rhetoric of rationality, in which claims-makers inform audience members that they will somehow benefit if they ratify the claims. Claims-receivers might be promised something of value in exchange, such as gratitude, loyalty, special treatment, bribes, and so on; or the promised reward may be more abstract—for example, a cost-effective way to respond to a problem. Such rhetoric tends to be favored by more experienced claims-makers, and is often invoked later in claims-making movement campaigns (after claims-makers “have a foot in the door” (Best, 1990:65)), and when claims-makers are presented with an audience that is perceived to be persuadable. Such claims tend to be invoked for purposes of shaping policy; hence they are often a call for action (Best, 1987:116-117). According to Best (1987:117), “[m]ost claims incorporate both rectitude and rationality.”

Another series of rhetorical strategies is identified by Ibarra and Kitsuse (1993), who describe four overlapping yet analytically distinct rhetorical dimensions, including rhetorical idioms, motifs, claims-making styles, and counter-rhetorics. The latter was discussed earlier in this chapter.

**Rhetorical idioms.** Rhetorical idioms function as moral vocabularies. They are sets of themes or “sacred symbols” which are capable of providing claims with moral significance, and are vernacular resources that claims-makers use to articulate a social condition’s putative problematic status. The *rhetoric of loss* invokes imagery of humans as guardians of something unique or sacred. This idiom’s moral vocabulary includes positive terms such as *innocence, beauty, purity, nature, and culture,* and negative terms like *sin, pollution, decadence,* and *chaos.* In claims emphasizing the *rhetoric of entitlement,* the goal of claims-makers is to expand the distribution of a good or service or to expand the scope of a right. Positive terms associated with this idiom include *diversity, choice, tolerance,* and *empowerment,* while negative terms include *intolerance* and *oppression,* as well as the “-isms”: *sexism, racism, ageism,* and even *speciesism.* Kunkel (1995:246), for example, found the animal rights organization Farm Animal Reform Movement (FARM) relied upon the rhetoric of entitlement in its claims that animals raised for food should be free from oppressive factory farming conditions. The *rhetoric of endangerment*
is used with respect to claims about conditions that are perceived as threatening an individual’s health and safety. Positive terms associated with the idiom might include hygiene, prevention, nutrition, and fitness, while negative terms include disease, pathology, epidemic, risk, contamination, health threat, and so on. The rhetoric of unreason invokes concerns about being taken advantage of, manipulated, duped, or brainwashed, and those most at risk include those described as being trusting, naïve, innocent, uneducated, or uninformed. Finally, the rhetoric of calamity is composed of metaphors evoking “the unimaginability of utter disaster” (1993:37).

Similarly, Stewart, Smith, and Denton (2001), identify a rhetoric of hope as well as a rhetoric of dread and despair. A rhetoric of hope relies upon “Utopian appeals,” “millennium appeals,” or a combination of both of these. The authors explain that “Utopian appeals present a perfect space (often a promised land), while millennium appeals present a perfect time (an era when peace, love, and happiness will abound)” (emphasis in original) (2001:56). Thus, for example, at the turn of the last century, labor and socialist leader and five-time presidential candidate Eugene Debs promised supporters that when socialism triumphed, everyone would be economically free and life would be wonderful for all (2001:56-57). In a similar way, supporters of animal use—animal research in particular—sometimes promise that animal research will someday lead to a cure for humankind’s most horrible ailments, including AIDS and cancer. In contrast, a rhetoric of dread and despair, often found in the claims of countermovements formed to protect the status quo, cautions that unless the influence of the initial movement is curtailed, the current state of affair will only get worse. To offer one illustration, according to those invoking what has been designated the “domino theory,” “one right, power, possession, place, value, or virtue will fall after another, like dominos, until all is lost” (2001:57). In this way, opponents of animal rights have warned, “Today fur. Tomorrow leather. Then wool. Then meat” (2001:57).

Motifs. According to Ibarra and Kitsuse (1993:43), motifs are “recurrent thematic elements and figures of speech that encapsulate or highlight some aspect of a social problem.” Examples include epidemic, menace, scourge, crisis, blight, casualties, tip of the iceberg, the war on (drugs, poverty, crime, gangs, etc.), abuse, hidden costs, scandal, ticking time bomb, victim, and so on. Motifs have symbolic currency.

Claims-making styles. The claims-maker’s manner, tone, sensibility, and membership category not only influence the general appearance and specific content of a claim, but can also inform audience members about how the claim ought to be received and interpreted. A claims-maker may thus adopt a scientific, comic, theatrical, civic, legalistic, or subcultural style. A claims-maker adopting a scientific style, probably displays a “disinterested” bearing, speaks with a “sober” tone, and adopts a vocabulary that is “technical” and “precise.” This style may lend an air of “objectivity” to claims. In contrast, a comic style may point out the absurdities and hypocrisies of opponents and their claims, or may draw upon irony or sarcasm to make a point. Thus, when gay educators in California sought to include acknowledgement of the contribution of gays in high school history textbooks, their efforts were countered by questions such as, “Should we mention the contributions of pedophiles and prostitutes as well?” (1993:47). Theatrical style claims-making “make[s] the point of illustrating the group’s moral critique in the very way in which the claim is represented” (1993:48). Such tactics might include “die-ins” by AIDS and anti-abortion activists, or when a demonstrator protesting the Miss California Pageant dressed in a bathing suit made of pieces of meat; in both cases, the protestor becomes a “living illustration” of the substance of the activist’s claims. The civic style embraces an unpolished
look and is based in honesty, sincerity, and uprightness. Such as style does not try to appear “slick,” but rather as one of the “common, decent folk,” ala Ross Perot’s 1992 presidential campaign. Next, the legalistic style is premised on the idea that the claims-maker is speaking on behalf of another party, and that claims originating in that party’s case are supported by “the full weight and prestige of institutional justice” (1993:48). Finally, the subcultural style stresses the idea that different groups in society—categorized by class, race, ethnicity, gender, sexual orientation, or geographical location—may evolve unique ways of “commenting on the larger social world” (1993:49). For example, this style might include claims-making formats fostered by those who are bilingual or who speak unconventional English.

**The rhetorical construction of collective identities and the melodramatic moral order.** The rhetoric of claims-making may also be analyzed in terms of its role in the construction of collective identities. Collective identity claims involve claims about four perceived attributes of individuals or groups of people: their power, their material interests, their values, and their motives. Social problems claims can then be perceived as a sort of melodrama, which portrays these qualities in terms of good and evil, and weak and strong personalities. The principal characters in this “melodramatic moral order” are those of the victim, who is portrayed as powerless and in need of rescue or protection, the villain, who is “unremittingly evil” and who pursues his or her victims out of selfishness and malevolence, and heroes, who are “paragons of virtue” and altruistically motivated to protect victims (Nelson-Rowe, 1995:84).

**Domain expansion and rational expansion.** Domain expansion refers to the rhetorical process whereby “established social problems form the basis for making related claims to construct new problems” (Kunkel, 1999:52). This occurs when “claimsmakers offer new definitions for and thus extend the boundaries of the phenomena being deemed problematic” (Jenness, 1995:232, footnote 2). “These new claims can be linked to the established problem: claimsmakers present new, peripheral issues as ‘another form of,’ ‘essentially the same as,’ ‘the moral equivalent of,’ or ‘equally damaging as’ the original, core problem” (Best, 1990:80). For example, Jenness (1995) demonstrates how claimsmakers extended the concept of hate crimes, from its original application to racial, ethnic, and religious minorities, to sexual minorities, and finally, to girls and women. Most recently, the rhetoric of bias crime victimization has been expanded to include victims singled out on account of their appearance, age, mental or physical handicap, and even political affiliation. In short, “domain expansion ultimately involves rendering more and more conduct and/or social conditions ‘at issue’” (1995:233).

While domain expansion involves claimsmakers’ attempts to add new problems to the domain of an already-established problem, rationale expansion involves expanding the reasons for a particular policy solution to a problematic condition. Kunkel’s (1995, 1999) case studies of anti-factory farming and anti-vivisection claimsmaking campaigns illustrate this rhetorical strategy. The policy objective of FARM’s campaign against factory farming was to put an end to factory farming, which in turn would alleviate the alleged suffering of animals raised for food on these farms. Similarly, the policy objective of anti-vivisection organizations was to end the use of animals in biomedical experiments. The initial rhetoric in both campaigns focused on cruelty to animals, but in both cases, claimsmakers soon learned that the anti-cruelty rhetoric did not attract enough sympathy from the public, press, or policy-makers to generate much change. In response, claimsmakers expanded their list of reasons for ending factory farming (to include claims of threats to both human health and environmental quality) and vivisection (to include claims that experiments using animals fail to generate knowledge that can be used to advance human health and safety as well as claims that these experiments are a waste of tax money). The
logic behind rationale expansion is clear: although some claims (e.g., cruelty claims) may fail to
motivate potential supporters to support the claims-maker’s proposed policy changes, other
claims (e.g., health, environmental, or financial) may be more convincing. Rationale expansion
can thus be a method of obtaining indirect or “backdoor” support for an issue. This is acceptable
to claims-makers, because when seeking to gain support for desired policy solutions to putative
problems, support itself is more important than the reason for support.\(^5\)

**Claims-makers**

Of course, there would be no claims without those who make them. Claims-makers—
elsewhere referred to as issue entrepreneurs, moral entrepreneurs, issue energizers, or concern
innovators (Schoenfeld, Meier, and Griffin, 1979:38, 52)—are those individuals and institutions
that create and/or promote claims about a putative social problem. Most often, these individuals
have a personal stake or interest in the successful construction of a social problem (Best,
1989c:75). Indeed, early claims-making activities are frequently “attempts to transform private
troubles into public issues” (Spector and Kitsuse, 2001: 143).

Although individuals may make claims about putative conditions, claims-makers will
often join others and form groups, or groups will join other groups to form coalitions arguing for
particular claims (McMullan and Eyles, 1999:296). There is, in essence, power in numbers.
And perhaps somewhat intuitive is the notion that not all groups are created equal. “Other things
being equal, groups that have a larger membership, greater constituency, more money, and
greater discipline and organization will be more effective in pressing their claims than groups
that lack these attributes…” (Spector and Kitsuse, 2001:143). Furthermore, claims are more
likely to be successful when they are promoted by more influential members of society, such as
lawmakers, members of law enforcement, or other official personnel. For this reason, it
behooves less influential claims-makers to recruit higher-status allies (Suzuki, 2001:142).

**Questions constructionists ask about claims-makers.** Best (1989a:350) suggests that
questions constructionist researchers ask about claims-makers include: Who is making the
claims?, Do the claims-makers say they represent anyone besides themselves, and if so, who?,
Are the claimants leaders or representatives of any social movements, organizations, professions,
or other interest groups?, With whom are the claims-makers allied or linked?, Are they
experienced or novice claims-makers?, Do they reflect a particular ideology?, What interests to
they have in the issues they raise, the policies they promote, and in the success of the campaign,
generally?, and finally, How does the fact that these people are the ones making claims shape the
claims that get made about the issue?

**Primary and secondary claims-makers.** The process of constructing social problems
typically begins when, seeking greater public awareness and/or policy change, victims, activists,
experts, or others with some special knowledge about a social condition make claims about that
condition. These actors are **primary claims-makers** (Best, 1989h:260). In contrast, **secondary
claims-makers** are those who “recycle and broadcast” (Bartkowski, 1998:561) the claims made
by primary claims-makers. In the process, they may “translate and transform” the claims, thus
acting as claims-makers in their own right (Best, 1989h:260).

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\(^5\) However, as Munro (2005:75-76) points out, not all groups are willing to “water down” their anti-cruelty frame. The Coalition Against Duck Shooting, for instance, remained focused on its cruelty argument, and refused to expand it to include arguments in favor of vegetarianism or against guns.
The media can be important and influential secondary claims-makers. By reporting claims, the media bring an issue to the general public’s attention, and indeed, this is usually how the largest share of the population receives these claims. The media may also generate support for the claims-maker’s cause, and “simply receiving coverage helps validate a claim as worthy of consideration” (Best, 1987:115). Munro (1997) suggests that favorable media coverage allowed claims-makers associated with the Coalition Against Duck Shooting (CADS) to dramatically reduce the numbers of duck shooters in Victoria, the home of duck-shooting in Australia. Although compared to the much more powerful pro-gun groups it pitted itself against, CADS had few members and limited financial resources, the coalition was able to mobilize public support for its cause. It did this, according to Munro, “by making its duck-rescue operation newsworthy and by shaping media discourse in ways which enhance[d] its animal welfare/conservation message” (1997:138). This is evidenced by the fact that in two years’ video media coverage of its protests, CADS spokespersons were responsible for more than double the number of spoken lines of those who supported the duck hunt. Finally, media coverage also helps claims-makers gauge public support and permits them to set their agenda accordingly (Best, 1989h:260). However, it is important to note that, in their capacity as secondary claims-makers, rather than serving simply as “mirrors” reflecting “what is really going on,” the media actively shape the images they convey (Schneider, 1985:221).

The Claims-making Process

Claim viability. Clearly, not all claims are successful. “Viability” refers to the survivability of a claim, to its potential to draw attention to a social condition and to affect change. Claims are considered viable when influential participants give these claims credibility, treating them as though they are legitimate by affirming definitions of a problematic social condition, putting them into practice, and accepting responsibility for the social problem. Viability is what all claims-makers seek, for it means it is more likely that a particular condition will be recognized as a social problem and that the desired policy changes will be implemented (Schneider, 1985:224-225). Claims are more likely to attract notice if they echo the larger culture’s concerns. Widespread cultural acceptance of the troubling qualities of the putative problem may help claims-makers succeed in establishing it as a recognized social problem. Thus, anti-stalking claims-makers were successful in establishing stalking as a new crime after they “packaged” claims about the behavior with cultural resources including concerns about victim frustration and anxiety, random violence, male violence and the victimization of women, and child molestation (Lowney and Best, 1995:50). Claims are also more likely to be viable when they are in agreement with dominant ideologies, whether they be political, economic, or religious (Luckenbill, 1995:303). In other words, the more claims support the power structures in a society, the greater their potential (Suzuki, 2001:142). Finally, claims are more likely to receive ratification from the press, the public, and potential policy-makers when they mobilize significant organizational support: “In a competitive social problems marketplace, whether well-publicized claims lead to policy changes depends less on press coverage than upon organized pressure to propose, pass, and implement new policies” (Lowney and Best, 1995:51).

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6 The power of the media’s secondary claims-making is not limited to the press: “Many forms of popular culture, including talk shows, documentary films, popular fiction, comic strips, docudramas, prime-time television series, and advice literature, repeat—and in the process restate—contemporary claims” (Best, 1989h:279, footnote 2).
**Questions constructionists ask about the claims-making process.** Questions that might be asked about the claims-making process include: When did the claims get made?, Whom did the claims-makers address?, Did other claims-makers present counter-claims?, What were the concerns and interests the claims-makers’ audience brought to the issue, and how did these shape the audience’s response to the claims?, How did the nature of the claims and the identity of the claims-makers affect the audience’s response?, and How did the claims-receivers (e.g., the public, the media, the policy-makers) respond to these claims? (Best, 1989a:251; Best, 1989f:xix; Best, 2001:2).

**Policies**

Typically, the purpose of participating in claims-making activities is not merely to draw attention to a social problem, but rather to create change. Claims-makers usually seek change in the form of new social policies. Consequently, they may call for some kind of “ameliorative action, material remuneration, [and/or] alleviation of social, political, legal, or economic disadvantage” (Spector and Kitsuse, 2001:76).

Claims-making can shape policy in at least two ways. First, “claims-makers often promote an agenda of new policies” (Best, 1989g:189), such as new legislation or administrative rules. Second, as discussed in some detail above, claims-makers produce typifications (i.e., “that X is a social problem, and that it is a problem of a particular sort” that policy-makers may, in turn, respond to (Best, 1989g:189). These socially constructed images of conditions and persons deemed problematic may also serve as justifications for public policies. Loseke (1995), for instance shows how images of “homelessness” and the “homeless mentally ill” provided moral justification for the responding public policies addressing the “homeless mentally ill problem.”

However, when claims-making influences policy by fostering social change based upon typifications of a social problem, the resulting policy may be misguided, “ironic” (Best, 1989g:189), reiterative of existing policy, more symbolic than utilitarian, or a violation of an individual’s Constitutional rights (deYoung, 1996:67). In other words, the policies promoted by claims-makers may result in serious, perhaps unanticipated consequences (Best, 1989g:189-190). Loseke’s (1989) study of “wife abuse,” for example, illustrates a case where typification fostered poor policy. Claims about wife abuse tended to depict it in terms of extremely violent behaviors accompanied by extreme physical and emotional consequences. Claims-makers also argued that laws were often not enforced when assaults involved family members, and demanded changes in policy to include mandatory arrests in instances of wife abuse. Given the image of the problem, such policy recommendations and changes appeared sensible. However, Loseke (1989:199) notes, “policies are not applied to ‘images,’ they are applied to concrete situations, and there can be important differences between images informing policies and the reality of actual contacts between citizens and police.” When police respond to domestic violence calls, they may encounter situations that differ from the constructed images of the wife abuse problem. They may encounter reports of no violence or mutual violence, may not see physical injuries, or may find women who want the police to do something other than arrest the offender. Finally, if those charged with defining a condition as problematic do so with “homogeneous consciousness,” so that they have a fairly singular and consistent view of the problem and its solutions, the resulting policies may constitute what Gusfield (1981:7) describes as “a salient form of social control.” A singular view of a condition and its remedies renders alternative explanations and solutions “unthinkable.” “This subtle, unseen implication of cultural ideas is perhaps the most powerful

Conclusion

In conclusion, claims-making analysis is a useful approach for understanding how and why a particular issue becomes a "social problem." In this project, I hope to show that claims-making analysis can also be helpful in explaining how some social phenomena are constructed not only as social problems, but also as social threats warranting social control. In this way, constructionist case studies have explored how phenomena such as popular music (Gray, 1989; Bennett, 2001), Mexican immigration (Bilderback, 1989), the satanic ritual abuse of children (deYoung, 1996), the voodoo religion (Bartkowski, 1998), “feeble-minded” women (Rafter, 1992), a successful needle-exchange (Broadhead, van Hulst, and Heckathorn, 1999), and high school students’ dress and appearance (Ogle, Paff, Eckman, and Leslie, 2003) have all been constructed as particularly threatening problems requiring varying degrees of some form of formal control. In many cases, then, perhaps the term “claims-making” is best thought of as code for “calls for social control.”

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7 And, of course, policies of social control may be less subtle, more overt. (The issue of social control will be discussed in greater detail in Chapter 5).
CHAPTER 3
FRAMING AND COUNTER-FRAMING

In this chapter, I briefly outline some of the issues involving framing and counter-framing. The purpose of this chapter is not to provide an exhaustive summary of the framing literature, but rather to introduce some of the ideas that become relevant in my analysis of anti-animal rights claims-making and the construction of the animal rights threat.

As noted by McCright and Dunlap (2000:503), “to the extent that frames often contain claims and framing processes involve claims-making processes … attention to framing processes provides a necessary supplement to an emphasis on claims-making activities for enhancing our understanding of social problems.” In their study of anti-environmentalists’ effort to construct the “non-problematicity” of global warming, McCright and Dunlap rely on both social problems work on claims-making and counter-claims-making and social movements work on framing processes and movement/countermovement interaction. Because I believe this approach is sound, I follow their lead in the present study.

Frames

“Frame” is a concept that “refers to an interpretive schemata that simplifies and condenses the ‘world out there’ by selectively punctuating and encoding objects, situations, events, experiences, and sequences of actions within one’s present or past environment” (Snow and Benford, 1992:137). The term is borrowed from Goffman (1974:21), and in his words, frames enable the individual “to locate, perceive, identify, and label” events or occurrences within his or her life space or the world at large. In their seminal work on framing, Snow, Rochford, Worden and Benford (1986:464) explain that “[b]y rendering events or occurrences meaningful, frames function to organize experience and guide action, whether individual or collective.” For this reason, social movement actors purposefully frame events and conditions with the intention of mobilizing potential adherents and constituents, gaining the support of the bystander public, and demobilizing the other side (Snow and Benford, 1988:198).

Appeals by a movement are often framed in terms of fundamental values, such as justice, equality, liberty, rights, and “the sanctity of human life” (Snow, Rochford, Worden and Benford, 1986:469). To illustrate, both sides in the conflict over abortion frame the struggle as a threat to fundamental values. But while supporters of abortion rights typically frame the debate as involving a woman’s right to self-determination and privacy, opponents usually frame it in terms of protecting the life of the unborn child (Esacove, 2004:72). Furthermore, the anti-abortion countermovement links abortion to a variety of conservative values, such as sexual temperance, the traditional family, and the customary role of women in the private sphere. By framing the abortion conflict this way, the anti-abortion countermovement “serves a symbolic function in this lifestyle conflict, acting as rallying point for a broader right-wing platform” (McCaffrey and Keys, 2000:47).

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8 For a helpful comparison of “claims” and “frames,” see McCright and Dunlap (2000).
Frame alignment

Social movement organizations and actors engage in “meaning work,” or the struggle over the production and maintenance of ideas and meanings for constituents, antagonists, and bystander publics (Snow and Benford, 1992:136). They do this meaning work by engaging in “frame alignment,” which refers to the linking of the interpretive orientations of individuals with the interpretive orientations of the social movement that is doing the meaning work. The purpose of frame alignment is to both match and fit the activities, goals, and ideology of the social movement with some set of interests, values, and beliefs held by the individual (Snow, Rochford, Worden and Benford, 1986:464). Snow, Rochford, Worden and Benford (1986) identify four kinds of frame alignment processes: frame bridging, frame amplification, frame extension, and frame transformation.

The first, frame bridging, involves linking ideologically similar yet structurally unconnected frames about a specific issue or problem. Frame bridging involves linking a social movement with aggregates of unmobilized individuals who have similar grievances, orientations, and interests, but who have not yet organized collectively for purposes of acting on their common interests. Munro (2005:156) thus suggests that animal rights activists may promote “eco-friendly eating” in an effort to bridge animal rights, environmentalism, and vegetarianism.

Frame amplification refers to “the clarification and invigoration of an interpretive frame that bears on a particular issue, problem set of events” (Snow, Rochford, Worden and Benford, 1986:469). There are two types of frame amplification. Value amplification relates to “the identification, idealization, and elevation” of a value (such as justice, liberty, equality, the sanctity of human life, and those associated with family, ethnicity, and property) which is assumed to be important to potential supporters but which, for some reason, has not yet inspired collective action. The second type, belief amplification, may involve beliefs about (1) an issue or problem’s seriousness, (2) who or what is to blame, (3) adversaries and targets of opposition, (4) the likelihood of change or the effectiveness of collective action, and (5) the importance and appropriateness of “standing up” and “being counted” (1986:469-471). Thus, animal rights activists might invigorate a campaign against factory farming by attending to the various types of belief amplification. They might point out the seriousness of the problem with the claim that “meat is murder,” attribute blame to the profit-driven practices of factory farming, denounce their opponents using stereotypical labels, amplify beliefs about the effectiveness of their efforts, and stress the necessity of speaking up and providing a “voice” for otherwise voiceless animals (Munro, 2005:156-157).

The third type of frame alignment process, frame extension, occurs when a social movement attempts to enlarge its support base by extending the boundaries of its original or principle framework so as to include interests that are incidental to the movement’s primary objective yet important to potential constituents. “In effect, the movement is attempting to enlarge its adherent pool by portraying its objectives or activities as attending to or being congruent with the values or interests of potential adherents” (Snow, Rochford, Worden and Benford, 1986:472). This process is similar to that of “rationale expansion,” or the expansion of the list of reasons for a particular solution to a claimed problem (Kunkel, 1995, 1999) discussed earlier.

The final type of frame alignment process is that of frame transformation. At times, the programs, values, or frames promoted by a social movement may not resonate with—or indeed, 9 Such values might also include kindness to animals (Munro, 2005:156).
may even appear adverse to—traditional lifestyles or values and existing interpretive frames. Thus, to gain both support and supporters, the movement may have to cultivate new values, discard previous meanings and understandings, or reframe erroneous beliefs or “misframings” (Goffman, 1974:308). Such transformations occur at two levels. Snow, Rochford, Worden and Benford (1986:474) explain that domain-specific frame transformation refers to

fairly self-contained but substantial changes in the way a particular domain of life is framed, such that a domain previously taken for granted is reframed as problematic and in need of repair, or a domain seen as normative or acceptable is reframed as an injustice that warrants change.

They note that domains in need of change may include dietary habits, and Munro (2005:157) expounds on this, arguing that in the case of animal rights activism, this likely includes conversion to a vegetarian diet. Global interpretive frame transformation refers to broader, more fundamental changes, such as changes in one’s ultimate grounding. In this case, “a new primary framework gains ascendance over others and comes to function as a kind of master frame that interprets events and experiences in a new key” (Snow, Rochford, Worden and Benford, 1986:475). Again, Munro (2005:157-158) explains that involvement in animal rights campaigns may have a profound and enduring effect on an activist’s life, influencing everything from his or her interpersonal relationships to attitudes about globalization.

Frame Resonance

The term “frame resonance” refers to “the factors that affect the mobilizing potency of frames including the extent to which the frames are congruent with the audiences’ observations, experience, and cultural knowledge” (Benford, 1993:699). In this section, I delineate several factors relating to frame resonance, as described in the framing literature.

Core Framing Tasks

Snow and Benford (1988) argue that social movements must attend to three “core framing tasks.” Diagnostic framing involves identifying some condition or event as problematic, as well as attributing blame or causality. Prognostic framing suggests solutions to the problem and identifies strategies, tactics, and targets. Last, motivational framing serves as “a call to arms” or a “prod to action” (1988:200, 202). With the first two tasks, diagnostic and prognostic framing, the social movement hopes to achieve consensus mobilization, which facilitates agreement. The purpose of the third task, motivational framing, is to achieve action mobilization, which encourages participation in movement efforts (Snow and Benford, 1988:199; Benford and Snow, 2000:615).

Munro’s (1997) case study of animal rights activists in Australia illustrates how activists were able to construct duck shooting as a cruel act that should be banned by framing their protest in ways that attracted media attention and promoted their cause. With respect to diagnostic framing, the activists diagnosed duck shooting as being morally, legally, and environmentally unjust. Prognostic framing meant identifying strategies that would lead to a ban of duck shooting. Finally, activists attended to motivational framing by promoting their campaign as a rescue operation, as opposed to a conventional animal rights protest. Images of dead and injured
birds shown on television news stories struck an emotional chord with most people, and produced the requisite “moral shocks” to mobilize support for both the campaign and the construction of duck shooting as a social problem.

Constraints

Snow and Benford (1988) identify two different sets of constraints that are external to the proffered framing, but nevertheless, they argue, affect the appeal and mobilizing potency of any framing attempt.

**Internal constraints of belief systems.** The first set consists of three internal belief system or ideology components that may constrain the effectiveness of a movement’s framing attempts and mobilization campaigns (1988:205). These are (1) the centrality (or the “hierarchical salience”) of the values or beliefs promoted or defended by the movement, within the targeted individual’s larger belief system; (2) the range of the values or beliefs the framing effort is linked to; and (3) the extent to which values or beliefs espoused by the movement are interrelated with other values or beliefs in the targeted individual’s larger belief system. The ability of social movements to mobilize and influence prospective supporters is contingent upon the extent to which the values or beliefs promoted by the movement are framed in ways that take into account these three potentially constraining factors.

**Phenomenological constraints.** A second set of constraints relates to the degree to which proffered framings are relevant to or resonate within the phenomenological “life world” of prospective constituents. Snow and Benford (1988) identify three such constraints: (1) empirical credibility, or how well the framing attempt seems (from the perspective of the targets of the framing) to “fit” with events in the world; (2) experiential commensurability, which is present only when the framing is not “too abstract or distant from the everyday experiences of potential participants” (1988:208); and (3) narrative fidelity, or the degree to which a framing “rings true” with cultural narrations such as existing beliefs, myths, folktales that are part of the target’s cultural heritage (1988:210; Snow and Benford, 1992:141). Snow and Benford (1988) propose that at least one of these variables must be operative for there to be consensus mobilization (which, in turn, makes action mobilization more likely) (1988:211).

Additional Factors Relating to Frame Resonance

Two other factors relate to the resonance of a frame: framing consistency and the credibility of the claims-maker articulating the frame. The former has to do with how well a social movement’s beliefs, claims, and actions correspond with one another. The latter, of course, refers to the perceived credibility of the actor or entity articulating the frame (Benford and Snow, 2000:620).

Framing Contests

Activists seldom go about their framing activities unchallenged, especially when their framing activities threaten the interests of others. The term “counterframing” describes “an attempt to rebut, undermine, or neutralize a person’s or a group’s myths, version of reality, or interpretive framework” (Benford, 1987:75). In turn, counterframing efforts may encourage
reframing by the initial movement, resulting in what may be a prolonged “framing contest” between the movement and countermovement (Benford and Snow, 2000:626).

Movement opponents, bystanders, the media, and others may contest the movement’s diagnostic and prognostic framings. McCright and Dunlap (2000) describe how the conservative countermovement disputed global warming activists’ diagnoses of both the existence and problematicity of global warming, challenging the environmentalists’ diagnostic framing of global warming as a social problem. Further, this countermovement disputed activists’ prognostic framing of the problem, alleging that environmentalists’ proposed solutions to global warming would cause more harm than good. The intent and effect of such was to undercut the effectiveness of environmental activists’ framings of global warming as a problem.

Both movement and countermovement strategically craft their frames with the goal of mobilizing supporters and demobilizing opponents. McCaffrey and Keys (2000) discuss three rhetorical strategies used by an initial movement to respond to the challenges of a countermovement and counterframe the debate: polarization-vilification, frame saving, and frame debunking.10

Polarization refers to establishing an “us versus them” or black-and-white vision of the debate, while vilification refers to attempts to discredit opponents by portraying them as dishonest, corrupt, hypocritical, trouble-making, or malevolent. Polarization-vilification often takes the form of “name-calling” and emotionally charged terminology, as described in McCaffrey and Keys’ (2000:51) content analysis of newsletters of the pro-choice National Organization for Women (NOW):

NOW newsletters described antiabortion activists as sinister, evil, and ultra-conservative, as zealots, extremists, woman haters, vigilantes, fascists, and fanatics. Their information was labeled as propaganda, deliberate misrepresentation, and lies. … Words NOW used to describe the women targeted by antiabortion activists included subjected, coerced, lured, manipulated, intimidated, and harassed.

Framing an adversary in this way allows a social movement to frame itself as “a moral agent fighting against evil” (2000:44).

The second rhetorical strategy, frame debunking, refers to promoting one’s own ideology while simultaneously casting doubt on competing ideologies (McCaffrey and Keys, 2000:44). Thus, a movement may debunk the frames of their opponents by declaring those who proffer them to be hypocrites; by contesting opponents’ use of certain terms;11 by having a supporter with some link to the opposition denounce the opposition’s agenda and strategies; by purporting to reveal the true character of opponents, as well as their statements and agendas; by challenging the claims and frames of opponents; and by associating opponents with undesirable things including oppression, terrorism, and the infringement of peoples’ rights (2000:53-54).

Finally, frame saving refers to efforts by social movement actors to restore credibility to a frame that has been challenged by adversaries. Frame saving strategies include careful use of

10 Although these three concepts were developed in the context of how an initial movement responds to challenges by a countermovement, I cannot identify any reasons why they would not also be useful to understanding the reverse situation.
11 For example, NOW declines to use the term “pro-life” when referring to its opponents, preferring, instead to use the term “anti-choice” (McCaffrey and Keys, 2000:53).
terminology,\textsuperscript{12} and responding to and neutralizing opposition claims that challenge movement claims.

\textsuperscript{12} Thus, while pro-life groups often label their adversaries as “pro-abortion” in an effort to tarnish its opponents’ master frame of individual rights, the pro-choice movement consciously rejects use of that term, instead referring to itself as “pro-choice.” By rejecting its opponent’s label, it rescues its individual rights master frame (McCaffrey and Keys, 2000:54).
CHAPTER 4

MOVEMENTS AND COUNTERMOVEMENTS

In this chapter, I attempt to flesh out some of the issues within the literatures of social movements and countermovements in which claims-making might be implicated. This chapter is not meant to be an exhaustive review of this literature. Rather, my intent is to identify and describe certain issues and concepts that may be useful in furthering an understanding of anti-animal rights claims-making.

Countermovements

A “social movement” consists of “collective challenges, based on common purposes and social solidarities, in sustained interaction with elites, opponents, and authorities” (Tarrow, 1998:4). If the cause has potential political significance, it will spur opposition. As will be discussed further in this chapter, a social movement may generate a corresponding “countermovement,” which may be more simply defined as “a movement that makes contrary claims simultaneously to those of the original movement” (Meyer and Staggenborg, 1996:1631).

Countermovements may be either right- or left-wing, although most countermovements are the former (Lo, 1982:118). Lo (1982:108) describes right-wing movements as “social movements whose stated goals are to maintain structures of order, status, honor, or traditional social differences or values.” These right-wing countermovements may be further classified as “extremist” (which, according to Lo (1982), are “marked by intolerance, monism, moralism, and preoccupation with conspiracies”), “conservative” (“which [seek to] preserve long-standing institutions and values through minimizing reforms”), or “radical” (which, in contrast to conservative right-wing countermovements, actually advocate major changes in the status quo by incorporating right-wing ideas) (p. 108).

While right-wing movements may promote, and typically cause, the preservation or escalation of economic or political inequalities, in contrast, their left-leaning opposing movements seek increased equality or greater political access (1982:108). Many social movements, in emphasizing social change, operate under the premise that social relations may be manipulated. In contrast, their corresponding countermovements often assume that social relations are not alterable, and may contend that should the desired social change occur, social chaos would ensue (Zald and Useem, 1987:270).

13 However, if the movement and countermovement exist for an extended period of time, Meyer and Staggenborg (1996:1632-1633) suggest that movement and countermovement may be better thought of as “opposing movements,” with each side influencing its opposition.

14 Because its primary concern is to preserve the status quo as it relates to the treatment of animals, the organized effort to counter the effects of the animal rights movement may be described as a conservative countermovement.
The Formation of Countermovements

Meyer and Staggenborg (1996) propose that three conditions encourage countermovement formation. The first is the presence of an original movement showing signs of success. Movement “success” may take the form of membership growth, accumulation of additional resources, institutional acceptance and longevity, placement of issues on the public agenda, policy reforms, and attainment of desired goals (Jasper and Poulsen, 1993:640; Meyer and Staggenborg, 1996:1635). Success in any of these areas is likely to be seen by opponents as a threat to their interests. Until then, opponents may postpone organizing against the initial movement, perhaps believing, perhaps hoping, that initial successes are isolated or relatively insignificant events. Thus, after World War II, although civil rights organizations had made attempts to challenge racism in the South, including entering into battles over voting rights, none of these challenges provoked a sizeable countermobilization because they appeared to be impotent. I was not until the Supreme Court’s decision in Brown v. Board of Education, which showed that a primary institution—segregated schools—could be successfully challenged, that a significant countermovement formed (Zald and Useem, 1987:253). Similarly, as demonstrated in Jasper and Poulsen’s (1993) case study of three anti-vivisection campaigns, it was only after animal rights activists had demonstrated the effectiveness of their initial campaigns against the use of animals in research that supporters of animal research recognized the need to organize a countermovement.

The second condition facilitating the rise of a countermovement is the existence of interests and values that are threatened by the goals of the original movement. Meyer and Staggenborg (1996) emphasize that a countermovement is more likely to attract a wider range of participants if it is able to portray the issues raised by the movement as involving larger values and more far-reaching social change. When this happens, a wider range of constituencies, with possibly very diverse interests, may be motivated to join or support a countermovement. The conflict over abortion illustrates this idea well. For many, abortion symbolizes social changes in both sexual behavior and traditional gender roles. For this reason, the anti-abortion movement includes liberal Catholics who oppose abortion because they see it as a religious issue, as well as social conservatives who may also oppose abortion because the practice signifies a weakening of “family values” (p. 1639).

The final condition identified as promoting the emergence of a countermovement is the presence of elite allies, including government authorities and other powerful stakeholders such as interest groups and businesses that can assist in “oppositional mobilization” (1996:1635). These elites may initiate and/or support countermovements that are thought to help preserve their interests.16

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15 Meyer and Staggenborg (1996:1635-1636) describe the relationship between movement success and countermovement mobilization as curvilinear. Countermovements are most likely to form when the initial movement achieves some success. However, movements that are seemingly unable to achieve some wins or—at the other extreme—are able to win decisively (thereby limiting the apparent opportunities for a countermovement) are unlikely to generate an effective countermovement.

16 However, sometimes countermovements that are initiated by elites (such as the anti-environmental movement) are not able to develop genuine grassroots support, and instead, remain dependent upon the resources of their elite founders (1996:1639). Thus, while the overwhelming majority of Americans continue to act in ways that are inconsistent with animal rights, it is arguable that very few are actually participants in an organized movement against animal rights. Indeed, the most active of the opponents of animal rights seem to be those having strong interests (usually economic) in perpetuating the status quo with respect to how we treat animals. Mottl (1980:626)
Zald and Useem (1987) suggest two additional conditions that facilitate the emergence of countermovements: the availability of resources, and existing constraints and opportunities. With respect to resource availability, they explain that “[c]ountermovements may be delayed if there are no groups with discretionary resources available to invest in collective action” (1987:255). With respect to constraints and opportunities, they note that “the public agenda may or may not ‘permit’ the emergence of movement or countermovement.” The public will not allow a movement or countermovement to progress if it perceives it to be unpatriotic or unimportant or otherwise discredited. Furthermore, the public agenda is limited, and because of wars, depressions, and other social issues and events, there may not be room for movement/countermovement action.

Interaction between Movement and Countermovement

As the above discussion about countermovement formation indicates, movements and countermovements exist in an interactive relationship, in which each is dynamically engaged with the other. By challenging the status quo and by threatening established interests, movements often inspire the organization of their opponents and their ultimate formation of a countermovement. Similarly, following the formation of a countermovement, each side often continues in what has been described as a “loosely coupled tango of mobilization and demobilization” (Zald and Useen, 1987:247).

In a prolonged conflict, a movement and its countermovement will generate ongoing opportunities and obstacles for its respective opposition (Meyer and Staggenborg, 1996:1643). First, just as success enjoyed by an initial movement may give rise to a countermovement, success enjoyed by one side may encourage, or alternatively, discourage the growth of the other side. Meyer and Staggenborg (1996:1645), for instance, propose that the success enjoyed by one side will have an effect on the growth of their opponents, and that the relationship between the two variables is curvilinear:

When one of the opposing movements achieves little success and does not appear very threatening, it is difficult for the other side to mobilize much support. More successful movements, which present real threats, generate more support for an opposing movement. When a movement wins decisive victories, with little possibility of reversal it becomes difficult for the opposing movement to maintain itself indefinitely.  

Identifies three kinds of countermovement participants: (1) the most active participants, (2) rank-and-file participants; and (3) peripheral supporters. Can most meat-eating, leather shoe-wearing Americans be considered peripheral supporters of the anti-animal rights countermovement? Perhaps. Yet, at the same time, polls indicate that a substantial and growing number of Americans also support many of the objectives of the animal rights movement (e.g., Rowan, Loew and Weer, 1995:11-12; Rudacille, 2000:171). So, perhaps they might also be peripheral supporters of this movement, as well. In short, Americans are ambivalent about the treatment and use of animals, and therefore, classifying them as “belonging” to one side of the debate or the other may be a futile effort.

Oberschall (1993:384) defines mobilization as “[t]he process whereby activists build loyalty and commitment for their cause and assemble followers, funds and resources, all of which increases the capacity to act collectively.” Meyer and Staggenborg (1996) also propose that the degree of success enjoyed by one movement will have an effect on that same movement’s ability to grow and flourish. A movement or countermovement that achieves partial victories will, because of tactical opportunities and hope of additional victories, grow. Defeats, as long as they are not absolute, will also encourage movement growth because they inspire either outrage or a feeling of threat, but decisive wins will have the opposite effect (pp. 1644-1645).
Second, conceptualizing movement and countermovement as an interacting pair draws attention to the effect such interaction has on each side’s decisions regarding matters such as agenda, strategies and tactics, venues, targets, and framing and claims. An opposing movement often has little choice but to adjust its decisions regarding these matters so as to respond to choices made by its adversary. For instance, one movement may influence its opposing movement’s agenda because by targeting certain behaviors or conditions, that movement determines at least some of the issues in dispute. The second movement is essentially forced to add those issues to its own agenda, because otherwise, it risks losing that particular battle. Likewise, with respect to choice of venue, one movement may choose to pursue an opportunity in the courts, or in the legislature, or on the streets. Its opponent is in effect forced to follow and act in the same venue, especially if there is a possibility that its interests will be threatened (1996:1649).

Movement, Countermovement, and Authorities

Social movements and countermovements both hope to win the support of government authorities, because the state can confer legitimacy and provide resources and leadership (Lo, 1982:120). Additionally, Meyer and Steggenborg (1996) explain,

>[Police and local authorities must mediate between the opposing movements and may favor one side over the other in their management of the protest. The courts have ruled on the legality of tactics and the penalties to be imposed on offenders, and Congress has passed legislation… . (p. 1629).]

Zald and Useem (1987) present six models of social movement-countermovement-government relations. Two of these are most relevant to the battle between animal activists and their critics. The first depicts the situation in which a social movement directly threatens the government (called “authority” by the authors), and the government is the countermovement:

**Figure 4.1. Zald and Useem’s Model “A”: Conflict Model Minimal State Involvement.**

(In these models, an arrow signifies “attempts to persuade, influence, or destroy,” while a broken line represents an “alliance or sponsorship” (1987:266).) In the case of the battle over animal rights, the government, via agencies such as the National Institutes of Health, Department of

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19 Such decisions are also based on factors including tactic availability, acceptability to constituents, available resources, relationship with authorities, the nature of the opposition, organizational needs, the political and cultural context, and movement/countermovement relations (Zald and Useem, 1987:264; Meyer and Staggenborg, 1996:1649).
Agriculture, Department of Defense, and federal and state wildlife agencies—all heavy animal users—often is the countermovement, as in this first model. For instance, the Department of Defense alone spends hundreds of millions of dollars annually on experiments involving hundreds of thousands of animals (U.S. Department of Defense, 2001).

The second relevant model illustrates the situation where both movement and countermovement make demands on the government, and both seek to harm the other:

![Figure 4.2. Zald and Useem’s Model “D”: Conflict Model State Involvement.](image-url)

As described by Zald and Useem, this model would seem to explain much of the relationship between the animal rights movement, its countermovement, and authorities.

However, neither of these models fully captures the conflict between animal activists and their opponents. For even when the government and countermovement are separate entities, they nevertheless often “act with a common purpose” (Wilson 1977:471). This friendly relationship was recently evidenced at the National Animal Interest Alliance’s 2004 national conference. Those presenting at the two-day symposium on “animal and environmental extremism” included representatives from the Fish and Wildlife Service, Department of Agriculture, and Federal Bureau of Investigation, as well as two members of Congress. These officials joined representatives from the Fur Commission USA, Professional Rodeo Cowboys Association, Wyoming Stockgrowers Association, Center for Consumer Freedom, American Kennel Club, U.S. Sportsmen’s Alliance, American Physiological Association, and others with a stake in opposing animal rights.

The following model, which more accurately describes the relationship between the animal rights movement, its countermovement, and the government, is therefore proposed:
This suggested model is a kind of hybrid between the two models just described. It proposes that the animal rights movement, while in conflict with the anti-animal rights countermovement, attempts to persuade and influence the government. This is an often relatively futile goal, however, as the government generally has an “alliance” with the countermovement. As described in Chapter 6, the government has participated in a range of oppositional tactics, from engaging in anti-animal rights rhetoric, to investigating, criminalizing, prosecuting, and punishing the behavior of activists. The countermovement and the government may therefore fairly be thought of as working together to control the animal rights movement.
CHAPTER 5

SOCIAL THREAT-SOCIAL CONTROL THEORY

In this section, I identify some of the broader theoretical issues within the literature of social threat-social control theory in which claims-making might be implicated. This chapter is not meant to be an exhaustive review of this literature. Rather, my intent is to describe concepts that may be useful in furthering an understanding of claims-making by a threatened dominant group.

The Theoretical Basis of the Social Threat-Social Control Perspective

The social threat-social control perspective is rooted in the broader conflict theory, as formulated by theorists such as Vold (1958) and Dahrendorf (1959), and later by Turk (1964, 1966, 1969), Quinney (1970), and Spitzer (1975), among others. Social conflict is understood to mean “a struggle over values or claims to status, power, and scarce resources, in which the aims of the conflicting parties are not only to gain the desired values but also to neutralize, injure, or eliminate their rivals” (Coser, 1968:232).

Broadly speaking, the question of how social order is established and maintained can be broken down into two different approaches, the consensus perspective and the conflict perspective. The former assumes a unitary conception of society, and emphasizes that it is held together by its members’ general agreement about basic values, that the legal order reflects this consensus, and that social control is simply a response to transgressions against that legal order (Durkheim, 1984 [1893]). In contrast, the conflict perspective is based on altogether different assumptions, and seeks to expose the “mythical” nature of the assumptions of the consensus approach (Chambliss and Seidman, 1971).

According to conflict theorists, there is little agreement in society. Rather, they see society as being composed of a number of very different groups having disparate and often incompatible values, norms, and ideologies (Quinney, 1970:38). They contend that these groups must compete in a struggle over scarce resources and power (which may be economic, cultural, racial, ideological, moral, religious, and so on). In short, rather than espousing the idea that society is held together by members’ consensus about values and beliefs, this perspective highlights the ongoing struggle between “haves” and “have-nots,” rich and poor, racial majorities and racial minorities, and powerful and weak (Chambliss and Seidman, 1971:4).

The conflict approach thus pits the more powerful and dominant groups, which wish to preserve or increase their power, against less powerful and subordinate groups that seek to improve their own standing and thereby alter the status quo. Accordingly, a dominant group may perceive a subordinate group, as well as its ideologies and behaviors, as a potential threat to one or more of the more powerful group’s interests (Sutherland, 1929:41). In this way, in this country, we have seen that attempts by women to improve their social standing may be seen by men as challenging their own status, efforts by racial minorities to advance their social position are often viewed as threatening the privileges enjoyed by whites, and gains by a challenging social movement may be perceived as endangering the privileges enjoyed by those benefiting from the status quo.
Significantly, while the consensus perspective perceives laws as reflecting a social consensus, conflict theorists argue that enacted laws instead reflect the values and interests of superordinate groups. They explain that this is because dominant groups typically are able to translate their values and interests into law (including not only legislation, but also judicial decisions and administrative rulings), for example, by defining what behaviors will be criminal, and which will not (Quinney, 1970). Quinney (1970:17), for example, contends that “the greater the conflict in interests between the segments of a society, the greater the probability that the power segments will formulate criminal definitions.” Similarly, while the consensus perspective conceptualizes social control as a response to violations of laws reflecting a social consensus, the conflict theorists understand such efforts as means by which dominant groups may control the behavior of individuals in threatening subordinate groups (Quinney, 1970). In other words, law is seen as a mechanism for social control, or “a self-serving system to maintain power and privilege” (Chambliss and Seidman, 1971:4).

These ideas provided the historical foundation for the theoretical perspective that would come to be known as social threat-social control theory.

**The Threat Hypothesis**

In *Toward a Theory of Minority Group Relations*, Blalock (1967) argued that racial majorities perceive a growing minority population as a threat to their privileged political and economic standing. Although he identified three kinds of majority privilege—economic, political, and status—that are threatened by a growing minority population, Blalock (1967) only focused on the first two. Since publication of his seminal work, other researchers have argued that minorities are often also perceived as constituting a criminal threat, which in turn results in increases in social control (Chamlin and Liska, 1992; Eitle, D’Allessio, and Stolzenberg, 2002; Liska and Chamlin, 1984; Liska, Lawrence and Benson, 1981:415; Liska and Yu, 1992) and support for social control (Chiricos, Welch, and Gertz, 2004). Additionally, it makes sense to suggest that other threats may be symbolic, as when those receiving welfare benefits during periods of economic expansion might be said to undermine the work ethic and wage relationship (for, the argument may go, such persons receive financial benefits without having “earned it”) (Piven and Cloward, 1993). Similarly, the women’s movement has inspired social change resulting in symbolic threats to men’s traditional roles both in and out of the home (Messerschmidt, 1993).

Blalock contended that, motivated by a desire to preserve the *status quo*, majority populations respond to this growing threat by using “discrimination” and coercive force against the threatening minority population. He thus hypothesized that “[a]n increase in minority percentage should result in an increase in discrimination both because of heightened perceived competition and an increased power threat” (1967:154).

Building on Blalock’s work, the threat hypothesis of the conflict perspective (also referred to here as social threat-social control theory) is rooted in the premise that repressive measures (i.e., social control) may be understood as “a response of elites, authorities, and majorities to acts, people, and distributions of people deemed threatening to their interests” (Liska, 1992a:174). As articulated by Liska (1992b:18), the threat hypothesis contends that “the greater the number of acts and people threatening to the interests of the powerful, the greater the level of deviance and crime control.”
Research testing the threat hypothesis has analyzed the relationship between threatening populations (such as percent nonwhite (Chamlin, 1992; Corzine, Creech, and Corzine, 1983; D’Alessio, Eitle, and Stolzenberg, 2005; Greenberg, Kessler, and Loftin, 1985; Jackson and Carroll, 1981; Liska, Lawrence, and Benson, 1981; Liska and Chamlin, 1984; Liska and Yu, 1992; Myers, 1990; Parker, Stults, and Rice, 2005; Warner, 1992), percent unemployed (Chamlin, 1992), and percent foreign born (Brown and Warner, 1992)), threatening conditions (including election of racial minority officials (Chamlin, 1992), income inequality (D’Alessio, Eitle, and Stolzenberg, 2005; Jacobs, 1979; Liska and Chamlin, 1984; Warner, 1992), and changes in poverty and welfare needs (Chamlin, 1992; Piven and Cloward, 1993 [1971])), or threatening behaviors (such as civil unrest (Chamlin, 1992; Piven and Cloward, 1993 [1971])), and various social control mechanisms including, but not limited to, number of police (Greenberg, Kessler, and Loftin, 1985; Jacobs, 1979; Liska, Lawrence, and Benson, 1981), number of private police (D’Alessio, Eitle, and Stolzenberg, 2005), expenditures for policing (Jackson and Carroll, 1981), crime reporting (Warner, 1992), arrest rates (Brown and Warner, 1992; Eitle, D’Allession, and Stolzenberg, 2002; Liska and Chamlin, 1984; Parker, Stults, and Rice, 2005), incarceration rates (Myers, 1990; Padgett, 2002), enactment of policies such as felon disenfranchisement laws (Behrens, Uggen and Manza, 2003), police homicide (Liska and Yu, 1992), lynching (Corzine, Creech, and Corzine, 1983; Tolnay and Beck, 1992), and reliance on beneficent controls such as welfare programs (Chamlin, 1992; Piven and Cloward, 1993 [1971]).

What all variations of the threat hypothesis have in common is the assumption that as the perceived threat increases, there is a corresponding response by the government—and pressure on the government by others who are threatened—to increase its coercive power against challenges to the status quo and the interests of the dominant group. As suggested by some of these studies, the logic of social threat, originally used to make sense of repressive measures taken against racial minorities, also applies to the social control of other threatening groups. In addition to the challenging groups that were the focus of the studies just noted, others have found social threat in operation in the case of other threatening groups including women (Faludi, 1991; Karlsen, 1998; Messerschmidt, 1993), surplus populations (Rubenstein, 1983), and the mentally ill (Arvantis, 1992; Foucault, 1965; Rothman, 1971). By extension—and as is argued in this project—the logic of social threat-social control theory is also useful for understanding repressive measures taken against challenging subordinate social movements.20 In this way, for example, King (2002) describes social control strategies taken by the Jamaican government and its surrogates against that country’s Rastafarian movement in the second half of the 20th century.

### Strategies of Social Control

Liska (1992b) classifies the forms of social control as “fatal,” “coercive,” and “beneficent.” Fatal forms of social control (identified by Liska and others) include the death penalty, lynchings, and police use of deadly force. Coercive forms are those relied on by the criminal justice system; they may include crime reporting, policing, police size, arrest, and incarceration. Last, beneficent forms of social control include mental health and welfare systems. Other writers have proposed additional forms of social control which do not fall neatly

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20 The current project thus presents another broadened application of the perspective, extending it from its usual application to race, to explain social control as a response to the threatening ideas and behaviors of a challenging social movement.
into any of these groups, such as racial segregation (Spitzer, 1975:649) and the variety of mechanisms utilized by post-Civil War southern whites to control perceived threats posed by the black population (Tolnay and Beck, 1992).

Thus, in this study, “social control” is not conceptualized as simply a synonym for “crime control” (although crime control is certainly a significant, if not the most important, type of social control). Rather, social control is regarded as including all efforts by the government or private groups to impede, harm, repress, or destroy a social movement (Marx, 1979:94). Marx (1979) and Stewart, Smith, and Denton (2001) offer particularly useful analyses of the kinds of social control mechanisms dominant groups may use to effectuate the control of their adversaries.

Stewart, Smith, and Denton (2001) identify six strategies used to counter the efforts of a threatening social movement to alter the status quo. These include evasion, counterpersuasion, coercive persuasion, coercion, adjustment, and capitulation.

With evasion, institutions make an effort to ignore a movement, by acting as though the movement does not exist or is not threatening enough to warrant a response. Essentially treated as if it were invisible, the movement and its organizations are not consulted or allowed to participate on task forces, are not afforded opportunities to meet with institutional leaders, and may be denied meeting places or parade permits. When sympathetic laws or decisions are made, they may be ambiguous or plagued with loopholes. In addition, extant laws may simply be ineffectual, either because they lack the “teeth” needed to dissuade their violation, because they do not provide for enforcement mechanisms, or because unsympathetic institutions choose not to enforce them. Evasion is usually the first strategy used because in the nascent stages of a movement’s life span, institutions do not recognize the movement as a legitimate group. Per Stewart, Smith, and Denton (2001:326), “[t]he hope is that protestors will become discouraged and go away or that the issue will disappear.”

When institutions can no longer ignore a social movement, they may turn to a strategy of counterpersuasion, which is comparable to the act of making claims about a movement. Institutions may challenge and discredit the movement’s ideas, demands, leaders, and members, perhaps by appealing to fundamental fears among the public, of challenging the nature and motives of the movement, questioning the accuracy or truthfulness of movement claims, or tagging leaders and members as dangerous criminals or miscreants. The authors thus suggest that the easiest way to harm a threatening movement is to discredit its leaders and members by calling them names, labeling them, or ridiculing them. Thus, countermovements may label their opponents as evil or call them unflattering names in an effort to discourage real discussion of the issue in contention. This is illustrated when conservative talk show host Rush Limbaugh labels those who promote women’s rights “feminazis,” and as will be suggested in this dissertation, when opponents of animal rights characterize animal activists as criminals and “terrorists,” or assert that Adolf Hitler was a vegetarian and fond of animals. The logic in play here is that “[i]f the leaders and true believers are evil, then the motives, goals, and objectives of the movement

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21 History is filled with examples of countermovements playing to public fears:

Thus, institutional agents and agencies argue that environmentalists are endangering the U.S. economy and threatening factory workers, loggers, and fish workers with the loss of their livelihoods; that antiwar or antimilitary groups are unpatriotic and a threat to national security; that gay rights advocates are immoral and grievous threats to the family and traditional way of life; or that protestors are a threat to democracy because they are socialists or communists (Stewart, Smith, and Denton, 2001:327).
must be evil” (2001:329). This strategy is especially useful in that it allows the countermovement to deflect attention from its own behaviors and thereby avoid having to respond to its challengers’ grievances and demands.

If evasion and counterpersuasion fail to suppress a movement, an institution may engage in coercive persuasion. Such strategies may be overt or covert, and can include firing workers or expelling students, police actions, investigating activists, infiltrating social movement organizations, instigating militant and violent acts for the purpose of discrediting a social movement, and implicitly or directly threatening activists.

The strategy of coercion involves tactics ranging from enacting restrictive laws and policies and handing down restrictive court decisions, to arrests, assaults, and—in the most extreme case—assassinations. Stewart, Smith, and Denton argue that coercion offers institutions and their surrogates several advantages:

- First, coercive tactics generate fear among a social movement’s leaders, followers, and sympathizers. … Thus, social movement leaders may become hesitant to act; members may become hesitant to take part in demonstrations; and sympathizers may withdraw moral and financial support. Second, coercion isolates leaders from followers. Third, coercion enables institutions to portray social movement leaders as common criminals and dangerous social deviants (2001:334).

With strategies of adjustment, institutions appear to be responsive to the concerns of a movement, for example, by issuing press releases promising investigation of the problem, creating special committees to study the issues raised by the movement, or making concrete (yet superficial) acts of concession. But such responsiveness is really a façade:

- Such gestures provide a visible response and show of concern while reducing the sense of urgency of social movement demands, which buys time for the institution. Presidents, governors, and political candidates address concerns such as equal rights, the environment, animal rights, ethics, and the needs of senior citizens and then go about business as usual (2001:334-335).

Finally, with capitulation, an institution accepts parts of a movement’s ideology or demands, provided they do not threaten the institution’s powers or legitimacy. An institution may capitulate with the goal of ending a troublesome strike or threatening movement campaign. In other words, minor capitulations may end major headaches. Total capitulation, or the acceptance of a movement’s ideology (i.e., its beliefs, goals, objectives, and solutions) is rare because (1) institutions exercise great control over rewards, channels of communications, and government agencies, and (2) Americans cherish their institutions and “are not inclined toward social-political instability or revolutionary change” (2001:336).

As will be discussed in the next chapter, all of the counter-strategies and nearly all of the counter-tactics identified by Stewart, Smith, and Denton (2001) have been relied on by opponents of animal rights and their surrogates and allies. Furthermore, as explained in Chapter 4, countermovements may enjoy a close alliance with the state, or the state itself may have an interest in suppressing a challenging movement. Such scenarios have significant ramifications for the initial social movement, for, as Wilson (1977:471) notes, “[w]hile social control is in
principle enforceable by any social actor, the most influential control in political contexts flows from officials acting publicly, formally and claiming legitimacy to do so.”

Marx (1979) thus identifies and describes some of the strategies and tactics entities such as the government may use to facilitate or damage a hostile social movement. Far more prevalent are efforts to damage movements. Marx suggests that this may be because authorities and dominant groups are more likely to see social movements, and the goals they pursue, as threats, rather than assets.

Strategies for inhibiting a social movement include, but are not limited to, the following:

- inhibiting capacity for corporate action
- directing energies of the movement to defensive maintenance needs and away from pursuit of broader social goals
- creating an unfavorable public image and counterideology
- gathering information on the movement
- inhibiting the supply of money and facilities
- inhibiting freedom of movement, expression, and action; creating myth and fact of surveillance and repression; applying legal sanctions
- damaging morale
- derecruitment
- destroying or displacing leaders
- encouraging internal conflict
- encouraging external conflict with potential allies and opponents
- inhibiting or sabotaging particular actions

At other times, government authorities may engage in facilitative actions as part of an indirect strategy to strengthen a movement or countermovement that is the opponent of the true target group. For example, in the not-so-distant past, the U.S. government aided anti-Communist groups, the Ku Klux Klan, and groups opposing the civil rights, labor, and women’s movements because the government believed such right-wing groups would help the government achieve its goals (1979:106). Many of the strategies for facilitating a social movement are the reverse of strategies taken to inhibit a movement. Such strategies include the following:

- facilitating capacity for corporate action
- making it possible for energies of the movement to go toward pursuit of broader social change goals, as well as maintenance needs
- creating a favorable public image; developing and supporting ideology
- giving information to the movement
- facilitating a supply of money and facilities
- facilitating freedom of movement, expression, and action; offering legal immunity
- building and sustaining morale
- recruiting supporters
- building leaders
- encouraging internal solidarity
- encouraging external coalitions with potential allies and neutral relations (or conflict only insofar as it is functional) with potential opponents
• facilitating particular actions

Again, as was discussed in Chapter 4, and as will be further discussed and illustrated in the following chapters, state and federal governments have tended to be opponents of the animal rights movement and allies of the countermovement which formed to battle it. Thus, the state has participated in both strategies for inhibiting the animal rights movement, as well as strategies for facilitating its countermovement.
As with all social movements, the animal rights movement is essentially a challenge to the status quo. However, this movement may present the greatest-ever challenge to the present reality, because it questions and threatens the special niche humankind has carved out for itself in this existence. At its core, animal rights is a challenge to many thousands of years of human dominion.

In this chapter, I offer a relatively brief, yet comprehensive history of this challenge. I rely heavily on footnotes, and do this for the sake of thoroughness, and also to provide additional information for readers who may not be familiar with the issues raised in the animal rights debate.

The Early History of the Animal Rights Movement

The Roots of Dominion

Human supremacy over animals began when our ancestors first domesticated them some 11 to 12 thousand years ago. With the coming of agriculture and animal husbandry—and its penning, yoking, harnessing, hobbling, shackling, and castrating—animals were physically disempowered (Mason, 1995:19). This caused an enormous shift in the balance of power between humans and all other animals. Where once animals had been essentially coequals or superiors, with domestication they became our slaves or subordinates. Further, they became entirely dependent upon humans for care and protection (Serpell, 1998:33).

Another source of dominion that continues to influence the current relationship humans have with animals is that of the intertwining of Western religion and philosophy, both of which, throughout history, have tended to relegate animals to the control and caprices of human beings (Merz-Perez and Heide, 2004:11). From the Judeo-Christian god’s granting human beings dominion over animals in the first few pages of the Old Testament, to Aristotle’s argument that animals exist for the sake of humans, humans have given themselves master status over all

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22 Genesis 1:26 (King James Version) reads as follows:

And God said, Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.

23 According to Aristotle (1984:45),

one must suppose that plants exist for the sake of animals and that the other animals exist for the sake of human beings—the tame animals, both for use and sustenance, and most if not all of the wild animals, for sustenance and other assistance, in order that clothing and other instruments may be got from them…. If, then, nature makes nothing that is incomplete or purposeless, nature must necessarily have made all of these for the sake of human beings.
other living beings. Indeed, the history of animal rights is, in no small part, the history of a
group of people’s efforts to counter these enduring influences.

Although there were some notable exceptions, throughout history, until the
Enlightenment in about the 18th century, the suffering of animals was not given much
consideration. It was generally believed that animals had been created for humans to use.
Gradually, however, people began to recognize that animals do suffer and are entitled to some
consideration (Singer, 1990:202).

Laying the Groundwork: 18th-Century Writings about Animal Welfare and Rights

During the last quarter of the 18th century, Europe experienced the beginning of an
“outburst” of intellectual and literary interest in the well-being of animals (Ryder, 1998:28).
Theologians, philosophers, poets, artists, and other intellectuals readily expressed the formerly
unorthodox view of compassion.

In 1776, Humphry Primatt foreshadowed a central premise in the modern animal rights
movement: “Pain is pain, whether it be inflicted on man or on beast; and the creature that suffers
it, whether man or beast, being sensible of the misery of it whilst it lasts, suffers evil” (1992:21).
Although not explicitly stating that animals have rights, Primatt challenged the idea that humans
could abuse them:

Now if amongst men, the differences of their powers of the mind, and of their
complexion, stature, and accidents of fortune, do not give to any one man a right
to abuse or insult any other man on account of these differences, for the same
reason, a man can have no natural right to abuse and torment a beast, merely
because a beast has not the mental powers of a man…. A brute is an animal no
less sensible of pain than a man (1992:22-23).

By the time Jeremy Bentham wrote his Introduction to the Principles of Morals and Legislation,
the French had freed Black slaves, but the British territories still practiced slavery. In 1780, in
response to these developments, Bentham echoed Primatt’s argument:

Although Pythagoras was an ethical vegetarian who believed that animals and humans had the same kind of souls, it
was Aristotle’s argument that was destined, through later thinkers such as Augustine and Thomas Aquinas—and
more recently René Descartes—to have the greatest influence on Western Christian thought (Ryder, 1989:21-23;
1998:3, 6, 8, 12).

24 For example, Plutarch (c. 50 - 120 CE), the Greek-born philosopher who lived in Rome, based his vegetarianism
on ethical concerns: “But for the sake of some little mouthful of flesh we deprive a soul of the sun and light, and of
that proportion of life and time it had been born into the world to enjoy” (Wynne-Tyson, 1985:249, citing Plutarch’s
Moralia). According to Lecky (1903:244), Plutarch was probably the first writer to very strongly advocate
humanity to animals based on universal benevolence, as opposed to the Pythagorean doctrine of transmigration of
the soul. Many centuries later, Michel de Montaigne published the essay Of Cruelties in 1588. Singer (1990:199)
credits Montaigne as the first since Roman times to condemn cruelty against animals as wrong in itself.

25 Although intellectuals were beginning to lay the groundwork for the animal protection movement that would be
fashionable in the not-too-distant future, Primatt complained that public opinion in general was not sympathetic:

To make a comparison between a man and a brute is abominable; to talk of a man’s duty to his
horse or his ox is absurd; to suppose it a sin to chase a stag, to hunt a fox or course a hare is
unpolite; to esteem it barbarous to throw at a cock, to bait a bull, to roast a lobster or to crimp a
fish, is ridiculous” (1992:42-43).
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. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may come one day to be recognized, that the number of the legs, the villosity of the skin, or the termination of the os sacrum, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or, perhaps, the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose the case were otherwise, what would it avail? the question is not, Can they reason? nor, Can they talk? but, Can they suffer? (1970:311, footnote 1).

Other writings from this period promoting better treatment of animals include Soame Jenyns’s (1782) *Disquisitions on Several Subjects*; John Oswald’s (1791) *The Cry of Nature, or An Appeal to Mercy and Justice on Behalf of the Persecuted Animals*; John Lawrence’s (1796) *A Philosophical Treatise on Horses, and on the Moral Duties of Man towards the Brute Creation*; George Nicholson’s (1797) *On the Conduct of Man to Inferior Animals*; Thomas Young’s (1798) *An Essay on Humanity to Animals* (in which is found what may be the first printed use of the phrase “animal rights” in the English language (Ryder, 1998:18)); and Joseph Rison’s (1802) *An Essay on Abstinence from Animal Food as a Moral Duty*.26

The growing concern for animal welfare expressed by these and other European writers laid the intellectual groundwork for the emergence of the organized animal welfare movement in the early-19th century (Ryder, 1998:25). By then, the basic tenets of the modern animal rights movement had been established, namely that animals, like humans, are capable of pain and suffering, and that this ability (and curse) entitles them to legal protection and moral rights (Ryder, 1989:76).

**Darwin Helps Narrow the Gap**

Charles Darwin’s *The Origin of Species* was published in 1859, and *The Descent of Man* in 1871, and by 1870, Darwinism was generally accepted both in England and America (Ryder, 1989:160, 161). It was a significant moment in the animal welfare movement, for Darwin argued that humans and nonhumans were both physically and mentally similar: “[t]he difference in mind between man and the higher animals, great as it is, certainly is one of degree and not of kind” (1952:319). By emphasizing the kinship between humans and other animals, he helped narrow the conceptual gap between the two (Ryder, 1989:160). In *The Descent of Man*, Darwin

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26 By 1792, *A Vindication of the Rights of Brutes* had also appeared. The work was published anonymously but has since been attributed to Thomas Taylor, a distinguished philosopher. *A Vindication of the Rights of Brutes*, notes Salt (1894:3-4), is “a notable instance of how the mockery of one generation may become the reality of the next.” When Mary Wollstonecraft published the work, *Vindication of the Rights of Women*, her views were widely dismissed as absurd. Attempting a *reduction ad absurdum* of Wollstonecraft’s essay, Taylor tries to refute Wollstonecraft’s arguments by demonstrating the silliness that would result if they were taken one step further: “If the argument for equality was sound when applied to women, why should it not be applied to dogs, cats, and horses?” (Singer, 1990:1).
wrote “the senses and intuitions, the various emotions and faculties, such as love, memory, attention, curiosity, imitation, reason, etc., of which man boasts, may be found in an incipient, or even sometimes in a well-developed condition, in the lower animals” (1952:319). Darwin’s ideas about evolution had a significant influence on Victorian thought. In both Britain and the U.S., some began to wonder if humans and non-human animals shared common ancestors, perhaps animals’ intelligence and ability to suffer were not so different from our own (Jasper and Nelkin, 1992:16).

Early Animal Protection Legislation

The intellectual progress made in the 18th century was followed by some practical improvements in the way animals were treated, in the form of laws prohibiting cruelty to animals (Singer, 1990:204). Among English-speaking countries, the first known law to protect animals dates back to 1635. In that year, Thomas Wentworth, Earl of Stratford, who had been made Lord Deputy of Ireland, as part of his “civilizing” and “anglicizing” reforms of that land, enacted legislation that prohibited the pulling of wool off sheep and attaching ploughs to the tails of horses. One of the stated reasons for the law was an anti-cruelty one (Ryder, 1989:53). In 1641, the Puritans of the Massachusetts Bay Colony voted to have printed their first legal code, “The Body of Liberties.” Two of the 100 liberties offered legal protection to animals, including Section 92, which provided that “No man shall exercise any Tirranny or Crueltie towards any brute Creature which are usuallie kept for man’s use” (Leavitt and Halverson, 1990a:1). Section 92 was used at least once to successfully prosecute a case of cruelty to an ox in Essex County (1990a:1).

More recently, in both Britain and the U.S., the 19th century was a period which saw significant change in society’s attitudes toward animals. As Favre and Tsang (1993:2) note, the legal systems in both countries began the century perceiving animals as simply items of property, “not much different than a shovel or plow.” However, during the first half of the century, lawmakers began to acknowledge that animals were capable of suffering and hence were deserving of protection against at least some forms of cruelty (1993:1-2).

Although historically, as now, the U.S. has tended to lag behind Britain and Europe in its protection of animals, the first modern law for the protection of animals was American, enacted in 1821 by the Maine Legislature. It provided as follows:

That if any person shall cruelly beat any horse or cattle, and be thereof convicted, ... he shall be punished by fine not less than two dollars nor more than five dollars, or by imprisonment in the common gaol for a term not exceeding thirty days, according to the aggravation of the offence (Me. Laws ch. IV, § 7, as cited by Favre and Tsang, 1993:8).

Notably, the law made no distinction as to who “owned” the animal. It prohibited a person from beating his or her own horse or cattle, as well as the horse or cattle of another. Favre and Tsang (1993:8) suggest that “[s]ince common law criminal concepts did not limit what a person did with their own property, this law suggested a new societal interest: concern for the animal itself.” Nevertheless, there is no evidence that this law was ever used to prosecute an individual for cruelty to animals.

More representative of early American anti-cruelty laws was the one the New York Legislature enacted in 1828:
On July 22, 1822, the British Parliament passed An Act to prevent the cruel and improper Treatment of Cattle, or “Dick Martin’s Act,” as it came to be known. The bill made the cruel treatment of certain kinds of animals, namely “Horses, Mares, Geldings, Mules, Asses, Cows, Heifers, Steers, Oxen, Sheep and other Cattle,” punishable by a fine of 10 shillings to five pounds or imprisonment for a term of up to three months (3 George IV ch. 71, as cited by Leavitt, 1990:xiii-xiv).

However, to secure votes for the legislation, Richard Martin had to frame the bill in terms of protecting property rights, rather than for the benefit of the animals themselves (Singer, 1990:205).

The passage of Martin’s Act was an important moment in the history of animal rights, not so much for the protection it provided animals (for such protection was limited to certain species and the law did not apply to “owners” of the animal victim), but rather for the precedent it created (Salt, 1894:6). Martin’s Act made cruelty, which had not been indictable as a criminal offense under the common law, an offense per se. More importantly, it established the legal principle that animals have certain minimal rights (Carson, 1972:50; Favre and Tsang, 1993:5).

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, as cited by Favre and Tsang, 1993:9).

Significantly, under this statute, it was not illegal for a person to “maliciously kill, maim or wound” his or her own animal. Nor was it illegal to commit an act of cruelty by neglect or omission; only affirmative acts of cruelty were prohibited and nothing in the statute precluded failing to provide an animal with food, water, shelter, veterinary care, etc. Laws similar to the New York statute were passed in Massachusetts in 1835, Connecticut and Wisconsin in 1838, and New Hampshire in 1842 (Leavitt and Halverson, 1990a:4). However, these early American laws lacked the teeth of Britain’s first anti-cruelty law, because unlike in Britain, they were not immediately followed by the formation of organizations to encourage their enforcement (Favre and Tsang, 1993:9).

On April 12, 1867, the New York legislature passed the much more comprehensive An Act for the more effectual prevention of cruelty to animals (N.Y. Rev. Stat. ch. 375, §§ 1-10, as cited by Leavitt and Halverson, 1990a:5-7). It applied to “any living creature,” regardless of whether the offender was the “owner” of the animal; greatly expanded the list of prohibited acts; imposed affirmative duties to provide food and water (for the first time); prohibited the cruel transportation of animals (again, for the first time); empowered the ASPCA to make arrests under the law (as well as keep any fines collected); and did not require that malicious intent be proved. Notably, however, the final section of the statute provided an exemption for persons performing experiments on animals. It served as a model law for other state lawmakers, and, as of 1990, 41 states and the District of Columbia still had anti-cruelty laws based on this statute (Leavitt and Halverson, 1990a:5). By 1913, every state and the District of Columbia had enacted an anti-cruelty statute (1990a:4).

On March 3, 1873, Congress enacted the first federal law to prevent animal abuse. The Twenty-Eight Hour Law limits the time companies transporting cattle and other animals may confine these animals without providing them food, water, and rest to 28 consecutive hours (or 36 hours in some cases) (49 U.S.C. § 80502). Because the statute was enacted before motor transportation had come into general use, the law therefore does not seem to apply to the transportation of animals moved interstate in trucks.

Soon after the law was passed, Martin himself brought the first prosecution under the law, charging a costermonger for cruelty to his donkey (Ryder, 1989:86).

Other governments soon followed Britain’s lead and enacted anti-cruelty legislation. These included Saxony (1830), Prussia (1838), Württemberg (1839), Switzerland and Norway (1842), Hanover (1847), France (1850), and Sweden and Denmark (1857) (Ryder, 1998:20, 167; Carson, 1972:52).
Early Anti-Cruelty Societies

In 1824, Martin followed the passage of his law with the creation of the Society for the Prevention of Cruelty to Animals (SPCA), the first such organization that survived more than its first few gatherings (Finsen and Finsen, 1994:31; Ryder, 1989:89). Indeed, the organization is the oldest animal protection society still in existence (Carson, 1972:53).\(^{30}\)

In its first year, the society brought nearly 150 prosecutions for cruelty; it also campaigned against bull-baiting, dog-fighting, the abuse of horses and cattle, and cruelties in London’s primary meat market at Smithfield. By 1832, the SPCA was actively lobbying Parliament. However, it would not be long before the society’s conservative character would become established (Ryder, 1989:90-91; Ryder, 1998:21). Princess Victoria became a patron of the society in 1835, and in 1840, after she became queen, allowed the society to add the word “Royal” at the front of its name (Carson, 1972:54). The royal endorsement helped make animal welfare a responsible and fashionable cause, which in turn helped ensure its progress (Ryder, 1989:99). Soon, similar associations were formed in Dresden (1839), Berlin (1841), Munich (1843), Paris (1845), and Vienna (1846) (Ryder, 1998:22).

In 1866, Henry Bergh founded the first American organization formed with the aim of protecting animals, the New York-based American Society for the Prevention of Cruelty to Animals (ASPCA). It was chartered on April 10, by a special act of the New York Legislature. The state attorney general and the city district attorney empowered Bergh himself to represent them in cases involving the abuse of animals (Carson, 1972:96, 99; Favre and Tsang, 1993:13).\(^{31}\)

Soon, societies modeled after Bergh’s ASPCA formed in Pennsylvania (1867), Massachusetts (1868), San Francisco (1868), Illinois (1869), and Minnesota (1869). In 1877, the American Humane Association (AHA) was founded for the purpose of providing coordination and communication among the approximately 700 such organizations which would be established by the end of the 19th century (Jasper and Nelkin, 1992:58; Finsen and Finsen, 1994:47).

In 1892, the ASPCA took over the statutory duty of caring for New York City’s stray dogs and cats. In the next 80 years, while the organization was preoccupied with this problem, modern institutionalized animal uses and abuses would become firmly entrenched, all under the ASPCA’s “radar.” Some writers have suggested that, had the SPCAs not been so single-mindedly focused on the cat and dog problem, they might have served as a check against the

\(^{30}\) Four of the SPCA’s founders were well-known reformers. Members of Parliament William Wilberforce and Thomas Fowell Buxton were leaders of the anti-slavery movement, and Buxton was also a prison reformer. Two other Members of Parliament, Sir James Mackintosh and Richard Martin were known for their opposition of the death penalty for minor offenses and Martin had also campaigned for a system of legal aid. According to Ryder (1998:22), the background of these four men “help to disprove the common accusation that all those who campaign for animals care nothing for their own species.”

\(^{31}\) Perhaps the organization’s most famous case was also its most unusual. In April 1874, Henry Bergh was asked to help a little animal who had been cruelly beaten. The little animal turned out to be a human child named Mary Ellen. Nevertheless, Bergh used New York’s animal protection statute to successfully prosecute the child’s custodian for cruelty to an animal. Additional similar cases were brought, and the following year, Bergh helped form the New York Society for the Prevention of Cruelty to Children. That same year, the RSPCA formed a similar organization in Britain—the National Society for the Prevention of Cruelty to Children (Ryder, 1989:174; Ryder, 1998:24; Singer, 1990:222).
growth and spread of some of the issues of concern with respect to vivisection and factory farming (Ryder, 1989:174).  

The “First Wave” of Animal Rights: 19th-Century Anti-Vivisection Campaigns

In Britain, anti-vivisection campaigns began as early as 1824, when the French animal experimenter François Magendie visited London and performed public demonstrations of his physiological experiments on dogs, cats, rabbits, and frogs, provoking considerable outcry (Ryder, 1989:107). After the conservative RSPCA failed to take action to restrict animal research, in 1875, anti-vivisectionist Frances Cobbe formed an abolitionist organization called the Victoria Street Society; it later became the National Anti-Vivisection Society. In February 1898, after the organization voted on a policy of “lesser measures” (i.e., short of demanding total abolition), Cobbe and some associates resigned, and later that same year, Cobbe founded the British Union for the Abolition of Vivisection, which adopted a pure abolitionist position (Hopley, 1998:17; Ryder, 1989:114, 139).

When Britain enacted its Cruelty to Animals Act in 1876 (39 & 40 Vict., ch. 77), it became the first country to pass legislation restricting the use of animals in experiments (Ryder, 1989:116; Hopley, 1998:17). Although the law made numerous restrictions on vivisection, it also permitted nearly all of those restrictions to be annulled upon issuance of special certificates to experimenters (Ryder, 1989:116). Bills that would completely abolish vivisection were introduced in Parliament every year from 1876 to 1884, but all of them failed (Finsen and Finsen, 1994:34).

During this period, the biomedical community had organized itself, and formed the Association for the Advancement of Medicine by Research (AAMR) (1882) and the Research Defense Society (1906) (Ryder, 1989:120; Jasper and Nelkin, 1992:57). The former developed a public education program, including pamphlets and lectures. It also succeeded in making powerful friends in Parliament, and persuaded the Home Secretary to permit it to review applications for licenses under the Cruelty to Animals Act. From 1882 to 1913, the AAMR held this quasi-official position, and under its auspices, the number of licenses grew from 42 in 1882 to 638 in 1913 (Finsen and Finsen, 1994:34, 38; Sperling, 1988:46-47).

The American Anti-Vivisection Society and the New England Anti-Vivisection Society were founded in 1883 and 1895, respectively. Although animal research was not the major issue it had become in Britain (in large part because at this time American science was lagging behind England and less such research was occurring here), American anti-vivisectionists tried to prohibit the practice before it became established (Finsen and Finsen, 1994:47-48). However, American proponents of vivisection had the opportunity to learn from the British situation,

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32 When they were first established, both the RSPCA and the ASPCA could have been considered “radical” organizations, in that they were ahead of the public opinion of their times and were opposed to all forms of violence against animals, including institutionalized cruelty suffered by farmed animals. Gradually, however, as the wealth, membership, and respectability of these organizations grew, they became part of the “establishment,” and gradually declined into becoming a service charity for homeless dogs and cats. By the 1920s, they had lost their radical commitment (Singer, 1990:218; Ryder, 1998:29).

33 Finsen and Finsen (1994:33) comment that “[i]n these early events, we see the prototype of a pattern that has been repeated many times: when humane organizations move too slowly and conservatively to satisfy their more radical reformers these segments split off and form their own societies.”
and had effectively organized themselves defensively.\textsuperscript{34} The bio-research community was thus in a position to defeat efforts to restrict vivisection in late 19th-century America (Ryder, 1998:28).\textsuperscript{35} Furthermore, within SPCAs, anti-vivisectionists embarrassed the more numerous conservative membership, and were viewed as eccentric extremists. Gradually, they were marginalized and pushed to the fringes of the humane movement, and “[t]he humane and anti-vivisection forces went separate ways, rejoining only with the development of the animal rights movement in the 1980s” (Jasper and Nelkin, 1992:59-60). Ultimately, the American animal research community was victorious. By World War I, anti-vivisectionism, “the first wave of animal rights sentiment in the United States” had been controlled (Finsen and Finsen, 1994:52).

\textbf{World War I to World War II}

After World War I, people’s tolerance for discussing issues of animal protection seemed to wane, and most people settled into a long period of acceptance of the \textit{status quo}.\textsuperscript{36} Those who expressed excessive concern for animals were dismissed as “cranks” or extremists, as were vegetarians, and animal protection was regarded as the occupation of old ladies and eccentrics (Ryder, 1998:29). The horrors of the first World War had turned peoples’ attention to rebuilding human society, and the concerns of the animal welfare movement sometimes seemed trivial in comparison (Ryder, 1989:130). In general, then, the years between World War I until well after World War II were “barren” years for animal welfare, in both Britain and America. During this period, the ASPCA even participated in the sale of unwanted cats and dogs to research laboratories (Ryder, 1998:29).

\textbf{Post-World War II}

Unti and Rowan (2001) argue that the American post-World War II “renaissance of animal protection” consisted of several distinct evolutionary phases. From about 1950 to 1975, the U.S. movement went through a revival phase. From 1975 to 1990, it underwent a period of mobilization and transformation. Finally, from about 1990 to about 2000, it went through a phase of consolidation of gains. Following their suggested chronology, the remainder of this chapter describes the re-emergence, growth, evolution, and strengthening of animal protection in the U.S. in the last half century or so.

\textsuperscript{34} The early American anti-vivisectionists encountered opposition from the National Academy of Sciences, the American Medical Association, and the Council on Defense of Medical Research. The latter organization was formed in 1908 and produced numerous pamphlets promoting the use of animals in research and testified before state legislative committees in support of the practice (Finsen and Finsen, 1994:48).

\textsuperscript{35} In 1880, a bill that would regulate vivisection in the District of Columbia—its provisions roughly similar to those found in Britain’s Cruelty to Animals Act of 1876—was introduced in Congress. However, American animal experimenters easily defeated this early effort to regulate the use of animals in research (Stevens, 1990:66).

\textsuperscript{36} Ryder (1998:28) notes that

\[w]ars often seem to have this effect. The Napoleonic Wars had delayed the first British legislation on the subject of animal welfare until some forty years after the outburst of intellectual and literary interest in animal protection seen in the late eighteenth century. In America, the Civil War suspended the establishment of animal welfare organizations in the early 1860s. (More recently the Vietnam War postponed the modern revival of interest in America until the mid-1970s, several years later than in Britain.) [Footnote omitted.]
Following World War II, while the SPCA sentry was preoccupied with homeless cats and dogs, the number of animals used in institutions such as science and agriculture increased dramatically. Animal protectionists either were unaware of these trends, which were increasingly hidden from the public’s view, or simply did not yet have the resources and public support to be able to counter them (Unti and Rowan, 2001:21).

In the mid-1940s, scientists in the U.S. began embarking upon an accelerated program of animal-based biomedical research. This post-war boom greatly increased the demand for animals to be used in research laboratories, and scientific institutions eyed the millions of unwanted cats and dogs in America’s shelters as inexpensive resources. Pro-vivisection organizations such as the National Society for Medical Research (formed in 1945) aggressively lobbied for laws to permit researchers access to these animals. In 1949, Minnesota became the first state to enact a “pound-seizure” law, requiring the release of impounded animals from shelters that received tax-funded financial support, as well as from municipal pounds. Soon, similar laws were enacted in the cities of Baltimore and Los Angeles (1950), in New York State (1952), and in several other states (Giannelli, 1986:10-11; Stevens, 1990:67).

After World War II, the number of factory farms also increased rapidly in both the U.S. and Europe. Factory farms are large industrial agribusiness operations where tens of thousands of animals are “produced” in factory-like settings. Caged or crated, these animals are confined in warehouses, where “[e]verything about animals’ lives—their genetics, diet, digestion, sexual behavior, social behavior—even their ability to move about—is manipulated to try to force them to produce more” (Mason, 1991:37).

Although, in general, it was a bleak time for animal welfare, the issue of pound-seizure, especially, spurred the revolution and revitalization of organized animal protection during the early 1950s. The AHA responded to pound-seizure by attempting to negotiate with the biomedical research community. After some supporters questioned the appropriateness of such negotiation, the AHA withdrew from the issue completely. Consequently, several factions broke away from the AHA and formed the first of the new, more progressive animal protection organizations that would emerge in the early 1950s, including the Animal Welfare Institute.

37 Modern industrial agriculture began in the 1920s, when the discovery of the roles of vitamins A and D enabled producers to confine “broiler” chickens indoors without having to provide the animals with either sunlight or exercise. Large-scale production meant greater profit, and in the years before World War II, producers built larger buildings to hold more birds. However, larger flocks meant more labor and greater problems caused by over-crowding, such as disease outbreaks and stress-induced pecking and cannibalism. During the war years, the demand for poultry was high, and the incentive to find solutions to these problems was great. By the 1940s, breakthroughs were made: hybrid feeds made the birds grow faster; sulfa drugs and antibiotic additives prevented outbreaks of disease (and stimulated growth even more); and producers discovered that burning off the tips of birds’ beaks reduced pecking and cannibalism. In short time, the development of automatic debeaking machines, feeders, fans, and lighting systems reduced labor costs (Mason, 1991:34; Mason and Singer, 1990:2). Even the chicken was made more productive, when poultry geneticists created the prototype for today’s broader-breasted fast-flesh broiler chickens, who are now growing twice as fast as they did 40 years ago, and are ready for slaughter at six to seven weeks (Mason and Singer, 1990:2; Druce and Lymbery, 2001). Egg producers soon copied this approach. They quickly learned that putting hens in suspended wire cages solved problems with chicken manure as well as the human labor required to gather eggs. The manure that dropped through to a waste pit or onto the floor could be simply scraped away, and eggs rolled into a collection trough, from which workers could quickly fill their buckets. Initially, producers put just one hen in each cage. Soon, however, they learned that birds were cheaper than cages and buildings, and increased total egg output meant increased profits. Thus, “crowded cages in crowded houses became the rule” (Mason and Singer, 1990:3). By the 1960s the factory farming principles of confinement, mass production and automated feeding, watering, ventilation, and waste management were applied to systems for cattle, pigs, and sheep (1990:3).
In the early- to mid-20th century, established animal welfare organizations tended to focus on the problems associated with cats and dogs, such as overpopulation, abandonment, and cruelty. While they tried to change the behavior and attitudes of individuals, they tended to ignore institutionalized forms of animal use such as the use of animals in research, the raising of animals for food, and the exploitation of wildlife. However, new organizations such as the AWI and HSUS began targeting the institutional practices that their predecessors had tended to ignore. Furthermore, importantly, these newer groups laid the groundwork for the dozens of more radical animal rights organizations that would form later in the 20th century (Jasper and Nelkin, 1992:61). Nevertheless, it is important to emphasize that even these newer, more progressive organizations were still concerned with animal welfare, as opposed to animal rights.

Awakening from its half-century-long slumber in the 1950s, the animal protection movement revived and revitalized campaigns for the humane slaughter of farmed animals and the regulation of the use of animals in laboratories (Unti and Rowan: 2001:22). First, animal protectionists squared off with the meat industry. An editorial in the June 18, 1956 issue of the *New Republic* graphically described the killing process taking place inside America’s slaughterhouses:

> Cattle, like horses, are slugged with iron mallets. The first blow frequently fails to stun them, and, as they stumble, electric shocks force them to their knees so that they may be struck again and again. Calves, hogs and lambs are strung up by chains tied to their hind legs. When the chains slip, or legs are disjointed and broken, they crash from high conveyor lines to the slaughter house floors. The throats of the calves are severed by sawing motions; lambs are knifed behind an ear and slowly bled to death; hogs with slit throats frequently pass, still squealing, into scalding vats (*New Republic*, 1956:4-5).

Aided by reports such as these, the humane groups were able to secure the enactment of America’s federal Humane Slaughter Act (7 U.S.C. §§ 1901-1906) in 1958, a full 82 years after Switzerland had enacted its humane slaughter law (Leavitt and Halverson, 1990b:52-53). The

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38 Significantly, these groups stressed pragmatic reform rather than idealist absolutism (i.e., total abolition of unpopular practices). Unti and Rowan (2001:22) suggest this was due to the political climate of the time:

> The revitalization of humane work took place during the peak years of the Cold War, a period in which some protest movements faced serious repression, and the boundaries of acceptable protest were generally circumscribed. While animal issues were rarely deemed politically partisan in nature, they were largely pursued with tactical moderation and rhetorical restraint during this era. Thus, it is no surprise that the new advocates avoided absolutism, embracing pragmatic and gradualist approaches.

39 Switzerland passed its humane slaughter legislation in 1874, followed by the Netherlands in 1920, Norway in 1924, Scotland in 1928, Ireland in 1932, England in 1933, Finland in 1934, Sweden in 1937, Fiji in 1948, New Zealand and parts of France, Germany, Austria, and Australia in 1951, and Denmark in 1953. Nevertheless, when in 1955, Senator Hubert Humphrey of Minnesota introduced the first humane slaughter bill ever presented to Congress, the American Meat Institute called the proposed legislation “premature” (Leavitt and Halverson, 1990b:52-53).
The statute requires slaughterhouses to render animals insensible to pain (i.e., stun them) before they are killed.\textsuperscript{40}  

The animal protection movement then again turned its attention to the use of animals in laboratories. In 1959, the Universities Federation for Animal Welfare published \textit{The Principles of Humane Experimental Technique}, by W. M. S. Russell and R. L. Burch, the first serious contribution to the field of alternatives to the use of animals in experiments.\textsuperscript{41} Public interest in the treatment of animals used in research grew, and between 1960 and 1966, much effort was again made to pass legislation similar to Britain’s Cruelty to Animals Act, which had been enacted nearly a century earlier. Finally, on August 24, 1966, Congress passed the Laboratory Animal Welfare Act (later renamed the Animal Welfare Act) (7 U.S.C. §§ 2131-2159), the first federal law dealing with the care and treatment of laboratory animals, which was followed by strengthening amendments in 1970, 1976, 1985, and 2000.\textsuperscript{42} With the 1985 amendment, the U.S. finally achieved a law protecting animals used by researchers that was comparable to the laws already in effect in 14 western European countries (Stevens, 1990:66, 71, 76-77).\textsuperscript{43}  

With the federal legislative victories of the Humane Slaughter Act and Animal Welfare Act, animal protection had secured for itself a position on the American political landscape. Although wildlife issues had not been a priority for animal protectionists before World War II,  

\textsuperscript{40}According to critics, the Humane Slaughter Act suffers from several serious deficiencies. First, the law provides an exemption for kosher killing methods, where, for religious reasons, an animal is killed while conscious; this involves severing the animal’s carotid artery with a knife, in theory leading to rapid loss of consciousness, but in practice, this does not always happen. Second, enforcement is a problem: The USDA, the agency responsible for enforcing the statute, oversees more than 900 slaughterhouses nationwide, which, each year, kill the 125 million animals covered by the law. Although the agency has 7,600 inspectors, their top priority is to guard against meat contamination, not to ensure animal welfare (Brasher, 2004). Finally—and perhaps most frustrating to animal activists—the law does not apply to poultry, which make up the greatest number—some 95 percent—of domesticated animals killed for food (Singer, 1990:152; Pacelle, 2004).  

\textsuperscript{41}Russell and Burch proposed what is now commonly referred to as “the Three R’s”—i.e., the idea that experiments using animals should be \textit{refined} (so as to reduce suffering), \textit{replaced} (with non-animal models), and \textit{reduced} (by using fewer animals) (Stevens, 1990:78; Ryder, 1998:574).  

\textsuperscript{42}Two highly publicized incidents preceded the passage of the AWA. The first, in the summer of 1965, involved one Pennsylvania family’s unsuccessful attempt to rescue their missing dog, Pepper, from an animal dealer. However, their quest was unsuccessful for they learned that the dog had been taken to a New York City laboratory, where the dog had died on an operating table. The second occurred on February 4, 1966, when \textit{Life} magazine published a front-page story titled “Concentration Camp for Dogs” which included photographs of emaciated animals kept in “filthy, overcrowded” conditions (Rudacille, 2000:127). The magazine received more mail in response to the story than it received on any other article in the magazine’s history, and Congress received more mail about the pending bills than it did on civil rights or the Vietnam War (Jasper and Nelkin, 1992:61; Stevens, 1990:74). Francione (1996:87) notes that the purpose of the original, 1966 law was not to protect animals from particular harms in the laboratories, but rather “as a response to public concern over the theft of domestic animals—cats and dogs—for sale to laboratories.”  

\textsuperscript{43}However, critics again contend the Animal Welfare Act suffers from several serious shortcomings. It only sets minimum standards for the transportation, housing, and handling of animals sold as pets, exhibited, or used in research. It does not regulate the research design, and researchers are generally free to do as they please (Singer, 1990:76). Full enforcement of the statute has been impossible, as the law is notoriously under-funded and there are not nearly enough inspectors to ensure compliance. (Throughout the 1990s, there were only about 60 inspectors for the entire U.S., who were strained to inspect the approximately 10,000 sites covered by the statute. Today, there are about 100 Animal Welfare Act inspectors (Humane Society of the United States and Fund for Animals, 2004:2)). But perhaps the most glaring deficit of the law is the fact that it does not include within the scope of its protection birds, farmed animals used in research, reptiles, frogs, mice, or rats, even though these last two species make up the large majority—an estimated 90 percent—of the millions of animals used in research annually in U.S. laboratories (Stevens, 1990:77).

In addition to the AWI and HSUS, which had formed in the wake of the battle over pound-seizure, several other new organizations emerged in the late 1950s and 1960s, including Friends of Animals in 1957, the National Catholic Society for Animal Welfare in 1959 (which quickly became one of the more radical voices for animals, and in 1972 became the Society for Animal Rights, and in 1983 the International Society for Animal Rights (Animals’ Agenda, 1998a:10)), and the Fund for Animals in 1967. Among the most influential of these new groups was the International Fund for Animal Welfare (IFAW), formed by Brian Davies in 1969. Davies and IFAW were responsible for the well-publicized and popular campaign against the Canadian seal slaughters. Images of Canadian club-wielding seal hunters staining the ice with the blood of helpless newborn seals galvanized public opinion and generated international demand for an end to the massacre. The successful campaign culminated in the European Economic Community’s 1983 ban of newborn seal product imports, and the Canadian government’s subsequent ban of the commercial hunt for whitecoat harp and blueback hooded seal pups in the late 1980s (Ryder, 1989:226-230; Cady et al., 1997:22-23). 44

The emergence of these groups was a milestone in the history of animal protection. As described in the preceding pages, for much of the 19th and 20th centuries, animal protection meant animal welfare, as opposed to animal rights. The difference between the two submovements is significant:

The humane movement promoted kindness and the elimination of cruelty without challenging the assumption of human superiority or the institutions that reflect that assumption. The animal rights movement, on the other hand, does not seek humane reforms but challenges the assumption of human superiority and demands abolition of institutions it considers exploitive. Rather than asking for a greater (and optional) charity toward animals, the animal rights movement demands justice, equality, fairness, and rights (Finsen and Finsen, 1994:3).

Hunt Saboteurs Association – Direct Action Emerges

The Hunt Saboteurs Association (HSA) was formed in 1963, by John Prestige, a journalist covering the Devon and Somersat Staghounds, who had witnessed the hunters drive a

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44 However, despite global opposition, the Canadian seal slaughter continues. The Canadian government’s ban only included whitecoat harp and blueback hooded seals; it does not prevent the killing of seals after they have begun to molt (at about 12 days of age). Furthermore, some critics have argued the animals have been made a scapegoat for the decrease in the numbers of cod off eastern Canada—caused by massive commercial over-fishing—and in 1995, to deflect attention from the disastrous effects of poor fisheries management and to provide work for unemployed fishing workers, the Canadian government began paying fishermen a subsidy for every pound of seal meat they brought in (Cady et al., 1997:23). The spring 2004 hunt was the largest commercial seal hunt since 1956; approximately 353,000 seals were killed (International Fund for Animal Welfare, 2004).
pregnant deer into a village and kill her, and was appalled by what he had seen. On December 26, Prestige and some friends fed meat to the South Devon foxhounds for the purpose of sabotaging their use in a hunt (Stallwood, 2004:82). For three or four years, the group staged weekly sabotages against stag-, otter-, and fox-hunting, using a variety of tactics, including laying false scents and blowing hunting horns to send hounds in the wrong direction, and chasing animals to safety. In short time, an HSA group formed in London, and soon, throughout Britain, individuals were disrupting hunts. By 1977, the HSA had a membership of nearly 3,000 (Ryder, 1989:185-186; Ryder, 1998:30; Animal Liberation Front, n.d.:1).

Hunt saboteurs came from all socio-economic classes, and for the first time in the history of the movement, a large number of young and working-class people publicly declared their support for animal rights (Ryder, 1989:186). The sabotages were well-publicized and were instrumental in changing the public’s image of the movement. Animal protection, long perceived as the occupation of old ladies, suddenly became seen as a hobby suitable for the young of both sexes and all social-economic classes, and animal protection became newsworthy (Ryder, 1998:30). With the HSA, “the seeds of the revolution had been sown” (Wetton, 1986:34). Importantly, in short time, the HSA would also gave birth to the more (in)famous Animal Liberation Front.

The Conversation About Animal Rights Begins

The 1964 publication of Ruth Harrison’s book, Animal Machines, caused public interest in the treatment of animals on factory farms to grow, especially in Britain. It was in this book that Harrison coined the term “factory farming” (Jasper and Nelkin, 1992:140). Peter Singer (1990:254) tagged the work “[t]he book that started the campaign against factory farming,” and the impact Animal Machines had on the awakening animal rights movement has been compared to the effect Rachael Carson’s Silent Spring had on the young environmental movement through public awareness and new government policies (Guither, 1998:2).

One year following the publication of Animal Machines, an official committee was established in Britain under noted zoologist Professor F. W. R. Brambell for purposes of investigating the agricultural animal welfare issue. In December 1965, after visiting factory farms and reviewing evidence, the Brambell Committee published an 85-page report, in which it recommended that common practices such as debeaking of poultry, tail-docking of pigs, and tethering of sows and veal calves be prohibited (Singer, 1990:141; Ryder, 1989:264). The committee proposed that every farmed animal ought to be provided with “five freedoms” of movement so as to be able without difficulty, “turn around, groom itself, get up, lie down, and stretch its limbs” (Singer, 1990:142 (citing Report of the Technical Committee to Enquire into the Welfare of Animals Kept Under Intensive Livestock Husbandry Systems, paragraph 37)). The Brambell Report laid the groundwork for reform in the U.K. and other parts of Europe. Nevertheless, it would take two decades before the recommendations made their way into the laws of England.

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45 The HSA was not the first organization formed in England to oppose hunting. In 1924, responding to the inaction of the RSPCA, two members founded the League for the Prohibition of Cruel Sports (later renamed the League Against Cruel Sports); by 1927, the organization had approximately 500 members (Ryder, 1989:135).
47 Although Europe and Australia have recently enacted laws to improve the conditions in which animals raised for food are kept, the vast majority of the billions of animals raised and killed for food—especially in the U.S.—are still
Also in 1965, an article titled “The Rights of Animals” written by novelist Brigid Brophy was printed in the British Sunday Times (Ryder, 1989:5). The article has been called “the first proper treatment of the subject” since Henry Salt’s 1894 Animals’ Rights, and caused further interest in the issue (Ryder, 1998:30).

The Modern Animal Rights Movement – Seeking Liberation

The Animal Liberation Front

The Animal Liberation Front (ALF) got its start in Britain in 1972, when two HSA members, Ronnie Lee and Cliff Goodman, formed an organization they called the Band of Mercy (Ryder, 1989:273). (The chosen name had been the name of an early RSPCA youth group (Webb, 2004:76).) Although the group’s initial actions were essentially designed to achieve their goal of delaying or even preventing hunting events, on November 10, 1973, the Band of Mercy conducted its first action against an animal laboratory. In two raids almost a week apart, it set fire to a half-constructed lab that was being built for Hoechst Pharmaceuticals, resulting in £46,000 total damage. Between June and August 1974, the group was busy. Among its actions that summer, it set fire to and destroyed a boat used in an annual seal cull (and caused damage to the only other boat used in the hunt), damaged a gun shop, conducted eight raids against companies that supplied animals to be used in vivisection, and carried out its first animal liberation, freeing a half-dozen guinea pigs from a breeder (Molland, 2004:69-71).

In August 1974, the Band of Mercy raided the Oxford Laboratory Animal Colonies, and Lee and Goodman were arrested when they returned to the scene two days later. The first major animal rights trial produced not only publicity but also public sympathy. “Many people viewed the Band not as terrorists but as heroes, latter-day Robin Hoods for the animals,” Molland (2004:72) reports. Lee and Goodman were each sentenced to three years imprisonment for causing damage at various animal laboratories during the preceding two years, and with their incarceration, the group’s activities came to a virtual halt. The only major action that took place during that period was in 1975, when Mike Huskisson freed two beagles from Imperial

\[\text{denied even these very basic “freedoms.” With few exceptions—such as Florida’s new Constitutional amendment banning the practice of keeping pregnant pigs in gestation crates—nothing resembling the “Five Freedoms” has found its way into American law (Finsen and Finsen, 1994:120; Mason, 1985b:26; Wise, 1986:14-15). Indeed, a reverse trend has occurred in this country, as more than half of the states—most within the last few decades—have amended their anti-cruelty laws to exempt common factory farming practices (Moretti, 1997:1).} \]

\[\text{The term\textit{ animal liberation} refers to the act of literally freeing individual animals from oppressive physical conditions such as laboratories, fur farms, and factory farms. However, it also refers to the goal of emancipating animals from speciesism, just as the term \textit{women’s liberation} refers to the freeing of women from oppressive patriarchal conditions.} \]

\[\text{The Band of Mercy sent a message to the press explaining why the lab had been damaged:} \]

\[\text{The building was set fire to in an effort to prevent the torture and murder of our animal brothers and sisters by evil experiments. We are a nonviolent guerrilla organization dedicated to the liberation of animals from all forms of cruelty and persecution at the hands of mankind. Our actions will continue until our aims are achieved (Molland, 2004:70).} \]

\[\text{Lee and Goodman were paroled in the spring of 1976 after serving 12 months in prison (Ryder, 1989:273).} \]
Chemical Industries, where the dogs had been used in tobacco smoking experiments (Molland, 2004:71-73; Stallwood, 2004:82).\footnote{Huskisson was arrested and charged with burglary, but was ultimately acquitted (Molland, 2004:71-73; Stallwood, 2004:82).}

The publicity generated by the trial and imprisonment of Lee and Goodman and the liberation of the beagles from the smoking research lab galvanized public support for direct action on behalf of animals (Roberts, 1986:10).\footnote{The media was sympathetic to the cause during these early direct action activities. Media coverage tended to focus more on the liberated animals and less on any property destruction (Stallwood, 2004:83). In fact, most damage was done to property that was directly connected to animal abuse, and “[t]he idea of more general economic sabotage had not yet come into being” (Roberts, 1986:11).} Following his parole in June 1976, Ronnie Lee organized the remains of the Band of Mercy and about two dozen new activists and formed the ALF (Molland, 2004:73; Finsen and Finsen, 1994:100). Through the end of the year, the ALF carried out 10 raids against vivisection targets, mainly against animal suppliers (Roberts, 1986:10). During its first year of existence, the ALF estimated that it had caused more than £250,000 damage (Henshaw, 1989:54). In the next year, the ALF carried out 14 raids against animal research industries and freed more than 200 animals from laboratory suppliers (Roberts, 1986:11).

In short time, direct action on behalf of animals spread to the U.S. and throughout the world.\footnote{On Christmas night in 1979, the newly formed Dutch ALF released 12 beagles from a laboratory in Zeist. About the same time, a French group calling itself “Commando Lynx” took 57 dogs from a laboratory supplier in Pourrain, and later, even Brigitte Bardot, the celebrated, international film star admitted to participating in laboratory raids in that country (Roberts, 1986:12; Animals’ Voice Magazine, 1989:75). In 1981, the first ALF actions were taken in Canada and Scotland, and three years later, the first ALF and non-ALF raids occurred in Switzerland and Ireland (Roberts, 1986:13, 16). More recently, in 1991, the first known liberation actions occurred in both the Soviet Union and Israel (Clifton, 1992:52). Liberation activities have occurred in other countries, as well. In Britain, an associate of Ronnie Lee and Cliff Goodman, Robin Howard, had been the first of the modern animal rights activists to be convicted of such a crime; on February 12, 1975, he was found guilty of damaging two sealing boats (Ryder, 1989:274; Stallwood, 2004:82).} The first U.S. animal liberation action occurred on May 30, 1977, when the Undersea Railroad released two dolphins from a research laboratory at the University of Hawaii’s Institute of Marine Biology. For their actions, Kenneth Le Vasseur and Steven C. Sipman became the first Americans to be convicted of an animal liberation offense (Ryder, 1989:301; Stallwood, 2004:86).\footnote{In Britain, an associate of Ronnie Lee and Cliff Goodman, Robin Howard, had been the first of the modern animal rights activists to be convicted of such a crime; on February 12, 1975, he was found guilty of damaging two sealing boats (Ryder, 1989:274; Stallwood, 2004:82).} However, the first \textit{bona fide} ALF raid occurred in March 1979, when two dogs, two guinea pigs, and a cat were liberated from the New York University Medical Center. The activists had posed as lab workers to gain access to the facility (Jasper and Nelkin, 1992:33).

During the 1980s, a series of regional liberation leagues also participated in organized illegal direct actions throughout England, the purpose of which was to expose vivisection laboratories and factory farms to the public. The Northern Animal Liberation League (NALL), a regional umbrella group for activists in Northwest England, was the first to develop a strategy in which a large number of people would illegally enter a laboratory or factory farm in broad daylight. In June, 1980, 200 NALL activists raided the Agricultural Research Council’s Animal Physiology Institute at Babraham. The number of people involved and the photographs taken of pigs with holes in their heads and cows with holes in their sides brought about nationwide publicity. Soon, there formed the Western, Eastern, Central, Southern and South East Animal Liberation Leagues (Roberts, 1986:12, 23).

By 1984, direct actions against laboratories, farms, and fur stores were occurring almost daily in Britain (Singer, 1998:151-152). In response, at the end of 1984, Scotland Yard...
established a special unit—eventually named the Animal Rights National Index (ARNI)—to monitor and control the animal rights activists (Henshaw, 1989:102). In March 1986, ARNI took its first major action against the ALF with the arrest of more than 20 well-known ALF members, including Ronnie Lee. Those arrested were charged with conspiracy to commit criminal damage, and some were also charged with conspiracy to steal animals. Lee was held for more than a year without a trial, and ultimately received a 10-year sentence (Ryder, 1989:276). Despite the mass imprisonments, the ALF responded with an immediate wave of liberation actions, “completely destroying the claim that the trial had ‘smashed the ALF’” (Webb, 2004:78).

Importantly, the public and media tended to support these early actions:

The early success of the Animal Liberation Front was in its ability to cause economic damage to centres of animal abuse whilst at the same time gaining widespread attention and sympathy from the media and the public. The image often given was that of a masked figure rescuing beagles from horrific experiments in laboratories, and chickens from despicable conditions in battery cages. The activist was seen as a person who cared more about the abuse of animals than their own individual liberty (Roberts, 1986:104).

In time, however, there was an escalation in tactics. In 1977, activists desecrated the grave of John Peel, and in 1984, a small group of activists calling themselves the Hunt Retribution Squad attempted to disinter the grave of the Duke of Beaufort; both men had been well-known huntsmen (Henshaw, 1989:56-57, 97). In 1984, the ALF altered the media that it had poisoned Mars chocolate bars in stores in protest against the Mars Company’s experimental use of animals in dental experiments; although the poisoning scare turned out to be a hoax, “this did not stop millions of people from getting the impression that animal liberationists cared more about animals than they did about children” (Singer, 1998:151-152). Indeed, although the desecration of the graves of the two huntsmen had been reported “quite neutrally” by most media, after the hoax, “the media increasingly ignored the militants or castigated them as terrorists” (Ryder, 1989:287, 364, footnote 37). 55

55 Even early in the movement, the debate within the animal rights community over the tactics of the ALF was prominent. In 1985, People for the Ethical Treatment of Animals (PETA) co-founder Ingrid Newkirk wrote a letter to the editor of the Animals’ Agenda, and asked those who criticized the direct action approach,

If we, one of our children or any human with whom we are familiar were in immediate danger of being hacked to death, bludgeoned, scalded or violently injured, wouldn’t we, shouldn’t we, desperately try all that it takes—including device and chicanery—to stop such true violence? If there was a chance in hell that a bomb threat would make a difference, wouldn’t we dial the phone? (1985:3).

Another PETA employee scolded, “This is not a social club, this is a social revolution” (Gruen, 1986:3). Two decades later, the debate continues. At the Animal Rights 2004 Conference held in July in Washington, D.C., more than a half dozen national animal rights groups—including organizations such as PETA and the HSUS—boycotted the conference. The reason, it was supposed by many conference attendees, was because of the presence of the militant direct action organization Stop Huntingdon Animal Cruelty (SHAC) USA.

56 The official ALF Guidelines are as follows:
seriously injured or killed in an ALF or other animal rights-inspired crime (Walkom, 2006). Apologists for extra-legal animal activism say this is by design, while detractors say it is by luck, and that it is only a matter of time before someone gets hurt or killed (e.g., U.S. Senate, 2005).

However, by the mid-1980s, more radical groups began to emerge, and acts of potential violence and property destruction not directly related to preventing animal abuse became more common. Groups including the Animal Rights Militia (ARM), the Justice Department, the Hunt Retribution Squad, and the Revolutionary Cells Animal Liberation Brigade have, in their communiqués, openly advocated physical violence against those who harm animals (Best, 2004:301). Some have done more than merely advocate. On November 28, 1982, leaders of Britain’s major political parties, including Margaret Thatcher, were sent small letter bombs. The one addressed to Thatcher exploded at 10 Downing Street, and caused minor injury to a letter clerk. A group calling itself the Animal Rights Militia claimed responsibility for the letter bombs. In February 1989, in an attack on a laboratory at Bristol University, sophisticated plastic high explosives were used for the first time (Ryder, 1989:277). More recently, in 1996, the Justice Department, which had been active for three years in England, began claiming responsibility for actions in Canada, including the mailing of 65 envelopes rigged with razor blades coated with rat poison to hunting guides in British Columbia and Alberta (Guither, 1998:161-162). In October 1999, the Justice Department mailed more than 80 razor-laced envelopes to animal researchers at academic institutions throughout the U.S., including the University of Wisconsin at Madison and Harvard University (Schoenmann, 1999).

The Philosophy of Animal Rights

In the late 1960s, a group of philosophers based in Oxford, England, began publishing articles and books about the rights of animals. This informal “Oxford Group,” as it has since been referred to, was responsible for such influential works as Animals, Men and Morals (1971), edited by Stanley and Roslind Godlovitch and John Harris (“the first serious book on animal rights for half a century” (Ryder, 1998:31)); Peter Singer’s Animal Liberation (1975); Tom Regan’s The Case for Animal Rights (1983); and numerous academic articles (Ryder, 1989:6).

When Animals, Men and Morals was published in Britain in 1971, members of the Oxford Group had hoped it would lead to widespread discussion about the issues it raised, but the book was ignored, and not one major newspaper published a review of it. To try to generate

- To liberate animals from places of abuse, i.e., fur farms, laboratories, factory farms, etc. and place them in good homes where they may live out their natural lives free from suffering.
- To inflict economic damage to those who profit from the misery and exploitation of animals.
- To reveal the horror and atrocities committed against animals behind locked doors by performing nonviolent direct actions and liberations.
- To take all necessary precautions against hurting any animal, human and non-human (Animal Liberation Front, n.d.:1).

However, many in the movement suspected the attacks were in fact organized by someone opposed to animal rights, and were a deliberate attempt to discredit the movement. In 1985 and 1986, the ARM made six minor bomb attacks on scientists’ homes and planted four car bombs; because these later attacks were against more appropriate targets and seemed more intended to frighten rather than cause harm, they appeared to be genuine (Ryder, 1989:280-281).

more interest in the American edition that would soon appear, Australian philosopher Peter Singer submitted an unsolicited review of the book to the *New York Review of Books*. The essay, titled “Animal Liberation,” was published on April 5, 1973 (Singer, 1998:48-49). Singer was then asked to expand the essay into a book of his own, and the resulting work, *Animal Liberation*, was published first in the U.S. in 1975, and in Britain one year later. It would be difficult to overstate the importance of *Animal Liberation* to the bourgeoning movement; it gave animal rights an ideology and a vocabulary (Jasper and Nelkin, 1992:92), and became a sort of “Bible” for the new movement.

The argument presented by Singer is a utilitarian one. He asserts that the pleasures and pains of animals must be taken into consideration for a proper moral calculus: “[T]here can be no moral justification for regarding the pain (or pleasure) that animals feel as less important than the same amount of pain (or pleasure) felt by humans” (1975:15). Singer, however, does not argue that humans are precluded from all use of animals (provided such use yields higher aggregate benefits than individual pain). Essentially, his is a plea for equal consideration of animals’ interests, based on their sentience, or capacity to suffer. Furthermore, Singer argues that we must “bring nonhuman animals within our sphere of moral concern and cease to treat their lives as expendable for whatever trivial purposes we may have” (1975:21). To fail to do this is to be guilty of *speciesism*—“a prejudice or attitude of bias in favor of the interests of members of one’s own species and against those of members of other species”—an injustice similar to that of racism or sexism (1975:7).

In 1983, the American philosopher Tom Regan published *The Case for Animal Rights*. Taking a different tack than Singer, Regan asserts that individual animals—like individual humans—have inherent value as living beings and this fact accords those individual animals rights, and precludes their use as resources. Although Singer’s book is thought of as the “Bible” of the movement, Regan’s rights argument really is the philosophy that is reflected in the rhetoric of the movement’s agenda, “often pushing it beyond reformism and pragmatism” (Jasper and Nelkin, 1992:96).

As noted earlier, philosophers and moralists throughout the ages have spoken out against cruelty to animals. However, the recent writings of Singer, Regan, and other philosophers gave the animal rights movement intellectual underpinnings that arguably made the issues it raised more difficult to dismiss.

### The Growth of the Modern Animal Rights Movement

One of the first visible expressions of the new demand for animal rights targeted the American Museum of Natural History, in New York City, where terminal experiments were

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59 A revised edition was published in 1990.

60 In direct action raids, a copy has sometimes been left in the place of liberated animals. In 1988, the ALF left copies of *Animal Liberation* in Easter baskets left at two Easter-time actions in California; 73 rabbits and 78 hens were taken in the raids (Pardue, 1988b:34).


62 Since the 19th century, the animal protection movement has been conflicted by the issue of whether working for improvements in animal welfare is incompatible with the ultimate goal of animal rights. Indeed the debate continues (strongly) today. More recently, at a national animal rights conference, keynote speaker Joan Dunayer made an unyielding assertion that animal welfare is not animal rights, and if an activist fights for larger cages (as opposed to empty cages), he or she is “not animal rights” (Dunayer, 2004).
being performed on cats for the purpose of studying their sexual behavior.\textsuperscript{63} This research, funded by the National Institutes of Health, had been occurring since 1959. In the spring of 1976, Henry Spira—a high school English teacher who was brand new to the movement,\textsuperscript{64} but who would soon become one of its most effective campaigners—organized a group of animal protectionists who, for eighteen months, held weekly demonstrations outside the museum. In addition, they wrote thousands of letters to museum officials, donors, trustees, and elected officials, and hundreds of the museum’s members canceled their membership. On May 3, 1977, a full-page advertisement appeared in the \textit{New York Times}; it featured a photograph of a cat immobilized in a stereotaxic machine, and asked the reader, “In the name of sanity, is this where you want your tax dollars to go?” (Singer, 1998:61). Eventually, the mainstream media paid attention to the campaign. Then-New York Congressman Ed Koch visited the lab, and he and 120 other members of Congress wrote to the National Institutes of Health about the experiments. In December 1977, the museum administration halted the experiments, and in 1980, it abolished the entire department. This victory had ramifications that went beyond the 60 to 70 cats used in the research each year. For the first time, a group of people did more than just protest against research they found objectionable; they actually got it stopped (Jasper and Nelkin, 1992:26-29; Singer, 1998:54-71, 74; Finsen and Finsen, 1994:58-61; Rudacille, 2000:129-133). Also, importantly, according to Finsen and Finsen (1994:61), “for the first time, the American press used the term \textit{animal rights activists} rather than \textit{animal lovers} in describing these events.”

For this and his many other successful campaigns, Henry Spira has been called “one of the modern animal rights movement’s early heroes” (Finsen and Finsen, 1994:62). Peter Singer, the author of \textit{Animal Liberation}, paid Spira the ultimate homage: “In twenty years, his unique campaigning methods have done more to reduce animal suffering than anything done in the previous fifty years by vastly larger organizations with millions of dollars at their disposal” (Singer, 1998:xi).

In 1976, Spira incorporated his own organization, Animal Rights International. Three years later, he began a campaign to convince the New York Legislature to repeal the \textit{Metcalf-Hatch Act}, a pound-seizure law passed in 1953 (Singer, 1998:78). Since its enactment, New York animal welfare organizations had been trying to get the law repealed (Stevens, 1990:69).\textsuperscript{65} In what would become his organizational trademark, Spira organized a coalition of New York and national animal organizations. The Coalition to Abolish Metcalf-Hatch requested these organizations to contact their members and supporters and ask them to write their state legislators. In time, the mail began pouring into the elected officials’ offices.\textsuperscript{66} Although the New York state biomedical research establishment lobbied aggressively against the law’s revocation, Governor Hugh Carey signed the bill repealing the act on June 17, 1979 (Singer, 1998:xi).

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\textsuperscript{63} The cats used in the experiments had been subjected to a number of sensory- and brain-functioning-depriving procedures, including removal of parts of the brain, severance of nerves in the penis, and destruction of the sense of smell. At the conclusion of the experiments, the cats were killed and their brains studied (Jasper and Nelkin, 1992:27; Singer, 1998:56).

\textsuperscript{64} Only a few years earlier, in 1974, he had taken a continuing education course at New York University titled “Animal Liberation” that was taught by Peter Singer. Before the end of the course, Spira became a vegetarian. By the end of the class, he had organized a group of students who wanted to do something practical about the problems they had been exposed to (Singer, 1998:51).

\textsuperscript{65} Similarly, Rhode Island passed a law prohibiting pound seizure in 1972, followed by New Jersey in 1974 (Giannelli, 1986:10-13, 36).

\textsuperscript{66} New York lawmakers reported receiving more mail supporting the repeal of the Metcalf-Hatch Act than on issues such as abortion or the death penalty (Singer, 1998:81).
The biomedical community took note, and in 1979, formed the (now National) Association for Biomedical Research.\(^{67}\)

In the late 1970s, Spira turned his attention to stopping the Draize\(^{68}\) and LD50\(^{69}\) tests. This time, he formed two coalitions of existing animal protection organizations. The first, the Coalition to Stop Draize Rabbit Blinding Tests, was established in 1979. It ultimately grew to include more than 400 organizations, with a combined membership in the millions. The strategy was simple: The coalition would approach a large company and encourage it to contribute money to fund the search for alternatives to animal testing. If the company did not cooperate, the coalition would engage in a negative-publicity campaign against it, using demonstrations, letter-writing campaigns, and full-page advertisements in the *New York Times*. In 1981, Spira created the Coalition to Abolish the LD50, whose steering committee and sponsoring organizations were the same as those participating in the Draize campaign. This time, the committee would ask the targeted company to create an internal plan to reduce the number of animals it used in product safety testing. The coalition would then use that plan as a model for other companies to follow. Although both the Draize and LD50 tests are still in use, the carefully conducted campaigns organized by Spira had a substantial impact on the culture of product safety testing and led to an enormous reduction in the number of animals used in both of these tests.\(^{70}\) In addition, in the years that followed the campaigns, the previously neglected field of alternative and in vitro

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\(^{67}\) The organization is essentially a lobbying group for the biomedical industry, and its sole mission is to promote the use of laboratory animals. Its sister organization, the Foundation for Biomedical Research, founded in 1981, “works to inform the news media, teachers, students and parents, pet owners and other groups about the essential need for lab animals in medical and scientific research and discovery” (Foundation for Biomedical Research, n.d.).

\(^{68}\) For 30 years, the Draize test was the standard method for determining the potential irritancy of virtually anything that might get into a human eye. The test is conducted by dripping concentrated solutions of the product into the eyes of animals (usually rabbits). To prevent them from shutting or clawing at their eyes, the animals are usually immobilized in holding devices from which only their heads protrude. In addition, their eyes may be kept permanently open by metal clips holding their eyelids apart. There is no requirement that anesthesia be used. A lab worker then notes the ensuing degree of inflammation, ulceration, and gross destruction over a 24-, 48-, and 72-hour period, but more protracted tests may span a 7-, 14-, and 21- day period (Bartlett, 1988:26; Singer, 1990:55; Singer, 1998:86-87; McFarland, 1988:21-22).

\(^{69}\) The LD50 test was developed in 1927. It is an “acute oral toxicity test,” which measures how poisonous a given substance or chemical is: “From lipsticks to oven cleaners, from paint thinners to distilled water, from food colorings to fake snow for decorating Christmas trees—all received an LD50 value derived from testing them on animals, usually on at least two separate species” (Singer, 1998:114-115). This test takes its name from its goal, which is to determine the lethal dose of a substance for one-half of a group of animals. In the classic version of the test, anywhere from 60 to 200 animals are force-fed increasing dosages of the substance until the exact dosage it takes to kill half of the animals is determined (Singer, 1990:53; McFarland, 1988:21-22). The test commonly lasts two weeks, but may sometimes last up to six months. By 1980, the test was being performed on four to five million animals each year in the U.S. (Singer, 1998:114).

\(^{70}\) By the end of 1989, Benetton, Avon, Mary Kay, Revlon, Fabergé, Amway, Elizabeth Arden, Max Factor, Christian Dior, Chesebrough-Ponds, and several smaller companies announced they were either suspending or completely ending the use of animals to test their products (Singer, 1990:59, 247; Singer, 1998:135). Several other major corporations reduced the number of animals used in testing their products. To illustrate, Colgate reduced its use of animals by 80 percent in six years (Jasper and Nelkin, 1992:110). In a survey of Fortune 500 companies conducted by Spira’s Coalition, companies such as Procter & Gamble, Pfizer, Sterling Drug, Bristol Myers, Eli Lilly and others reported 50 to 100 percent reductions in their use of the LD50 test, and in a Cosmetic, Toiletry, and Fragrance Association (CTFA) survey, member corporations reported having reduced the number of animals used in oral toxicity testing (i.e., the LD50 test) by 75 to 90 percent (*Animals’ Agenda*, 1985:17). (However, even while these companies were reducing the numbers of animals they used in product safety testing, behind the scenes the CTFA had begun collecting funds for a public relations offensive against the animal rights movement (Jasper and Nelkin, 1992:113).)
toxicology flourished. Conferences and symposia became frequent, the number of publications exploded, and new journals focusing on alternatives—such as *In-Vitro Toxicology, Cell Biology and Toxicology*, and *Toxicology in Vitro*—were established (Singer, 1990; Singer, 1998). Because of Spira’s persistence, by late 1980, the first U.S. center to study alternatives to animal use in toxicity testing was established at Rockefeller University, funded by a $750,000 grant from Revlon (Singer, 1998: 103-104). In 1981, the Cosmetic, Toiletry and Fragrance Association—the cosmetic industry’s trade group—contributed $1 million to establish the Center for Alternatives to Animal Testing at the Johns Hopkins School of Public Health in Baltimore (*Animals’ Agenda*, 1985:17). After the creation of the center, similar centers were established around the world (Spira, 1994:10).

A wave of new organizations formed in the late-1970s and 1980s, including the Sea Shepherd Conservation Society in 1977; People for the Ethical Treatment of Animals (PETA) in 1980; Trans-Species Unlimited (later renamed Animal Rights Mobilization!) in 1981; and In Defense of Animals in 1983. A number of these were single-issue organizations, including the Farm Animal Reform Movement (1981), the Humane Farming Association (1985), and Farm Sanctuary (1986), which formed with a focus on relatively neglected issues such as the use of animals in food production. Finally, the movement experienced a sort of “professionalization,” as animal protection caucuses began to form among attorneys (e.g., Attorneys for Animal Rights (later renamed the Animal Legal Defense Fund) (1979)), physicians (e.g., Physicians Committee for Responsible Medicine (1985)), veterinarians (e.g., Association of Veterinarians for Animal Rights (1981)), and psychologists (e.g., Psychologists for the Ethical Treatment of Animals (1980)), among others. With their unconventional tactics, the more radical of these new groups (such as PETA and Trans-Species Unlimited) attracted media attention and appealed to a public that, according to Unti and Rowan (2001:24) seemed ready for protest drama and direct action. In time, their ideas came to dominate the rhetoric and goals of the awakening animal rights movement, and even had an effect on the more conservative animal welfare movement (Jasper and Nelkin, 1992:169). With this, the animal protection movement, “staid promoter of compassion for more than a century,” had—although sometimes reluctantly—embraced animal rights (1992:167-168).

Armed with cameras and video-recorders, activists from these organizations documented the treatment of animals inside the facilities they targeted. These investigative exposés proved to be important to the growing movement as they increased the credibility of animal activists by substantiating their claims about animal abuse. Further, they provided critical momentum to the movement as a whole (Unti and Rowan, 2001:24-25).

The first of these exposés began on May 11, 1981, when PETA co-founder Alex Pacheco began working at the Institute for Behavioral Research, in the laboratory of head researcher Edward Taub. Taub’s neurological research involved severing the nerves in the limbs of monkeys. Pacheco kept a diary and took photographs and brought in veterinarians and

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71 Munro (2001b) argues that Spira was able to achieve so much success because his approach was similar to the “reintegrative shaming” advocated by Braithwaite (1989) in *Crime, Shame and Reintegration*:

He not only moralised with alleged animal exploiters, but offered to work with them to find more acceptable alternatives to the Draize and LD50 tests…. According to how the theory of reintegrative shaming works, the crime, not the offender, is the focus of the moralising effort. Spira appears to have used this technique effectively a decade before the Australian criminologist Braithwaite formulated the theory as a means of controlling crime (2001b:164-165).
primatologists to witness the substandard conditions of the laboratory. In September 1981, Pacheco, alleging violation of a state anticruelty statute, convinced local police to search the facility and seize the monkeys. On September 11, 1981, for the first time in U.S. history, a scientific laboratory was raided by police, and Taub was charged with 17 counts of violating Maryland’s state animal cruelty statute, one count for every monkey. The case is well-known in the animal rights community as the “Silver Spring monkeys case,” and was a cornerstone for both PETA and the awakening animal rights movement. It inspired the formation of animal rights groups throughout the United States, and generated for PETA enough publicity that it was able to develop the movement’s first successful direct mail campaign (Jasper and Nelkin, 1992:30-31). Importantly for animal activists, the highly publicized case showed the public that the abuse of animals could and did occur inside American research laboratories. Three years later, scandals involving two preeminent institutions would suggest that the Silver Spring monkeys case had not been an anomaly (Unti and Rowan, 2001:25).

In the first, on May 28, 1984, members of the ALF raided the University of Pennsylvania Head Injury Clinic laboratory of Thomas Gennarelli. Gennarelli’s research involved inflicting severe brain injury on baboons. The experiments had spanned approximately 13 years, and had been funded by some $14 million in taxpayer money. During the raid, the ALF caused approximately $20,000 in damage and stole 60 hours of videotapes that had been made by the researchers themselves. PETA used footage from the stolen videotapes to create Unnecessary 72

Taub lost his National Institutes of Health funding, and in November 1981, was found guilty of six counts of cruelty for failing to provide adequate veterinary care for six of the monkeys and was fined $500. However, following Taub’s appeal, a second trial resulted in conviction on just one count. Taub appealed again, and the Maryland Court of Appeals reversed, holding that the state legislature did not intend for the cruelty law to apply to researchers bound by the federal Animal Welfare Act (Taub v. State, 1983). The monkeys, who had been confiscated following the police raid on Taub’s lab, were ordered returned to Taub. Although PETA offered to place the monkeys in a primate sanctuary at its expense, the National Institutes of Health rejected this offer, and the 17 Silver Spring monkeys were either killed (in several cases, after they were first subjected to additional experiments), or sent to the San Diego Zoo (Finsen and Finsen, 1994:65-66).

The earliest (and apparently only other) prosecution for cruelty to laboratory animals in this country seems to have been in 1958, when the MSPCA successfully prosecuted a scientist and animal caretaker for cruelty relating to the maintenance and transportation of post-surgical dogs (Stevens, 1990:66).

The first British conviction of animal experimenters for cruelty to animals occurred in February 1985, based on photographic and written evidence taken during a raid at the Royal College of Surgeons by the South East Animal Liberation League. The evidence—which showed, among other things, one monkey with the word “Crap” tattooed on her forehead and another dying from dehydration on the floor of her cage—was given to the British Union for the Abolition of Vivisection, which then filed the cruelty charges against the Royal College. In a case heard by the Bromley Magistrates Court, the Royal College of Surgeons was found guilty of cruelty to animals, and was fined £250. Although the conviction was upheld on appeal, it was ultimately quashed because the Royal College had not been provided an opportunity of defense (Grunewald, 1986a:17; Grunewald, 1986d:26; Ryder, 1989:250).

Consequently, PETA’s membership grew to 8,000 members in 1984, 84,000 in 1987, and 300,000 in 1990 (Jasper and Nelkin, 1992:30-31). The organization now has more than 1,800,000 “members and supporters” (People for the Ethical Treatment of Animals, n.d.b).

The day after the raid, the ALF issued a press release in which it called the stolen videotapes the “Watergate tapes of the animal rights movement” (Ware, 1984:8). The footage shows researchers smoking in the laboratory, dropping instruments on the floor and then using them, and otherwise compromising the validity of the research. More disturbing, the footage shows experimenters placing inadequately anesthetized baboons in vices before smashing the animals’ heads with a hydraulic device for the purpose of inflicting severe brain damage to the baboons, and laughing while their colleagues callously taunt and mock the severely injured animals. In a moment of ironic foreshadowing, one voice heard on the tape—just after mocking a dazed baboon—said, “You better hope the antivivisection people don’t get a hold of this film” (People for the Ethical Treatment of Animals, 1984).
Fuss, a widely distributed video documenting the treatment of the animals in Gennarelli’s laboratory. Within a year, and following a four-day sit-in by 101 animal activists at the National Institutes of Health in Bethesda, Maryland, the lab lost its federal funding (Finsen and Finsen, 1994:67-71; Mason, 1985a:1, 8-11; Mason, 1986a:14).75

In December of that same year, the ALF took more than 100 cats, dogs, rabbits, rats, and mice during a raid on the City of Hope research facility in Duarte, California.76 A National Institutes of Health investigation of the lab found numerous violations of the Animal Welfare Act and animal care regulations. On August 1, 1985—in the strongest action taken by any U.S. governmental body on behalf of animals used in laboratories—the agency stopped funding and ordered an immediate halt to 31 projects involving $5 million at the City of Hope. This unprecedented action was followed in November 1985 by the Department of Agriculture fining the facility $11,000, the second-largest fine for animal neglect imposed by the agency up to that point in time (Animals’ Agenda, 1985c:17; Newkirk, 2000:258-260; Mason, 1986b:26; Animals’ Agenda, 1985a:20; Animals’ Agenda, 1985b:22).

Although these and numerous other raids (and the resulting negative publicity and loss of federal funding they generated) alarmed the animal research industry, perhaps even more threatening was a victory claimed by the animal rights movement in 1988. After months of intense campaigning by Trans-Species Unlimited, in an unprecedented action, Michiko Okamoto, a researcher at the Cornell University Medical College, voluntarily returned a $530,000 federal grant to the National Institute on Drug Abuse. Okamoto’s research on barbiturate addiction in cats involved force-feeding large doses of barbiturates to the animals, then abruptly withdrawing the drugs, in order to observe the resulting withdrawal symptoms they suffered (Animals’ Agenda, 1989b:22). The research had spanned 14 years (Singer, 1990:246).77 The case was particularly troubling to the bio-research industry because, unlike previous anti-vivisection victories, this one was achieved without the issue of conditions inside the laboratory (e.g., veterinary abuses, substandard lab conditions, and violations of federal laws and guidelines) ever having been raised—for the first time, a research project was halted based solely on the alleged cruelty of its design (Animals’ Agenda, 1989b:22).

Demonstrations against vivisection intensified in the early-1980s and helped to galvanize the movement. In 1983, in conjunction with the first World Day for Laboratory Animals, mass protests were held outside primate research facilities in Boston, Massachusetts, Madison, Wisconsin, and Davis, California. Thousands of activists demonstrated at each location, making the event the first highly visible instance of animal activism at the national level (Finsen and Finsen, 1994:129-130). On April 24, 1984, in what is believed to be the first mass civil disobedience in the history of the U.S. movement, 15 activists were arrested at the University of

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75 Soon, however, Gennarelli had reopened the lab, using small pigs instead of primates for his head-crushing experiments. He reportedly was awarded $5.8 in federal funding over a five-year period (Animals’ Agenda, 1992a:26).

76 After he and his wife took custody of four cats, nine rabbits, and a few mice who had been liberated from the lab, Bruce Jodar earned the dubious honor of being the first person to be taken into custody for suspected ALF activities here in the U.S. Jodar was charged with burglary and one count of receiving stolen property. His wife was also later arrested. Both pled no contest, and were fined $10,000 and given three years probation; one of the terms of their probation was that they were forbidden from participating in any animal rights activities. In addition, Jodar was sentenced to 360 hours of community service (Animals’ Agenda, 1985c:17; Newkirk, 2000:258-260; Mason, 1986b:26).

California at Davis after they blocked the entrance to the Primate Research Center (Agenda, 1984:15). By 1985, World Day for Laboratory Animals protests had spread to hundreds of cities (Finsen and Finsen, 1994:130-131). The April 24, 1986 event set the stage for the largest simultaneous display of civil disobedience for animal rights in the U.S., and the first nationally coordinated direct action to protest vivisection. Protests were held in California, Arizona, Florida, New York, Minnesota, Louisiana, Michigan, Pennsylvania, Nevada, Tennessee, and other states, and hundreds of activists across the country blocked university laboratories. More than 150 were arrested nationwide (Vellucci and Grunewald, 1986:20; Vellucci, 1986).

In 1985, Trans-Species Unlimited organized the first “Fur-Free Friday” demonstration in New York and 20 other cities. Held every year the day after Thanksgiving—the busiest shopping day of the year—the demonstration targets fur stores in the hopes of persuading would-be fur buyers to reconsider their purchases (Jasper and Nelkin, 1992:138). Just seven activists participated in Fur-Free Friday in New York City in 1986. By 1988, an estimated 2,000 showed up, and activists in more than 50 other cities picketed and leafleted outside fur stores. The following year, almost 4,000 protested in New York City, making the 1989 Fur-Free Friday what has been called the largest anti-fur protest in history (Clifton, 1989:25; Jasper and Nelkin, 1992:152).78 Also in 1985, TSU organized the first nation-wide planned civil disobedience against fur. On December 15, activists occupied and refused to leave the fur salons of major department stores in 19 cities, resulting in the arrest of 79 activists (Grunewald, 1986b:14).79

In sum, during what might be considered the middle period of the history of the post-war animal movement—the years from about 1975 until 1990—the cause gained popular support and influenced changes in the American public’s attitudes and behavior that continue to this day. By the end of the 1980s, the movement had initiated a number of reforms, and its argument that animals deserved greater moral consideration and protection had penetrated the public’s consciousness (Unti and Rowan, 2001:26, 31-32).80

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78 To provide just one example of the impact these protests had, at the beginning of the decade, 22 fur stores thrived on Upper Broadway in New York City; just 10 years later, in July 1990, the last remaining one closed (Duxbury, 1992:11). Although the fur industry remains reluctant to attribute a decline in fur sales during this era to activists’ campaigns (e.g., Gabriel, 1994), other, presumably more neutral commentators cite animal activism as a contributing factor (e.g., Burns, 1991).

79 A number of fur salons closed, including the world-famous luxury store, Harrods (which had sold furs for 140 years) in 1990 (Animals’ Voice Magazine, 1990a:58). More recently, in 1998, Adriana Furs, one of the largest fur retailers in America, declared bankruptcy, as did the nation’s largest fur retailer, Chicago-based Evans, Inc., in October 1999 (Fox, 2001: Animals’ Agenda, 2000e:8).

According to the fur industry’s figures, after peaking in the mid-1980s, U.S. fur sales dropped dramatically throughout the late-1980s. These figures also suggest that throughout the 1990s, fur sales have increased, and in 2003, reached a record $1.8 billion (Fur Information Council of America, 2004). However, not willing to concede the fur issue, animal rights organizations express skepticism about whether fur sales truly are up, suggesting that the apparent increase is inflated, and only reflects an increase in the sale of fur-trimmed articles. They suggest that the fur industry’s fur sales figure “not only includes full-length coats but also likely includes the full sale values of clothing and apparel that have a bit of fur trim or lining and service fees associated with fur storage and cleaning, substantially boosting the total” (Fox, 2001).

80 To illustrate, according to surveys by the National Science Board, in 1985, 63 percent of Americans agreed with the statement “Scientists should be allowed to do research that causes pain and injury to animals like dogs and chimpanzees if it produces new information about health problems,” and 30 percent disagreed. In 1990, 50 percent agreed with the statement, while 45 percent disagreed (Rowan, Loew and Weer, 1995:11-12). Although these numbers have fluctuated slightly, in 1996, a similar 50 percent of respondents agreed and 46 percent disagreed (Rudacille, 2000:171).
The Anti-Animal Rights Backlash

Although (or perhaps, more accurately, because) the movement had succeeded in making itself more mainstream and attracting more supporters, at the same time, its adversaries had mobilized and begun launching counteroffensive campaigns aimed at slowing the animal rights movement’s momentum and influence. Animal-use industries collectively spent tens of millions of dollars in campaigns aimed at suppressing their adversaries (Unti and Rowan, 2001:26).

The animal research industry clearly felt threatened. Nothing illustrates this better than the bizarre case of Fran Trutt. On November 11, 1988, the substitute teacher was arrested after she placed a pipe bomb near the parking space of Leon Hirsch, the founder of the United States Surgical Corporation, in an apparent assassination attempt. The device was well made, and it was said that if it had gone off, it would have been capable of killing anyone within 30 feet of it (Regan, 1990:18-23). However, it soon became clear that Hirsch may have orchestrated his own assassination attempt, in an apparent attempt to discredit and undermine the growing opposition to U.S. Surgical’s use of live dogs—a bout 1,000 a year—to demonstrate its surgical staples (*Animals’ Agenda*, 1989a:41; Bohlen, 1989). This case vividly illustrates the extent to which corporations that use animals perceive animal rights as a threat to their interests.

At about this time, there also emerged more organizations opposed to animal rights, including the Farm Animal Welfare Coalition in 1981, Fur is for Life in 1985, the Animal Industry Foundation in 1987, Putting People First in 1990, and Americans for Medical

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81 Animal activists had been protesting the company since 1981. The protests had been led by Friends of Animals, which had also filed state and federal lawsuits in an attempt to stop U.S. Surgical’s use of dogs to train its personnel, and had spearheaded resolutions that would bring the issue to a vote among the company’s shareholders. In 1983, Hirsch had hired Perceptions International, a corporate anti-terrorism consulting firm. In time, it was learned that Trutt’s two “accomplices”—Mary Lou Sapone and Marc Mead—had, in fact, been paid by Perceptions International to befriend Trutt, and encourage her to plant the bomb intended for Hirsch. During pretrial hearings, tape recordings secretly made by Sapone validated Trutt’s claim that Sapone had talked Trutt into trying to kill Hirsch. Furthermore, Trutt claimed that Mead had given her the money to buy the bomb. He had also driven her from her home to the U.S. Surgical parking lot on the particular day and time arranged by Perceptions International. Because the police had been tipped off, Trutt was arrested as she planted the bomb, and Mead was driven home by a U.S. Surgical employee. He was neither arrested nor questioned by the police (Regan, 1990:19-22; Clifton, 1990b; Singer, 1998:154).

Trutt pled guilty to the federal charge of possessing bombs, and on January 9, 1990, was sentenced to time served since the date of her arrest, plus three years probation. On April 17, 1990, Trutt pled no contest to charges she attempted to murder Hirsch, and served one year before she was released on probation on February 1, 1991 (Regan, 1990:25; Clifton, 1990b; Clifton, 1991:38).

82 The organization is a group of 45 farmed animal associations organized with the purpose of solidifying opposition to, and promoting education against, the animal rights movement. Members include the American Veal Association, National Broiler Council, National Cattlemen’s Beef Association, National Milk Producers Association, National Pork Producers Association, National Turkey Federation, National Wool Growers Association, and United Egg Producers. Not insignificantly, the U.S. Department of Agriculture is also a member (Guither, 1998:132-133). Reportedly, on the advice of a public relations firm, the organization changed its name from the Coalition for Animal Agriculture to its present name (Greanville, 1985).

83 Twenty fur retailers provided seed money to fund this new group. In January 1987, the organization changed its name to the Fur Retailers Information Council, which was later changed to the Fur Information Council of America (Finsen and Finsen, 1994:169).

84 In March 1990, Kathleen Marquardt incorporated Putting People First, an organization whose goal was “to expose the dangers of extremist groups that promote the interests of animals over people and that want to outlaw all use and ownership of animals” (Marquardt, 1993:xv). Three years after it was founded, Marquardt claimed the organization had about 40,000 members and supporters (Marquardt, 1993:xvi). Nevertheless, the group struggled financially (Guither, 1998:143). It is apparently no longer in existence.
Progress in 1991. In addition, established industry groups increased the attention they paid to the new movement.

The pressure these groups exerted triggered a political backlash. Beginning in about the late 1980s, federal and local governments impaneled numerous grand juries to investigate incidents of direct action. Many dozens of activists, acquaintances, and supporters have been subpoenaed, sometimes repeatedly, to testify before these grand juries. Many have been arrested and charged with contempt after refusing to cooperate. The first conviction to result from these grand jury inquiries occurred in 1995, when prominent ALF activist Rod Coronado pled guilty to aiding and abetting a fire at a Michigan State University mink research laboratory (Kniaz, 1995:821-822, 825).

Old stereotypes and labels were revised, as “the dismissive symbolism of the ‘little old lady in tennis shoes’ was deemed no longer adequate to the task” (Unti and Rowan, 2001:26). Thus, also about this time, targeted industries began portraying animal activists as dangerous “terrorists” in an apparent attempt to slow down the growth of public support for the movement. The government also participated in the defamatory labeling. In 1986, the California Attorney General declared the ALF to be a terrorist organization (Jasper and Nelkin, 1992:34). By 1989, articles with titles such as “The ‘terrorist’ label: How to neutralize it” began appearing in animal rights magazines. On June 10, 1990, an estimated 24,000 animal rights advocates participated in the first-ever March for Animal Rights in Washington, D.C. (Guither, 1998:11). Although supporters billed it as “the greatest demonstration in the history of the long struggle for animal rights/liberation,” (Mason, 1992), the day before the march, Louis Sullivan, Secretary of Health and Human Services, referred to those who had gathered in Washington for the march as “terrorists” (Singer, 1998:156). Post 9/11, application of the tag “terrorist” continues. As University of Texas-El Paso philosophy professor and animal rights advocate Steven Best (2004:361) asserts, Americans have entered the “Age of Terrorism,” and the term is now freely applied to actions ranging from flying passenger planes into skyscrapers to rescuing animals.

In an interesting post-script to the bizarre Fran Trutt-U.S. Surgical case, in 1991, Americans for Medical Progress was founded with a $900,000 donation from U.S. Surgical (Rudacille, 2000:173). In March 1992, the organization published full-page fundraising advertisements in dozens of newspapers, accusing animal rights activists of impeding medical progress against diseases such as AIDS (Animals’ Agenda, 1992b).

The organization bills itself as “an association of business, agricultural, scientific, and recreational interests dedicated to promoting animal welfare, supporting responsible animal use and strengthening the bond between humans and animals” (National Animal Interest Alliance, 2007). The organization calls itself an animal welfare organization, yet its members include representatives from the fur, factory farming, animal research, hunting, trapping, rodeo, animal breeding, and circus industries. It has held 10 conferences to address animal activism (Strand, 2004). At a recent one, held in March 2004, approximately 50 to 60 people listened as representatives from the federal government (the USDA and FBI), the U.S. Congress, several university animal research facilities, and numerous animal industry organizations spoke on the threat of animal and environmental activism.

For example, in 1982, the American Farm Bureau Federation, the largest general farm organization in the U.S., created a steering committee to address criticism of animal production. In 1991, it published Meeting the Animal Rights Challenge, and in 1994, it published Handling the 20 Toughest Animal Rights Assertions (Guither, 1998:135-136).

Coronado was sentenced to 57 months in federal prison, and was ordered to pay $2.5 million restitution to various animal research and fur facilities that had been damaged by animal activists. The sentence also includes the punishment for Coronado’s guilty plea on an unrelated theft charge (Kniaz, 1995:825-826).

Animal rights supporters estimated that 50,000 activists participated in the event (Animals’ Voice Magazine, 1990b:60).

Reportedly, in response to Sullivan’s barb, the next day, grandmothers marched holding signs that read, “I am a terrorist” (Singer, 1998:156).
from factory farms. By 2005, the FBI had declared radical animal rights and environmental activism to be the nation’s “No. 1 domestic terrorism threat” (Schuster, 2005).

Politicians, seemingly anxious to please the well-moneyed animal industries in their jurisdictions, eagerly responded with legislation that would shield these industries from the negative publicity and other threats presented by animal activists. In rapid succession, Congress and the state legislatures have enacted laws addressing animal activism. The crown jewel of these efforts was the August 26, 1992 enactment of the federal Animal Enterprise Protection Act (AEPA) (18 U.S.C. § 43), which makes it a federal crime to damage or cause the loss of property (including animals or records) to an “animal enterprise,” such as a laboratory, factory farm, or fur farm. Similarly, in September 1994, without a hearing in committee or debate on the floor, Congress passed the Recreational Hunting Safety and Preservation Act (the “Hunter’s Rights Amendment”) (16 U.S.C. §§ 5201-5207), which prohibits the disruption of a hunt on Federal lands (Hessler, 1997:136). Today, Congress continues to monitor animal rights activity, and animal industry groups continue to press for more laws to control activism.

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91 Even before the enactment of the Animal Enterprise Protection Act in 1992, state legislatures were passing laws specifically targeting direct action against animal enterprises. In 1988, Massachusetts and Minnesota both enacted such laws. Since then, at least 35 additional states have passed legislation with the specific objective of protecting animal enterprises from animal rights direct action.

On August 26, 1992, President George H.W. Bush signed into law the federal Animal Enterprise Protection Act of 1992 (Public Law 102-346, 106 U.S. Statutes at Large 928 (1992)). The original purpose of the statute was to deter and punish “animal enterprise terrorism,” by making it a federal crime to cause physical disruption to an animal facility such as a laboratory or factory farm. When originally enacted, it punished offenses resulting in more than $10,000 in economic damage with a fine and/or imprisonment for not more than one year, and acts causing serious bodily injury with up to 10 years imprisonment. However, after lobbying by the countermovement, amendments in 2002 strengthened the penalty provisions so that acts causing less than $10,000 in economic damage were punishable by up to six months incarceration, acts causing more than $10,000 damage up to three years in prison, and those causing serious bodily injury up to 20 years (Public Law 107-188, 116 U.S. Statutes at Large 681 (2002)).

In 2006, because of countermovement pressure, Congress again amended the Animal Enterprise Protection Act. In addition to renaming the statute the Animal Enterprise Terrorism Act, Congress once again increased the statute’s penalty provisions. Now, depending upon the extent of damage caused, those who inflict economic damage on animal facilities face up to 20 years in prison, and even those who cause no economic damage may be sentenced to up to a year’s incarceration. New penalties were added for acts causing “substantial bodily injury” (up to 10 years incarceration), and “reasonable fear of serious bodily injury or death” (up to five years). Additionally, in response to the Stop Huntingdon Animal Cruelty campaign, the amendments prohibit behavior intended to damage or interfere with operations of an animal enterprise (whereas previously the statute only targeted physical disruption), and extend protection of the law to those having a connection to, or business dealings with, an animal enterprise (Public Law 109-374, 120 U.S. Statutes at Large 2652 (2006)).

92 In 1981, Arizona, Georgia and Vermont passed the first state hunter harassment statutes. Today, at least 47 states have enacted such laws (Tresl, 2002:179). Hessler (1997:135, footnote 21) opines that

[t]he speed with which these statutes were passed, and that their timing corresponded to the growth of the animal protection movement, indicates a response to the increase in protests against hunting and not a sincere effort to protect hunters from simple harassment (already unlawful in each of the state and federal parks system).

93 For example, on May 18, 2004, the Senate Committee on the Judiciary heard testimony on the issue of “Animal Rights: Activism vs. Criminality.” Among those testifying before the committee were individuals representing three corporations and research facilities that had been targeted by activists (U.S. Senate, 2004a).
Recent Trends

According to Unti and Rowan (2001), by 1990, national media coverage of animal rights antics and campaigns had apparently peaked. The novelty of the movement and its provocative challenges to the use and abuse of animals—that only a few years earlier had captured both the public’s and the media’s attention—had worn off. Consequently, in the 1990s, the movement turned to other strategies that were often less dramatic, and less likely to attract the interest of the mass media. While many battles between animal users and animal defenders were still fought “in the streets” and involved demonstrations, boycotts, and similar protests, some battles moved into political, legislative, and regulatory arenas (2001:28).

Many supporters of animal rights see legal advocacy as an increasingly promising strategy to protect animals, not only via friendly court decisions, but also by the sense of legitimacy a recognized field of animal law could provide the movement. Beginning with Pace University, in the mid-1980s, law schools, including Harvard’s in 1999, began offering classes on animal rights law (Wise, 2003:104; Animals’ Agenda, 1999:6). By 2002, the American Bar Association and state bar associations in four states had formed animal law sections, and similar associations had formed in New York City and San Diego (Wise, 2003:104). Among recent accomplishments, attorneys representing various animal organizations have achieved victories in cases relating to protection under the Animal Welfare Act, open-records/meetings laws, freedom of speech and protest, standing to sue, and wildlife and endangered species issues.

During the 1990s, animal rights also became more of a political issue, with the formation of lobbies and political action committees in both Britain and America, the formation of Congressional caucuses, and for the first time in U.S. history, the endorsement by a mainstream political party of a prominent animal rights activist for a seat in a state legislature. In one of the greatest string of animal rights victories, animal activists rediscovered the power of the statewide public referendum, “forcing special interests to face the judgments of the voting public” (Unti and Rowan, 2001:29). In 1990, California voters approved a statewide initiative banning mountain lion hunting. Since then, animal public interest groups have achieved similar success with initiatives limiting, banning, or regulating phenomena including trapping, hunting, horse slaughter and the sale of horsemeat, hog farm wastes, cockfighting, 98 99 100 101 102

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94 In the mid-1990s, only five law schools offered courses in animal rights law; by 2003, there were at least 25 such schools (Motavalli, 2003:29).
95 In 1990, Brian Davies established the Political Animal Lobby (PAL) in Britain. The PAL has made significant donations to all of Britain’s main political parties, and in the fall of 1996, gave one million pounds to the Labour Party, the largest donation the party had ever received (Ryder, 1998:120). In time, the PAL became an insider group with close connections to influential senior government officials, becoming in Ryder’s words, “one of the most successful lobbies in Britain, America and Europe” (1998:105-107). In 1999, the Humane USA PAC was founded, becoming the first major political action committee for animals here in the U.S. (Animals’ Agenda, 2000b:18).
96 In 1990, Congressman Tom Lantos (D-California) and Robert C. Smith (R-New Hampshire) formed the Congressional Friends of Animals. By the end of the year, 24 members of Congress had become members of the alliance (Guither, 1998:148). In response, by October 1990, other members of Congress led by Representative Vin Weber (R-Minnesota) formed the ironically named Animal Welfare Caucus. The stated purpose of this group was “to battle animal rights groups that threaten to undermine the livestock industry and block medical research that could cure Alzheimer’s disease or cancer” (1998:149).
97 Julie Lewin, Connecticut coordinator and lobbyist for The Fund for Animals, was the Democratic nominee to represent West Hartford’s 19th state assembly district (Animals’ Agenda, 1996a:37).

Notwithstanding the new emphasis on the use of the political and legal system to achieve meaningful change on behalf of animals, a minority of animal activists continue to use extra-legal strategies to affect change on behalf of animals. Indeed, during the 1990s, there was an apparent increase in the number of extra-legal actions taken against those individuals and industries that use animals (Unti and Rowan, 2001:31). Perhaps because of increased security in animal research facilities, the fur industry was hit particularly hard. The ALF launched its “Operation Bite Back” campaign targeting the fur farms and research facilities on June 10, 1991. On that date, the Western Wildlife Unit of the ALF struck the Oregon State University’s Experimental Fur Animal Research Station. This would be the first of dozens of such raids against the fur industry (Western Wildlife Unit, n.d.:22).

Two new—and radically divergent—direct action campaign strategies have emerged in the last decade. The first, an aggressive campaign targeting just one corporation, Huntingdon

100 California, 1998.
102 Arizona, 1998; Missouri, 1998; and Oklahoma, 2002. Today, only two states, New Mexico and Louisiana, permit cockfighting.
103 Florida, 2002. On November 5, Florida voters—by 55 to 45 percent—approved an amendment to the state’s constitution that banned the keeping of pigs in gestation crates. This was the first successful state initiative with farm animals as its subject and made Florida the first jurisdiction in the U.S. to ban a major form of factory farming (Motavalli, 2003:32; Fulkerson, 2002:262; Singer, 2003). Gestation crates, known in the U.K. as “sow stalls,” and tethers are two similar systems designed to keep pregnant pigs in close confinement so that they are unable to walk or even turn around during their 16 and a half-week pregnancy. The sow stall is a narrow, metal-barred stall that is barely bigger than the sow herself; bedding material is usually not provided. In the tether system, the sow is tethered to a concrete floor by a collar and chain around her neck or strapped around her middle; in addition, metal bars partially enclose her. In either system, for the four-month gestation period, the animals are kept caged or chained in rows, made to stand or lie on a floor of concrete and slats (Druce and Lymbery, 2001). About a week before giving birth, the sow is moved from the gestation crate to a farrowing crate, which offers her enough room to stand or lie down, but not enough to walk or turn. Two to three weeks after her piglets are born, the sow is bred again (often through artificial insemination) and returned to the gestation crate (Mason and Singer, 1990:9-10).
105 These victories did not go unnoticed by those opposed to animal rights, and they put forth numerous initiatives of their own. In 1996, voters in California and Oregon rejected efforts to repeal recently enacted animal protection legislation. In 2000, Alaska voters rejected a proposal to prohibit any future animal protection initiatives, and Arizona voters rejected a proposed requirement that animal protection initiatives pass by a two-thirds super-majority. Finally, in 2002, Oklahoma voters rejected a proposal to make it more difficult to put animal measures on the ballot (Humane Society of the United States, 2008; Lubinski, 2003:1141). However, in 1998, voters in Utah approved Proposition 5, a measure requiring any wildlife-related referendum to be approved by a two-thirds majority (Baird, 2006).
106 Equipment was smashed, research records were stolen or destroyed, and fire was set to an experimental feed barn. Seventy years of research was lost, and within a year, the facility had shut down permanently (Western Wildlife Unit, n.d.:23-24).
107 In late 1995, prominent ALF activist Rod Coronado became the first ALF activist in U.S. history to be sent to federal prison for his role in the Operation Bite Back campaign. With Coronado’s arrest, the FBI and ATF announced that the ALF’s back had been broken. But the ALF struck four fur farms in the 1995 winter pelting season, releasing mink and foxes from their cages each time (Western Wildlife Unit, n.d.:59-61). During the July 4, 1997 weekend, the ALF celebrated “Independence Day for Mink” with the release of 3,000 to 6,000 mink from a Washington State fur farm; it was the 31st such raid in the U.S. and Canada since the federal government declared the ALF incapacitated two years earlier (Animals’ Agenda, 1997a:14). On September 7, 2000, in the largest raid of its kind in the history of the ALF, activists liberated 14,000 mink at Earl Drewelow & Sons Fur Farm in Iowa (Animals’ Agenda, 2000d:37).
Life Sciences (HLS), involves activists using innovative tactics in an effort to persuade companies to drop their ties with HLS. Such “encouragement” tends to be confrontational and sometimes criminal and includes mass calls, e-mails, and faxes, attacks on corporate websites, and early-morning demonstrations outside the homes of company executives. The campaign has clearly been effective, with effectiveness measured in terms of economic impact. Nevertheless, it has also resulted in increased backlash against the movement (perhaps because the campaign has been so effective). The second new direct action strategy called “open rescue”—although also involving illegal actions—is dramatically different from the above approach. Instead, it is reminiscent of the early liberation actions in which the focus was more on exposing cruelty and providing aid to animals in distress than on causing economic harm or putting individuals or industries in fear. As its name implies, open rescue is done in an overt way, with photographs or videotaping, and the participants do not wear masks in an attempt to conceal their identity. Participants acknowledge the possibility of arrest and prosecution, and do not damage property, with the exception of locks which may be broken to access animals needing veterinary attention (Runkle, 2004; Mark, 2001:26).

Traditional campaigning also continues, although there has been an effort by movement leaders to focus movement efforts on the treatment of animals on factory farms. As discussed earlier, for much of its recent history, the U.S. animal rights movement has focused on the issues

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108 HLS was established in the UK in 1951. It carries out tests (many using animals) for other companies that, for whatever reason, are not able to conduct their own research. It became the largest company of its kind in Europe, and also has a major testing facility in New Jersey as well as offices in both Japan and Korea. As of 1997, HLS was using tens of thousands of animals in a variety of experiments. British activists had been campaigning against HLS for many years before it became an international effort. In September 1996, PETA sent an undercover investigator to work at HLS in East Millstone, New Jersey. For eight months, she kept a detailed diary, copied company documents, and used hidden cameras to document alleged violations of the AWA. Based on the investigation, PETA filed a 37-page complaint with the USDA, and the agency charged HLS with multiple violations of the AWA. At about the same time, a similar covert investigation was taking place in HLS’s facilities in the U.K. In March 1997, Channel 4, the U.K.’s national television channel, broadcast the results of the study, and British viewers saw graphic evidence of animal cruelty and violations of British law, including animals being slowly poisoned in toxicity tests, puppies being hit and shaken, and sloppy scientific practices including falsified dosing records (Kite, 1997:21-25).

109 Following aggressive campaigning by an organization called Stop Huntingdon Animal Cruelty (SHAC), investors and contract clients of HLS have been pulling out of relations with the company in mass exodus. At the end of 2000, HLS stock hit an all-time low, trading on the New York Stock Exchange (NYSE) at just 25 cents per share, a fraction of the $14 a share it had traded at just one year earlier. In 1997—before the undercover investigations—HLS stock had traded at $30 a share. Because of its consistently low value, HLS was removed from the NYSE on December 27, 2000. Furthermore, the company’s $33 million loan from the Bank of Scotland was overdue, and the bank decided to withdraw its loan. HLS was in dire straits, and would have faced financial foreclosure had the investment firm the Stephens Group, Inc. not stepped in on January 24, 2001 with the announcement that it would bail HLS out and take over the loan. At this point, an aggressive campaign against HLS began in the U.S. (Stagno, 2001:12).

110 Open rescue had actually begun more than a decade ago in Australia, with Patty Mark’s Animal Liberation Victoria. By 2001, the group had been on more than 100 open rescue missions, and almost 1,000 animals had been rescued, rehabilitated, and placed in safe homes (Mark, 2001:26). In late June 1999, at a small conference organized by United Poultry Concerns titled “Forum on Direct Action for Animals,” and held in Virginia, Mark introduced U.S. activists to the concept of open rescues. In January of the following year, members of Compassionate Action for Animals conducted the first open rescue in America, when they openly rescued 11 hens from an egg farm in Minnesota (Shapiro, 2001:26-27). Since then, open rescues have been performed in at least four other states. While the U.S. open rescue groups have all targeted factory farms, there are at least six other open rescue groups throughout the world, and in addition to factory farms, they have targeted puppy mills and laboratories (Runkle, 2004).
of animal research and fur, and—with the exception of the campaigns organized by groups such as the Farm Animal Reform Movement, Humane Farming Association, and Farm Sanctuary—the cause had generally neglected the matter of factory farming. However, for each of the estimated 20 to 60 million animals used in research each year, at least 200 farmed animals were killed during the same time frame. And while the number of animals used in vivisection seems to be dropping, the number of farmed animals killed each year is increasing (Singer, 1998:141). Consequently, during the 1990s, the animal rights movement began shifting its attention toward the treatment of animals raised for food, with some—but not spectacular—success.

To illustrate, beginning in the late 1990s, PETA began an aggressive campaign to convince America’s major fast-food chains to require their suppliers to improve their treatment of animals. The first chain targeted was McDonald’s. After more than two years of protests and negotiations, McDonald’s ordered its egg suppliers to adhere to more stringent animal welfare guidelines: providing hens with 72 square inches of cage space per hen, stopping forced molting, and phasing out debeaking. In exchange for the concessions, PETA suspended its “McCruelty to Go” campaign, and focused on its “Murder King” campaign (Church, 2000). On June 28, 2001, Burger King became the second major fast-food chain to implement changes, ending nine months of international protest by PETA. With the concessions, the group then turned its attention toward “Wicked Wendy’s,” in a campaign which lasted just two months

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111 For various reasons—including the fact that the report published by the U.S. Secretary of Agriculture under the Animal Welfare Act does not include rats, mice, birds, reptiles, frogs, or domestic farmed animals—the number of animals used in U.S. animal laboratories is unknown (Singer, 1990:36). The National Anti-Vivisection Society estimates the number of animals used in research each year is in the “tens of millions” (National Anti-Vivisection Society, 2004). According to Paul Waldau, Director of the Center for Animals and Public Policy at Tufts University School of Veterinary Medicine, one of the best estimates puts the number of animals used in research at around 25 million (NPR, 2005).

112 When Animal Factories was published in 1980, nearly 6 billion farmed animals were killed annually (Mason, 2003:8). Since then, that number has grown steadily and rapidly, in part because exports of animal products increased (Spira, 1996), and because of the general trend whereby Americans are consuming more chickens than cows (Farm Animal Reform Movement, 2004). In 2003, some 10 billion animals were killed for consumption in the U.S.; this figure excludes fishes (Farm Animal Reform Movement, 2004).

113 In contrast, among British activists, from about 1980 on, their main focus was on the treatment of farmed animals (Moretti, 1997:3). Consequently, that country—and the EU—has witnessed dramatic reforms in this area (to be discussed below).

114 The industry standard was 40 to 48 square inches—about half the area of a sheet of 8 1/2-by-11-inch typing paper (Church, 2000).

115 After one year in production, egg-laying hens naturally stop laying while undergoing an annual molt. Because hens who are not laying eggs are not profitable to egg producers, the producers commonly carry out “forced molting,” in an effort to make the hens recommence laying eggs as quickly as possible. This is typically accomplished by withdrawing feed for 10 to 14 days and reducing lighting. This shocks the hens’ bodies into shedding and replacing their feathers unnaturally quickly, and returning to lay much faster than would occur under natural conditions. Many of the hens die during the process. Legislation enacted by the U.K. has resulted in the abolition of the most severe aspects of forced molting (i.e., the total withdrawal of food, water and lighting). However, the practice is still legal and widely practiced in the U.S. and Japan (Druce and Lymbery, 2001).

116 This time, the chain would require that egg suppliers’ battery cages contain two water bottles, allow hens to stand upright, and provide at least 75 square inches per bird—three square inches more than the space McDonald’s had agreed to. In addition, Burger King agreed to discourage suppliers from trimming chickens’ beaks, refuse eggs from producers that use forced molting, and require tougher standards for chicken handlers (to prevent breaking the birds’ wings as the animals are packed for transport). Furthermore, the company stated it would phase out suppliers that confine pigs in gestation crates, drop suppliers that brand cows more than once or identify them by ear notching or throat wattling, and strengthen policies on dehorning and castrating (Detweiler, 2001:13).
PETA is now aggressively campaigning against KFC, but thus far, the company has remained steadfast in its refusal to implement the changes desired by PETA.

A Note on Recent Changes in Animal Welfare Outside the U.S.

The above discussion has primarily concentrated on the animal rights movement here in the U.S., with some mention of noteworthy events occurring elsewhere. In fact, there are two animal rights movements, the one in the U.S. and the one outside the U.S. (especially Europe). Without doubt, the latter is progressing more rapidly and dramatically, and is enjoying more substantial changes in its host societies’ treatment of animals. Whereas Europe followed the U.S. in the women’s liberation and civil rights movements, it is Britain and the European Union (EU) that is leading the way in the animal liberation movement (Ryder, 1989:4). Indeed, it has been suggested that the U.S. movement lags several decades behind the European movement (Wolfson, 2003; Stallwood, 2000:23).

In recent decades, animal welfare has undergone a revolution in Britain and continental Europe. There has been, in the words of one report, “a continent-wide awakening to the fact that animals are sentient beings, capable of feeling pain and suffering” (Druce and Lymbery, 2001). Particularly noteworthy are the changes being made with respect to banning certain factory farming practices. The 15 countries of the EU have agreed to ban veal crates for calves.

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117 On September 6, 2001, the company acceded to eight of PETA’s requests, including requiring suppliers to provide at least 72 square inches cage space, ending contracts with egg suppliers who practice forced-molting, and conducting unannounced audits of its slaughterhouses (Animals’ Agenda, 2001d:13).

118 David Wolfson, Lecturer in Animal Law at Harvard Law School, and originally from England, believes numerous factors account for the fact that progressive changes with respect to farmed animals are occurring in Europe while the U.S. stagnates: (1) Americans tend to be less comfortable with government regulation, and more focused on arguments about individual rights. (2) The U.S. has not had dramatic first-hand experience with some of the consequences of factory farming, through the Bovine Spongiform Encephalopathy (BSE) (“Mad Cow”) and foot-and-mouth disease epidemics, as well as the McLibel case (discussed below). (3) The U.S. animal agriculture industry has more political power than its European counterpart. (4) The U.S. is larger. (5) Animal welfare is, in general, governed by state law. (6) The European movement has been more effective—and for a longer stretch of time—at educating the public, while the U.S. movement has failed to effectively harness its resources to address factory farming (Compassion Over Killing, 2004:10).

119 In Britain, several issues brought the treatment of farmed animals into the public’s consciousness. First, beginning in the summer of 1994, the transportation of live animals from Britain to mainland Europe (where welfare standards during transportation, fattening, and slaughter were often lower than those in Britain) became a hugely important media issue, reaching an all-time high for any protection issue. (The previous peak in public interest had been in 1975 over animal experimentation.) Activists had been campaigning to end this trade since the early 1970s, but little had been achieved other than a temporary ban. However, by 1995, public opinion—along with the BSE crisis—forced all the commercial ferries and the two targeted airports to prohibit the transport of live animals across the English Channel for fattening or slaughter abroad. The issue also revitalized the animal rights movement in Britain (Animals’ Voice, 1995:29; Ryder, 1998:40, 117; Ryder, 2000:206). Second, in 1997, seven years after the case began, McDonald’s Corporation v. Steel, English High Court of Justice, the longest case in England’s history was finally decided. Dubbed “McLibel,” it was a “true ‘David and Goliath’ battle” (Wolfson, 1999:24). Two huge corporations, McDonald’s Corporation and its British subsidiary, McDonald’s Restaurants Limited, spent more than $16 million to sue two individual pro se defendants with a combined annual income of about $12,000. The plaintiffs sued for libel, alleging that the accusations contained in a pamphlet titled What’s Wrong with McDonald’s?: Everything They Don’t Want You to Know and distributed by the defendants were defamatory and untrue (1999:21-26). In an 800-page judgment, Justice Rodger Bell ruled that many customary factory farming methods were in fact, cruel, and that the defendant’s accusations with respect to these particular practices were true and not libelous. It would be difficult to overstate the significance of the
battery cages for egg-laying hens, and the prolonged use of sow stalls and tethers for breeding pigs—three “classic” factory farming methods that epitomize modern industrial meat, dairy, and egg production. (Each of these systems is still widely used in the U.S.) Furthermore, in 1997, the EU approved a legally binding protocol to its founding Treaty, which recognizes animals as “sentient beings” rather than mere “agricultural products” (Druce and Lymbery, 2001). Before this measure, the Treaty of Rome—“the cornerstone of EU law”—had classified

McLibel decision. As Wolfson (1999:23) notes, “McLibel is the most extensive and critical legal discussion in legal history about the inherent cruelty in modern common farming practices.” Significantly, until McLibel, “[n]o court had ever examined common farming practices in such detail and determined that so many common farming practices are cruel” (1999:51).

The term veal refers to the flesh of a young calf. Before the 1950s, veal came from calves who had been killed before they had been weaned from their mothers, because their flesh was paler in color and more tender than that of calves who had begun to eat grass. However, these were young and small animals, and there was not much flesh on their bodies. Beginning in the 1950s, veal producers in Holland discovered a way to keep the calves alive longer without their flesh becoming too red or less tender. This was accomplished by restricting the animals’ movement and by deliberately keeping the animals anemic (because iron causes their flesh to be a healthier more-red color, unappealing to some gourmet diners). Thus, today, calves are kept in wooden stalls, each measuring less than two feet wide and about four and one-half feet long. The crates are too narrow for the calf to turn around, and too narrow to comfortably groom in. Straw and other bedding are absent from the stalls, because the calves might eat it, causing their flesh to become less pale. The animals remain in these stalls until they are taken out to be slaughtered. Many veal producers leave the calves in the dark at all times, except when they are being fed, in an effort to reduce the animals’ restlessness. In addition, the calves are kept on a totally liquid diet, based on nonfat milk powder with added vitamins, minerals, and growth-promoting drugs. The lack of roughage often causes the calves to suffer stomach ulcers and chronic diarrhea. They are kept in these conditions for 16 weeks. After being crated and fed growth-promoting drugs for four months, the calf may weigh up to 400 pounds, instead of the approximately 90 pounds newborn calves weigh (Singer, 1990:129-135). Veal crates were banned in the U.K. from January 1, 1990, and will be banned EU-wide beginning January 1, 2007. In addition, the European Commission set forth requirements to ensure an appropriate diet with minimum levels of iron and fibrous food (Druce and Lymbery, 2001).

Battery cages are small wire cages in which egg-laying hens are kept. The cages are typically so small that the birds cannot flap their wings, let alone walk. Hens are prevented from performing most of their natural behaviors, such as laying eggs in a nest, dust bathing, perching, or pecking and scratching at the ground (Druce and Lymbery, 2001). In 1979, a high court in West Germany ruled that keeping hens in battery cages violates the national law against cruelty to animals. However, the ruling was never implemented due to economic pressures within the European Economic Community (Animals’ Agenda, 1985f: 14). After a 30-year campaign to end battery cages, on June 15, 1999, the EU agreed to ban battery cages effective January 1, 2012. During a phase-out period which began in 2003, producers are required to give each hen 85 square inches of space (Druce and Lymbery, 2001; Hardy, 1999). Several other European nations enacted laws banning battery cages to take effect even before the EU-wide ban, including Switzerland (in 1991), the Netherlands (by 2004), and Germany (from 2007) (Animals’ Agenda, 1985f: 14; Stevenson, 2002:15). In addition, in 1997, the Australian Capital Territory enacted a law banning battery cages and the sale of eggs obtained from confinement systems; the law involved the phasing out of battery cages over a six-year period (Animals’ Agenda, 1999:6).

Beginning in 2006, EU law prohibits the use of sow tethers. The use of individual sow stalls for pregnant pigs will be banned starting January 1, 2013; however, farmers will be allowed to keep sows in stalls for the first four weeks of their pregnancies. On that date, pig farmers will also be required to give the animals permanent access to manipulable materials (Druce and Lymbery, 2001). Several EU nations have already passed laws to ban stalls and tethers before the EU-wide bans take effect. Sweden banned sow stalls from 1994, except for temporary use in exceptional circumstances; tethers have been illegal since the 1970’s. The U.K. banned sow stalls and tethers from 1999. In Finland, tethers have been illegal since 1996, and sow stalls since 2006, except for temporary use, such as for injured animals. Denmark will forbid the use of sow stalls by 2014. In the Netherlands, tethers were banned effective 2002, and sow stalls will be prohibited from 2008 (Druce and Lymbery, 2001). In addition, in July 2001, delegates at New Zealand’s Annual General Meeting of the Pork Industry Board voted to phase out most sow stall use (permitting its use during the first month or so of pregnancy) by 2012 (Animals’ Agenda, 2001c:9).
animals as goods or agricultural products. The effect of recognizing animals as sentient beings means that the EU must now address the welfare of animals when creating and implementing policies that affect animals in agriculture, transport, research, and so forth (Animals’ Agenda, 1999:6). According to Ryder (2000:105), “[t]his was, almost certainly, one of the most gratifying animal-welfare achievements of the 1990s.”

**Other European Reform**

The campaigns against vivisection and hunting and trapping has also been handsomely rewarded in countries outside the U.S. In January 2003, the European Parliament mandated an end to most cosmetics testing on animals within the EU by 2009, and an end to sales of beauty and hygiene products which had been tested on animals outside the bloc (Franks, 2003). In 1997, the British government’s Home Secretary announced a policy to no longer grant licenses to use great apes—chimpanzees, bonobos, orangutans, and gorillas—in bio-medical research (Wise, 2003:101). Two years later, New Zealand became the first nation to ban the use of non-human hominids in research, testing, and teaching (except in those cases where it would be in the hominid’s best interest) (Animal Welfare Act, 1999 (N.Z.)). More recently, Austria, Sweden, the Netherlands, and Japan have banned or severely limited experiments using great apes (Project R&R, 2006). With these victories, the U.S. has become one of the few remaining countries that permits research and testing on great apes (Laboratory Primate Newsletter, 2006:10).

In a pattern that seems to be typical, while American activists were still protesting offensive practices, such as the use of animals to produce fur, activists in European countries were successfully persuading lawmakers to ban them. In 1991, the EU passed a regulation prohibiting the use of steel-jaw leghold traps within the EU, and banned the importation of fur pelts from those nations that had not either banned such traps or adopted “internationally-agreed humane trapping standards” (White and Roberts, 1999). In addition, fur farming has been banned in several European countries, including Britain (Animals’ Agenda, 2001a:14).

In November 2004, Britain outlawed all hunting with hounds, and the ban took effect three months later. However, the issue serves as a good reminder that the advancements in animal welfare in Europe have not occurred without sometimes very strong, very organized resistance. The proposed ban had been a contentious issue, and fox hunting supporters had held several large-scale protests in the years leading up to the ban. In September 2002, in what was called one of that country’s largest demonstrations in 150 years, 400,000 hunting supporters marched through central London in protest. (Tallahassee Democrat, 2004:8A; BBC News, 2005).

Finally, in May 2002, after 10 years of debate, German lawmakers voted 543 to 19 in favor of guaranteeing animal rights in its constitution. With the groundbreaking new measure, Germany’s federal constitutional court will now be required to weigh animals’ rights against other established rights (CNN, 2002). This and the other victories achieved abroad have serious implications for animal use here in the U.S. If, as is often the case with social movements, the recent changes in animal welfare in Europe and other countries should spread to the U.S., those

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123 However, in 1997, the EU drastically weakened and postponed implementing the import ban after the U.S. threatened it with a World Trade Organization challenge (White and Roberts, 1999). The prohibition against leghold traps within EU nations has, however, remained in effect (Animals’ Agenda, 1998b:14).
with vested interests in maintaining the *status quo* here at home would be forced to make many radical changes in the way they do business.124

**Conclusion**

As the above discussion demonstrates, the history of the animal rights movement is a history of challenges to human dominion over all other animals. But not insignificantly, it is also a history of growing threats to numerous powerful and established interests. Both here and abroad, animal activists have achieved significant victories on behalf of their cause. Consequently, as will be described in the ensuing chapters, anti-animal rights claims-makers have responded to this growing threat by constructing animal rights as a threat to their interests and the interests of all Americans, and by calling for formal and informal social control of activists.

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124 Indeed, this may already be happening, as illustrated by Florida’s 2002 gestation crate ban (discussed above), and more recently, California’s *foie gras* ban. In early 2005, California Governor Arnold Schwarzenegger signed into law SB 1520, which bans the forced-feeding of ducks and geese for the production of *foie gras*, and also prohibits the sale of *foie gras* made from force-fed birds. Sonoma *Foie Gras* is the only producer of *foie gras* in California; it will be out of business when the law goes into effect in 2012. Again, notably, the practice has already been banned in several other countries, including Israel, Germany, the U.K., Switzerland, and most of Austria (Farm Sanctuary, 2005:1).
CHAPTER 7

A REVIEW OF THE ANIMAL RIGHTS LITERATURE

Introduction

This chapter offers a review of the research that has been done about the struggle over animal rights. At its heart, this chapter is about the two principal protagonists involved in the animal rights debate, the activists and those who oppose them. A thorough search of the social science literature reveals that relatively little attention has been paid to these topics. As Garner (1995:43) comments, it appears as though social scientists have been reluctant to treat the animal rights movement as a subject worthy of serious and extensive study. To illustrate, a recent search of UMI ProQuest Digital Dissertations, using the keyword phrase “animal rights,” turned up only 80 master’s theses and doctoral dissertations. Although a keyword search in the Social Sciences Citation Index uncovered 916 articles since 1976, as Kunkel (1995:241-242) observed a decade ago, relatively few of these are empirical sociological investigations of the movement. Instead, many, if not most, are opinion statements primarily concerned with implications of the movement for practitioners involved in research or industry. In short, many issues await more thorough—indeed, if not initial—investigation by social scientists (Cunningham, 1995).

In Appendix A, I have included a table highlighting the characteristics of the studies referred to in this chapter. As this table indicates, much of the extant research is descriptive, probably due to the fact that not much is known about this subject and we are still in the preliminary stages of exploring it. Many studies rely on qualitative research methods. Many use samples drawn from the non-activist public; therefore, their findings cannot be extended to animal rights activists (although at least one study (Compton, Dietrich, Smith and Johnson, 1995) has attempted to do just that). At least one study (Sanders, 1998), which focuses on “animal interest organizations,” treats animal rights organizations and pro-hunting wildlife organizations as though they are indistinguishable, which precludes one from drawing any inferences about the former. For the same reason, Munro’s (2001a) survey of members of the Australian and New Zealand Federation of Animal Societies (whose membership includes not only animal rights activists but also welfarists and conservationists) does not permit one to draw conclusions about animal rights activists. Finally, a substantial number of studies focus on the

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125 In their survey of various sectors of the academic community and general population in central Georgia, Compton, Dietrich, Smith and Johnson (1995) apparently measure “animal rights activism” by respondents’ affirmative reply to just one question: “Do you consider yourself an animal rights activist?” (1995:26-27). (Other studies about animal rights activists have relied on a more discriminating measurement of activism (e.g., Plous, 1991; Plous, 1998), and the high percentage of affirmative responses should have given the authors pause: some 76 percent of high school students, 33 percent of college students, 22 percent of college professors, and 33 percent of the general public responded affirmatively to this question.) In short, in spite of the title of the article, theirs is not a survey of animal rights activists. However, this does not prevent the authors from proceeding to draw conclusions about activists, leading to some rather perplexing findings, including an inverse relationship between the independent variable “education” and the dependent variable “animal rights activism,” and the failure of “gender” to predict “animal rights activism.” (Existing research consistently finds that activists tend to be well educated, and that gender is among the best predictors of animal rights activism.)
issue of the use/exploitation of animals in research, neglecting other areas of exploitation such as the use of animals for food, clothing, and entertainment.

Of these studies, only a handful involve research about claims-making. Collectively, the authors of these studies have identified a body of claims about animal rights and animal rights activists. However, even from the non-claims-making studies, there also emerges both explicit and implicit claims about this movement and its adherents. I identify the claims which can be distilled from both claims-making and other research at the end of this chapter.

The works selected for review in this chapter were chosen for one of two reasons. Either they reveal explicit and/or implicit claims about animal rights, the animal rights movement, and/or animal rights activists, or—in the case of the descriptive demographic research and various typologies which have been developed by different writers—they are particularly helpful in painting a more complete picture of these same topics. Substantially, then, what this chapter offers is a review of the literature directly or implicitly relating to claims-making about animal rights. This is supplemented by other works which will hopefully offer the reader a better understanding of the phenomena about which these claims are being made.

**Animal Rights Activism**

**The Organization of the Movement**

“Animal rights” is both an over-used and misused term. As Francione (1996) argues, today, virtually any effort to improve the treatment of animals is referred to as “animal rights” (often even by those in the movement). In fact, the effort to protect animals is composed of organizations and individuals who are not only themselves diverse, but who also endorse very different philosophies, goals, and strategies (Plous, 1991; Herzog, 1993; Plous, 1998; Galvin and Herzog, 1998).

In their history and analysis of the modern animal rights movement, Jasper and Nelkin (1992:8-9) classify the organizations and individuals making up the movement to protect animals into three categories. According to their typology, welfarists accept the use of animals, but wish to minimize animal suffering and pain. Pragmatists go beyond animal welfare and argue for animal rights. Nevertheless, they are practical, and would allow humans to continue to use animals when the benefits from their use outweigh their suffering. Finally, fundamentalists, such as the Animal Liberation Front and PETA, demand the immediate end of all forms of animal exploitation, on the grounds that animals have inherent rights. They believe that humans should never use animals for their own interests, regardless of any potential benefits. (Others writers, such as Takooshian (1993:105), have questioned the appropriateness of the term “fundamentalist” in describing this type of activist/activist group, and instead suggest that a more appropriate label might be “abolitionist.”)  

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126 According to Jasper and Nelkin, the philosophy of the pragmatists is that of the utilitarian argument of Peter Singer, and a prominent example of a pragmatist is the influential animal rights campaigner Henry Spira. 
127 The typology used in an American Medical Association “White Paper” (in which one person’s “fundamentalist” is another person’s “terrorist”) illustrates the fact that the debate over animal rights is one which is, in large part, a battle over rhetoric. Hendee, Loeb, Schwarz and Smith (1988:7-8) classify animal rights activists and organizations according to their motivation, method, and spirit. For them, “moderates” are much like the traditional animal welfare advocates, pursue their objective of ending animal abuse through education, legislation, and negotiation, and play only a minor role in the animal rights movement. “Militants”—epitomized by the organization PETA—are more aggressive and vocal, and their ultimate goal is to alter humankind’s relationship with non-human animals and
Although they have fewer members than the other two groups, the fundamentalists have “set the tone” of the contemporary animal rights movement (Jasper and Nelkin, 1992:9). These more militant groups have pushed the envelope, and have effectively nudged older, more welfare-oriented organizations such as the Humane Society of the United States to become more rights-oriented. Also, according to what has been termed the “niche theory,” with their extreme demands and tactics, fundamentalists make the demands of welfarists and pragmatists seem more reasonable, and therefore, put these latter groups in a position to achieve more protection on behalf of animals (Scarce, 1990:6-7). This phenomenon has also been termed the “halo versus horns” effect (Munro, 1995:118), and the “radical flank effect” (Haines, 1984:40).

**Gauging the Strength of the Contemporary Animal Rights Movement**

During the 1980s, the animal rights movement was one of the fastest growing social movements (Jasper, 1999:65). Since then, a handful of studies have attempted to determine whether public interest in animal rights is changing (i.e., decreasing).

Although there was a general increase in the number of articles about animal welfare and animal rights published in periodicals and major newspapers throughout the 1980s, Herzog (1995b) found that media attention peaked in 1990 and has significantly declined since then, suggesting that perhaps the public’s interest in animal rights has also peaked and declined. Confirming Herzog’s finding of a drop in media coverage of animal rights protest events after 1990, Jones (1997) suggests that this decline may be attributable to three factors: (1) perhaps animal rights became “old news” and therefore less newsworthy; (2) perhaps the parties to the debate—including the media, non-profit organizations, the public, and the activists themselves—suffered a loss of available resources (including human and financial resources, time, and even compassion for social issues); and (3) perhaps there emerged a countermovement which was able to communicate to the media that the animal rights movement posed an unacceptable threat to the American way of life (1997b:71-73).

Acknowledging that the animal rights movement is less able to grab media headlines, Rowan and Shapiro (1996) nonetheless dispute the conclusion that the issue has “peaked.” Contending that the measure of visibility utilized by Herzog (and later, Jones) is too narrow, they point to the “steady flow” of mention of and themes related to animal issues in popular television, music, movies, and even comic strips; the increase in the amount of public financial support for animal protection organizations; consumer demand for “cruelty-free” products; the increase in the number of vegetarians; and the entrance of animal rights issues in academia as better indicators of the strength of the animal rights movement. Rowan and Shapiro suggest that “[t]he direct-action animal activism of the 1980s that occasioned the dramatic growth of the contemporary animal rights movement has given way to less high-profile means of sustaining and expanding public awareness” (1996:1183-1184).

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128 However, according to Francione (1996), the pragmatism of the welfarists and pragmatists is self-defeating because welfarist reforms focus only on the animal’s interest in not suffering, and ignore the animal’s interest in not being a part of the institutionalized exploitation that creates such suffering in the first place. Indeed, he believes that promoting animal welfare is in fact counterproductive to achieving animal rights because “animal exploiters often point to welfarist reforms [like the Animal Welfare Act and Humane Slaughter Act] to defend their activities and to seek public support for their continuation” (1996:116).

129 Unfortunately, the authors do not provide any data to support these claims.
Undeterred, Herzog (1996:1184) offers a new indicator of the movement’s health: “its success in organizing and motivating rank-and-file members to turn out for major rallies and demonstrations.” As support for his “declining interest hypothesis,” he points to the fact that only 3,000 activists participated in the 1996 March for Animals, one-eighth the number who had participated in the 1990 March. Galvin and Herzog (1998) also suggest that the fact that the median age of respondents at the 1996 March for Animals was slightly greater than at the 1990 March, and that respondents at the second event reported being involved in the movement about double the length of time as participants in the first event, “suggests that the movement may be not attracting new recruits in sufficient numbers to maintain the growth witnessed in the 1980s” (1998:8). Herzog (1996:1184) concludes that the 1996 event may have been a significant “turning point” in the history of the contemporary U.S. animal rights movement, which “appears to be following the course of Victorian antivivisectionism.”

Unfortunately, the question of whether the U.S. animal rights movement is a growing movement, or alternatively, a movement that has seen its peak, seems not to have been pursued since this lively exchange in the mid-1990s. However, as indicated in the previous chapter, certain more recent trends—such as an increase in both membership in and donations to animal rights organizations (Charity Navigator, 2006)—suggest that the death knell has not yet sounded for the animal rights movement.

**Member Recruitment**

Members of a social movement are often able to recruit relatives, friends, and acquaintances by building on common assumptions and political beliefs, as well as symbols, feelings, and experiences shared over the years. Thus, newly formed animal rights organizations were able to recruit members of humane societies because the animal rights movement addressed many of the issues of the animal welfare movement (Jasper, 1999:73). However, to recruit strangers, activists must provide them with “moral shocks,” which “result from information or events that raise such a sense of outrage in people that they become inclined toward political action, with or without a network of contacts” (1999:68). The animal rights movement successfully recruited strangers by relying on direct moral shocks such as the “innocent suffering” images of animals found in the literature and films of the movement (Jasper and Poulsen, 1995:505).130

In this way, Australia’s Coalition Against Duck Shooting, a small organization with limited financial resources, was able to muster public support against the more powerful gun and hunting interests, leading to a dramatic reduction in the number of duck shooters in Victoria (home to duck-shooting in Australia). Coalition activists relied primarily on the electronic mass media to promote its campaign as a rescue operation. Images of dead and injured birds shown on television news stories and features struck an emotional chord with most people, and produced the requisite moral shocks to mobilize support for the campaign (Munro, 1997).

Lowe and Ginsberg’s (2002) survey of 105 attendees at a 2000 animal rights conference indicates that most (58%) gradually became involved with animal rights because of things they read or saw, and 26 percent had “a sudden conversion,” typically the result of publications or a

130 Interestingly, opponents of animal rights also make use of graphic images and messages for purposes of provoking an emotional response in potential allies. Supporters of animal research thus often rely on images of children suffering from terrible diseases, or individuals in wheelchairs or on life-support systems to construct an emotional appeal for animal research (Munro, 2005:165).
personal experience with animals. Only four percent were raised by their parents to be activists, and nine percent reported that their involvement resulted primarily from the influence by friends or family later in life. The majority of those surveyed stated that books (76%), pamphlets (75%), and videos (59%) were either “very effective” or “somewhat effective” to their own conversion. Thus, most identified videos (88%), pamphlets (87%), and books (83%) as being “most” or “somewhat” effective in their effort to influence others (2002:208-209).

Moral shocks do not operate in a vacuum, however, and existing “plausibility structures” (i.e., an individual’s pre-existing beliefs and feelings) make certain claims resonate more strongly with some people than with others. Some people are more likely to have plausibility structures amenable to the messages of animal rights, while the plausibility structures of others will be less open to such messages (Jasper and Poulsen, 1995). A growing body of literature on the social characteristics of those who are active in the animal rights movement sheds some light on those who may be more affected by animal rights rhetoric. This research indicates that a variety of variables, including but not limited to gender, age, education, geographic area, religiosity, and personality are related to attitudes toward the treatment of non-human animals.

**Activist Demographics**

Based on demographic characteristics reported in surveys of animal rights activists, there emerges a stereotypical profile of run-of-the-mill activists. They tend to be female, white, and middle-aged (Plous, 1991; Richards and Krannich, 1991; Jamison and Lunch, 1992; Herzog, 1995a; Jasper and Poulsen, 1995; Plous, 1998; Galvin and Herzog, 1998; Lowe and Ginsberg, 2002). They tend to be from urban or suburban areas (Jamison and Lunch, 1992; Herzog, 1995a) (however, it doesn’t appear that they are more likely to be from these areas than are ordinary Americans (Richards and Krannich, 1991)). In general, advocates are well-educated and upper-middle class, and they tend to hold professional jobs (Richards and Krannich, 1991; Jamison and Lunch, 1992; Herzog, 1995a; Jasper and Poulsen, 1995; Plous, 1998; Lowe and Ginsberg, 2002). Politically, they tend to lean to the left (Richards and Krannich, 1991; Jamison and Lunch, 1992), and they tend to be non-religious in a conventional sense (Jasper and Nelkin, 1992; Galvin and Herzog, 1992a; Herzog, 1995a). A large percentage of activists are unmarried and childless, but the overwhelming majority (about 90 percent) keep companion

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131 However, most also cited friends (83%) and family (71%) as being “very” or “somewhat” effective in recruiting others to the movement. This is somewhat surprising, given the relatively low percentages of respondents who reported family (17%) and friends (35%) as influential in their own conversion (Lowe and Ginsberg, 2002:209).

132 These surveys indicate that between 68 to 80 percent of activists are female.

133 Results from these surveys show that between 93 to 97 percent of activists are white. Jamison and Lunch (1992) suggest that one possible explanation for the predominantly Caucasian composition of the animal rights movement might involve socioeconomic differences (such as income, mobility, education, and time) between whites and minorities. Alternatively, perhaps “more immediate political concerns thoroughly dominate” minorities’ political agenda, leaving animal rights a lower priority (1992:444).

134 In these surveys, the percentage of respondents having some college education ranged from 49 to 79 percent, and the percentage having completed an advanced or postgraduate degree, between 19 to 38 percent.

135 Between 44 to 46 percent of those surveyed held professional jobs.

136 In their survey of demonstrators at the 1990 March for Animals, Galvin and Herzog (1992a:144-145) found that 48 percent reported themselves to be either atheists or agnostics. Jasper and Nelkin (1992:38) cite a 1985 poll of Animal’s Agenda readers in which 65 percent of respondents claimed to be either atheists or agnostics. This is in dramatic contrast with the general population; according to a 1984 Gallup poll, 90 percent claimed to believe in God, 70 percent belonged to a church, and 60 percent attended church services at least once a month.
animals (Richards and Krannich, 1991; Herzog, 1995a; Jasper and Poulsen, 1995). In sum, these findings suggest that, in general, animal rights activists are different socially and economically from the national population.

Because animal rights campaigners tend to be well-integrated into society (in terms of education and economic status), and are motivated to join the movement largely for altruistic reasons, the animal rights movement qualifies as a “post-citizen movement,” as described by Jasper (1997) (Lowe, 2001; Lowe and Ginsberg, 2002). Such movements include individuals who, “[b]ecause they need not demand basic rights for themselves … often pursue protections or benefits for others” (Jasper, 1997:7). These individuals are similar to Becker’s moral entrepreneurs who act collectively “based largely on their moral and ethical beliefs rather than purely for direct personal or collective gain” (Lowe and Ginsberg, 2002:205).

The Significance of Gender

The contemporary animal rights movement is an overwhelmingly female movement. As noted above, various surveys of activists estimate that women make up between 68 to 80 percent of those involved in the movement. Not only do female activists report greater involvement with animal rights, but they also hold stronger views. To illustrate, Plous (1991) found that the female activists in his survey were more likely (89 percent) than male activists (68 percent) to value animal life the same as or greater than human life. Approximately two-thirds of the female activists maintained a vegan or vegetarian diet (compared to half of male activists); 59 percent considered research involving animals the movement’s highest priority (compared to 34 percent of male activists); 90 percent had a negative view of animal researchers (compared to 76 percent

\[\text{[w]hile this discrepancy regarding the status of pet ownership is significant, it is by no means atypical of the internal ideological inconsistencies that characterize interest groups. Among ideologically motivated groups, it is not unusual for leaders to be conceptually purist and ideologically advanced compared to supporters or even occasional activists.}\]

\[\text{However, a recent study questions how long the animal rights movement will consist primarily of individuals who are well integrated into society. Schnurer (2002) contends that the movement is currently experiencing a “radical drift” in its demographics, a change that he believes is “[p]erhaps the most dramatic issue that is facing the animal rights community” (2002:35). While the movement has traditionally been composed of women and middle class, college-educated persons, Schnurer contends that these older style activists are seeing their movement being taken over by younger, more radical activists who are largely influenced by punk music and the punk lifestyle. Indeed, he concludes that “[p]unks are the future of the animal rights movement” (2002:163). Assuming this prediction is accurate, one can only speculate about the effect (if any) of such a development, but it would seem that the animal rights movement of the future would look and behave dramatically different from the contemporary movement (just as the contemporary movement looks and behaves dramatically different from the “little old ladies in tennis shoes” animal movement of only a few decades ago).}\]
of male activists); and 86 percent supported an end to all animal research (compared to 79 percent of male activists) (1991:195).

In addition, research has consistently shown that attitudinal supporters of animal rights (i.e., those who are supportive of the animal rights philosophy, but who are not themselves activists) are disproportionately female (Herzog, Betchart and Pittman, 1991; Broida, Tingley, Kimball and Miele, 1993; Nibert, 1994; Peek, Bell and Dunham, 1996; Kruse, 1999; Jerolmack, 2003). Women are less likely to participate in certain consumptive uses of animals, such as hunting, fishing, and trapping (Kellert and Berry, 1987). They also tend to be more empathetic toward and nurturing of animals, demonstrate greater concern about the treatment of animals, and hold less utilitarian and dominionistic views with respect to animals (Kellert and Berry, 1987; Galvin and Herzog, 1992a; Herzog, Betchart and Pittman, 1991). Thus, it should not be surprising that research has found women to perceive anti-animal research materials as more effective (Nickell and Herzog, 1996), or to be more likely to oppose exploitive uses of animals (Kellert and Berry, 1987; Herzog, Betchart and Pittman, 1991; Plous, 1991; Galvin and Herzog, 1992b; Broida, Tingley, Kimball and Miele, 1993; Pifer, Shimizu and Pifer, 1994; Peek, Bell and Dunham, 1996; Kruse, 1999; Munro, 2001a).

A number of writers have attempted to determine why women are more concerned about the treatment of animals and more supportive of the animal rights ideology. Those adopting a relational role orientation explanation argue that, from birth, females are socialized to take on the role of the nurturer and caretaker who exercises empathy, non-aggressiveness, and concern for others, while males are taught to be less emotional and more utilitarian. This difference in socialization, subscribers contend, naturally translates into males and females’ respective feelings about the treatment of animals (Kellert and Berry, 1987; see also Herzog, Betchart and Pittman, 1991; Galvin and Herzog, 1992a). Others, such as Peek, Bell and Dunham (1996), suggest that women might be more involved in animal rights advocacy because of a combination or interplay of numerous forces, including not only women’s socialization, but also “[a]n egalitarian gender ideology arising from women’s structural experiences with oppression and domination” (1996:465). Those having such an orientation may “reject hierarchical ideologies that are held responsible for the subjugation of both women and nature, advocating instead nonhierarchical and egalitarian relations between genders, as well as with nature and animals” (cites omitted) (1996:466).

Gender, Identity, Control, and the Role of the “Other” in the Animal Rights Debate

This disproportionately gendered makeup of the movement has implications for both how advocates are perceived by others, and—in the spirit of symbolic interactionism—how activists perceive others as perceiving them. In other words, animal rights activists’ sense of both

139 Quite interesting is the finding that while 24 percent of male activists opposed laboratory break-ins, only 14 percent of the female activists opposed such a tactic. Notes Plous (1991:196), “[t]his finding is particularly dramatic given the well-documented reluctance of women to support aggressive or illegal actions.”
140 Although, as Donovan (1990:352) notes, “[w]hile women have undoubtedly been less guilty of active abuse and destruction of animals than men …they nevertheless have been complicit in that abuse, largely in their use of luxury items that entail animal pain and destruction (such as furs) and in their consumption of meat.”
141 But see Peek, Dunham and Dietz (1997), who found that a relational role orientation, in fact, failed to account for women’s greater support for animal rights. While they did find that a relational role orientation provides minor assistance in distinguishing those who support animal rights from those who do not support animal rights, this was found to be so only among women, and only on one of two measures of animal rights support.
individual and collective identity is shaped not only by the movement participants themselves, but also by claims made about them by those outside of the movement, including targets, government officials, and the general public (Einwohner, 2002a).

As Munro (2001a:45) observes, “a movement predominantly female in membership is likely to attract criticism as being ‘emotional’ ([a] stereotypical feminine trait) as opposed to ‘rational’ (the masculine opposite).” “Women face a double bind when it comes to emotional expression: If they express their compassion, they may be dismissed as trivial; if they express their anger, they may be dismissed as hysterical” (Groves, 2001:228). Even among activists, women are thought to be more emotional and less rational than men (Groves, 2001); thus, some groups have selected men for leadership and spokesperson roles as a strategic device to bring more credibility to their cause (Groves, 1995).

This stereotype of women, in turn, may influence the behavior of the activists as well as their targets. Activists are quite cognizant that others often consider them (especially female activists) “emotional” and “irrational” (Herzog, 1993; Groves, 1995; Groves, 2001; Einwohner, 2002a). They therefore use a variety of strategies to try to control the image of the movement. Einwohner (2002a) found that in public, the activists she observed attempted to disconfirm external claims of emotionality by attempting to appear “logical” and “rational” during encounters with their opponents (a process she calls “identity disconfirmation”). However, in private, activists agreed with these claims and used emotion to describe themselves and their movement, but recast the claims in a more positive way (what Einwohner terms “identity recasting”). Groves (1995) also found that the activists he studied adopted a number of strategies to control both themselves and others when in awkward situations. To control themselves, they learned to adopt feelings about animal abuse that were appropriate to the particular circumstances they found themselves in. What was appropriate depended upon the situation, and ranged from “being emotional” (i.e., fully empathetic), to exercising moderated (or “learned”) emotional responses (which involves knowing the causes of animal abuse to justify anger), to “being rational” (i.e., declaring no empathy at all). Furthermore, to maintain the appropriate emotional tone of the debate, and preclude accusations of being overly emotional, the advocates learned and used strategies to control the extent to which others—both sympathetic and unfriendly—could participate. Activists learned to identify several types of “others,” including the “antagonistic other” (who necessitated complete withdrawal from the debate), the “emotional other” (who was permitted moderate participation), and the “interested other” (who was allowed sustained engagement) (1995:450).

142 Similarly, in his interviews with activists, Herzog (1993) discovered that some activists felt obligated to use more “logic” and less emotion when discussing animal issues with others.

143 In contrast, Groves (2001) found that the campaigners he studied did not consider themselves to be “emotional”; instead, they reserved use of this term for those activists whose behavior they perceived to be “too unprofessional, too irrational, or too feminine” (2001:216).

144 Interestingly, Arluke (1991) found that a similar phenomenon occurred among the animal research workers he observed, many of whom believed they were perceived negatively as a result of their work. To avoid potentially unpleasant encounters, many animal experimenters attempted to control information about their work by concealing the nature of their occupation. They often rationalized their information control by defining the “other” as a threat. This threatening other could be “reproaching” (i.e., disparaging), “confrontive” (i.e., emotional or hostile), “dangerous,” and/or “distorting.” Arluke and Groves (1998) found that those in favor of animal research used narratives in an effort to prevent potentially threatening others—which included both animal activists and the general public—from participating in the debate over biomedical research. In their literature, they portrayed animal rights activists as antihuman, as deceivers, and as violent and dangerous “terrorists.” Members of the general public—unless they agreed with the scientists’ position—were also problematic, and were portrayed as being
Judgments made by targeted individuals about activists’ identity may serve to either legitimate or delegitimize the activists’ arguments. Targets may judge activists as “emotional” women (which would serve to delegitimize the activists’ claims), or alternatively, as “compassionate” women (which could have the effect of legitimizing their arguments) (Einwohner, 1999a). To illustrate, Einwohner (1999a) found that hunters employed both class and gender in their evaluations of activists (most of whom were upper-middle class women); the set of meanings the hunters associated with these markers—“overly emotional women attempting to voice an opinion on an issue that they do not understand”—delegitimized the activists’ arguments and allowed the hunters to dismiss their critics as emotional and ill-informed about hunting (1999a:67-68). On the other hand, gender identity was also relevant in the activists’ circus campaign, but in that case, circus patrons saw in the female activists compassion and sensitivity that legitimated their claims.

Finally, differential outcomes in animal rights campaigns may partially depend upon the opportunity structure presented by the targeted practices—in particular, “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” (emphasis in original) (Einwohner, 1999b:171). Einwohner suggests that individuals who define a targeted practice as central and necessary are not likely to give in to activists’ demands, while those who see the behavior as less important to their lives are more likely to at least consider claims made by activists. Individuals who participate in hunting, for example, have a structural commitment to the behavior, as they perceive the behavior to be necessary, with no viable alternatives. (Specifically, they subscribe to the idea that wildlife populations must be “managed” by killing a number of animals with the goal of limiting the number of animals in a particular area.) But further, hunters demonstrate a personal commitment to the practice, as well, as illustrated by the fact that for many, hunting is central to their sense of identity (Einwohner, 1999b).

Priorities and Strategies

At least one study has undertaken the task of critically assessing the movement’s priorities. In a content analysis of 21 “important books on animal rights,” Nicoll and Russell (1990), two animal researchers, conclude that (based on comparisons between the number of pages the authors of these books dedicated to various types of animal exploitation and the number of animals killed annually in each of these areas) the animal rights movement spends a disproportionate amount of time and energy on anti-vivisection campaigns. Just in terms of the numbers of animals killed each year, they conclude, the efforts of activists would be better spent on farmed animal issues. Although their methodology is perhaps questionable, Nicoll and Russell’s condemnation has been echoed by many participants in the animal rights movement (see, for example, Singer, 1998:141).

In fact, it seems that the movement is shifting its priorities. In an attitude survey of activists attending the first March for Animals, Plous (1991) found that 54 percent believed that “animals used in research” should be the movement’s highest priority; the next highest response category was “animals used for food” (24 percent). By the second March for Animals in 1996, the priorities of the movement had changed. Forty-eight percent of respondents felt animal
agriculture should be the movement’s top priority, and the percentage believing the movement
should focus on animal research had dropped to 38 percent (Plous, 1998:50). However, when
activists attending this latter protest event were queried about nine movement objectives—
ending the use of animals for biomedical research, consumer product testing, meat, dissection,
leather, hunting, zoos and circuses, and companions—they judged all but one to be moderately
or critically important (Galvin and Herzog, 1998). This indicates that, although their priorities
are shifting from an emphasis on vivisection to one on animal agriculture, activists believe the
effort for animal rights consists of many important struggles.

Significantly, activists in Galvin and Herzog’s (1998) study judged only three of the most
important movement objectives—an end to the use of animals for consumer product testing, fur,
and dissection—to have a greater than 50 percent chance of being achieved within the next 15
years. In contrast, ending the use of animals in biomedical research was thought to have just a
41 percent chance of being achieved, and ending the consumption of animals was judged to have
just a 21 percent chance of being accomplished. Thus, both initial and sustained participation in
animal rights protest seems to require that participants believe their actions will be effective,
even in the face of apparent defeat. Einwohner (2002b) found that advocates use “fortifying
strategies”—“ways of assessing protest outcomes that highlight positive consequences (even for
apparently negative or failed results)”—to achieve this sense of efficacy, which in turn ensures
that campaigners will be able to ward off frustration and maintain their involvement in the
movement over time (2002b:516). These techniques include (1) seeing the positive in all their
activities, so that none of the group’s efforts were thought to have failed completely; (2) thinking
cumulatively, or interpreting all outcomes, no matter how minor, as evidence of progress; (3)
celebrating victories with events such as festivals and social events; and (4) claiming credit for
successes by believing that the activists had something to do with the outcome.

The struggle over strategy may well be the most critical controversy facing the animal
rights movement (Schnurer, 2002). It is the source of sometimes bitter disagreement and in-
fighting within the movement (Herzog, Dinoff & Page, 1997). In large part, this is because some
strategies can negatively affect public and policy-makers’ opinion of the cause:

People tend to view direct actions like sabotage and bombings (even if they are
limited to property destruction) as terrorist-like activities. When these negative
perceptions color the entire landscape of animal rights protest, activists of all
persuasions appear threatening, even dangerous (Schnurer, 2002:106).

Do animal activists support the use of illegal (and sometimes even violent) tactics to
further their goals? The limited research on this issue is ambiguous, but suggests that while
activists generally do endorse extra-legal tactics (Plous, 1991; Herzog, 1993; Plous, 1998),
at the same time, they doubt their effectiveness (Plous, 1998; Galvin and Herzog, 1998). Instead,

145 The only objective not deemed important was the elimination of companion animals; just 13 percent felt it was
important.
146 Perhaps animal activists are also sustained by relatively high levels of optimism. Galvin and Herzog (1998)
found that activists achieved significantly higher scores on the Life Orientation Test—a measure of dispositional
optimism—than did comparison groups of college students and coronary bypass surgery patients.
147 However, support for such tactics may be declining. Plous (1998) found a modest decline in support for
laboratory break-ins over a six-year period: In 1990, 61 percent of activists were personally in favor of laboratory
break-ins (Plous, 1991), but by 1996, the percentage of activists who approved of such extralegal tactics decreased
to 55 percent (Plous, 1998).
activists tend to believe that the relatively non-controversial strategies are the most effective. In a national mail survey of 853 subscribers to *Animals’ Agenda* magazine, Richards (1990) found that activists believed that legal tactics were not only more justified but also more effective in improving the treatment of animals. Although they were not willing to declare that tactics involving the destruction of property or releasing of animals were never justified or never effective, they clearly preferred legal tactics (such as peaceful demonstrations, filing legal suits, media promotions such as television, developing animal awareness education programs, and lobbying for or sponsoring legislation). More recently, Galvin and Herzog (1998) found that, of eight strategies—some relatively non-controversial (e.g., lobbying lawmakers, boycotting companies involved in animal testing, pursuing legal actions on behalf of animals, conducting educational outreach geared toward elementary and secondary students, and role-modeling cruelty-free lifestyles), and others more controversial (e.g., participating in marches and demonstrations, liberating animals from laboratories, and harassing animal researchers)—activists judged the non-controversial strategies the most effective. Furthermore, they ranked the two most controversial strategies—liberating animals from laboratories and harassing animal researchers—as least effective. Finally, although some respondents advocated increased use of civil disobedience and/or direct action—including behavior that may not endear them to the public or policy-makers, such as monkey-wrenching, economic sabotage, and spray painting and ransacking fur stores—none advocated causing physical harm to their opponents. Both Herzog (1993) and Munro (2005) found that very few of the activists they interviewed endorsed violence.

Instead, mainstream activists tend to use four different non-violent strategies in their quest to protect animals. These include the publicity strategies of persuasion, which may include tactics such as handing out pamphlets and writing letters, and protest, including demonstrations and street theater. They also include interference strategies, such as non-cooperation, which includes civil disobedience, boycotts, hunger strikes, and abstaining from animal products, and intervention, which can consist of animal rescues, sit-ins, undercover surveillance, litigation, lobbying, and non-violent sabotage (Munro, 2005:130).

**Do Animal Rights Activists Hate People?**

Opponents of animal rights frequently characterize animal activists as failing to show sufficient concern for members of their own species (Block, 2003; Nibert, 1994). Animal rights activists have been accused of being either “morally confused” (see, e.g., Goodwin, 1992:7), or even outright misanthropic. To illustrate, in Paul’s (1995:15) survey, 18 percent of the animal researcher respondents believed that a “dislike or hatred of mankind [sic]” was the inspiration for activists’ opposition to animal research.

In fact, recent research contradicts the common allegation that those who support animal rights are “morally confused.” Block (2003) administered the Defining Issues Test, which measures moral reasoning, or the “reflective inquiry about moral values regardless of what one’s

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148 Nevertheless, civil disobedience—if done properly—can serve as a means of gaining public support for a campaign. Dillard’s (2002) case study of the use of civil disobedience in the Fund for Animals’ campaign to abolish an annual pigeon shoot held in Hegins, Pennsylvania, offers a suggestion about what effective civil disobedience should “look like”: non-violent, non-threatening, and demonstrative of activists’ willingness to suffer for their cause. 149 However, Herzog does not define what is meant by “violence” in his study. This is a problem that is common in the literature about this movement, and one that produces much ambiguity.
own particular set of moral values happens to be” (2003:167) to 54 activists. After finding that, compared to those in a group of similarly educated members of the general public, believers in animal rights exhibit the same or higher levels of moral reasoning, Block concludes that “[c]oncern for humans and concern for animals may not be mutually exclusive, as some critics of believers in animal rights have claimed” (2003:177).

Another familiar contention is that activists care more about animals than they do people. However, in Plous’s (1991) survey of activists at the first March for Animals, just seven percent reported valuing animal life more than human life. (By the same token, however, only 15 percent valued human life greater than animal life; indeed, 78 percent stated that they valued human and nonhuman life equally.) (1991:195)

Research also disputes the common assumption that those who support animal rights care little about members of their own species. Richards and Krannich (1991) found that the activists they questioned were either active in or sympathetic towards other social movements, including the environmental, anti-war, women’s, civil rights, anti-nuclear, student, and anti-apartheid movements; although they were more ambivalent about the gay rights movement, more than half of respondents were still either active or sympathetic to the cause (1991:368).

In fact, at least two studies suggest that those who are opposed to animal rights may, in fact, be the ones less likely to support measures intended to help human beings. Kimball (1989) hypothesized that advocates of animal protection are more likely than opponents to also be concerned about the plight of humans. To test this idea, he compared the voting records of “conservative” and “liberal” members of the U.S. House of Representatives by correlating members’ co-sponsorship of animal protection bills with ratings these members received from various liberal and conservative organizations. Results confirmed Kimball’s hypothesis: Endorsements of animal protection bills was positively correlated with ratings from liberal organizations, but negatively correlated with ratings from conservative groups. In other words, opposition to animal rights was strongly associated with political conservativism.

Kimball’s findings are given support by Nibert (1994), who explored the relationship between support for animal rights and opinions on social issues pertaining to gun control, acceptance of violence, and acceptance of diversity and rights for women, homosexuals, and African-Americans. Support for animal rights was significantly related to seven of the eleven social issue variables. Those who believed animals have rights generally reported less tolerance for violence and more support of human diversity and rights. On the other hand, those who opposed animal rights were more likely to favor easy public access to guns, oppose abortion rights, demonstrate racial prejudice, approve of interpersonal violence, blame victims of rape, and show a prejudice against homosexuals.

Finally, a number of writers have argued that the oppression of non-human animals parallels, and may be related to, the oppression of some less powerful categories of human beings, such as women (Adams, 1990; Adams and Donovan, 1995a), minorities (Spiegel,

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150 In comparison, of the nonactivists, 69 percent reported valuing human live above nonhuman life, 31 percent valued human and nonhuman life equally, and none stated that they valued animal life more than human life (1991:195).

151 Kimball explains, “I see the liberal as having a more immediate focus on the individual and his [sic] needs; whereas, the conservative emphasizes the idea that the individual is best served by protecting and furthering the interests of business and national defense” (1989:7).

152 However, as both Kimball and Nibert’s studies were of animal rights supporters, caution must be exercised in extending their findings to describe animal rights activists. These studies are more useful for shedding light on the social opinions of those who oppose animal rights than they are in identifying the beliefs of animal rights activists.
and other marginalized groups (Berry, 1997). Peter Singer (1975) draws analogies between racism, sexism, and “speciesism,” which he describes as “a prejudice or attitude of bias toward the interests of members of one’s own species and against those of members of other species” (1975:7). While Plous (1993) suggests that the maltreatment of both humans and non-humans results from the biases people have toward groups that are different from their own, Nibert (2002) argues that it is caused by economic interests (and capitalism in particular). Regardless, for each of these writers, “[a]ll oppressions are interconnected,” and neither the exploitation of animals nor that of humans will end as long as any species, gender, race, social class, age, or any other group is oppressed (Adams and Donovan, 1995b:3).

Animal Rights as a Quasi- or Functional Religion

As noted earlier, animal rights activists are likely to reject both the Judeo-Christian god and religion that most Americans profess to embrace (Jasper and Nelkin, 1992; Galvin and Herzog, 1992a; Herzog, 1995a). Furthermore, research indicates that individuals with greater levels of religious association are more likely to oppose animal rights and approve of the exploitation of animals (e.g., Peek, Konty and Frazier, 1997; Kruse, 1999; Jerolmack, 2003). Thus, it is somewhat incongruous that some researchers have suggested that animal rights may actually function in some activists’ lives like a traditional (or, at least, quasi-) religion, complete with conversion experience, a community, a set of beliefs, codes of behavior, and a set of symbols and rituals (Jamison, Wenk and Parker, 2000; Lowe, 2001). Researchers using qualitative techniques have found similarities between involvement in the animal rights movement and participation in a traditional religion.

Perhaps most significantly, these writers argue that the animal rights movement has produced its own world view, which aggressively challenges the Judeo-Christian world view by questioning the “assumptions of instrumentality” that sanction human use of other animals for food, clothing, research tools, and entertainment. In doing so, the movement provides members with new meaning and means of dealing with questions about good and evil, order and chaos.

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153 Spiegel compares racism and speciesism by examining the similarities between the enslavement of African-American humans and the enslavement of non-human animals; within this text, examples and photographs of the former are juxtaposed against those of the latter, and the similarities are striking.

154 As an illustration, Nibert (2003) notes that the use of assembly-line production methods, which replace and/or exploit human workers, was first developed in the slaughterhouse (where it is more appropriately thought of as a “disassembly” line). In these slaughterhouses, workers trying to keep up are often seriously injured, and billions of animals are killed, all in the name of profit, leading him to conclude that “[t]he callous treatment of workers was inextricably linked with, and driven by, the same insatiable thirst for personal wealth that caused the monstrous, and increasingly mechanized, treatment of other animals” (2003:67).

155 However, Peek, Konty and Frazier (1997) also assert that, among both men and women, some religious ideologies or religiously linked beliefs—that God is in nature, that science is harmful (often an offshoot of a religious belief in creationism), and (for women only) that God is gracious—may actually lay the groundwork for support for animal rights, and may serve to counteract some of the negative impact of greater church attendance.

156 This conversion experience, which may take the form of “a moment of sudden awareness that the path they have been following is strikingly uncaring” (Shapiro, 1994:150), has been documented by several writers (Jamison, Wenk and Parker, 2000; Shapiro, 1994; Herzog, 1993; McDonald, 2000; Lowe and Ginsberg, 2002).

157 A “world view,” according to Sutherland and Nash (1994:176), “gives people a picture of the ways things should be, a comprehensive idea of order.”
suffering, and justice (Sutherland and Nash, 1994:174). Becoming an animal rights activist may thus be associated with a change in fundamental beliefs (Herzog, 1993; McDonald, 2000).

The adoption of a new world view may also result in adherents making dramatic modifications to their lifestyle (Herzog, 1993; McDonald, 2000). As Herzog (1993:116) asserts, “[m]ost people are not compelled to make fundamental changes in behavior because of belief. Animal rights activists are.” These fundamental changes can include the adoption of a vegetarian or vegan diet and the avoidance of purchasing or using products made of or tested on animals (Plous, 1991; Herzog, 1993; Plous, 1998; McDonald, 2000; Lowe and Ginsberg, 2002; Schnurer, 2002). This desire to eliminate all sources of cruelty from their lives has been characterized as a quest for “purity” (Schnurer, 2002), and is epitomized by some activists’ seeming obsession to avoid consuming any food ingredients containing (even miniscule amounts of) animal by-products.

Activists often participate in quasi-religious “rituals” such as demonstrations, meetings, and conferences. The contemporary animal rights movement also has its own quasi-sacred texts, such as Peter Singer’s Animal Liberation; its own “religious virtuosos,” such as members of the ALF, whose raids are “characterized by a sense of moral outrage”; and even its own “martyrs” who have died for their beliefs (emphasis in original) (Lowe, 2001:48, 53). Even the language advocates often use (e.g., “cruelty-free,” “suffering,” and “compassion”) has been characterized as “implicitly religious” (2001:42).

Finally, activists may feel personally estranged from their larger society, and by creating a community of like-minded people, it has been suggested that the movement may provide activists with “a social connectedness in otherwise alienated lives” (Sutherland and Nash, 1994:183; see also, McDonald, 2000). Nevertheless, “between those times of fellowship, they [have] to reconcile their philosophy and lifestyle with the need to maintain their marriages, friendships, and family and work lives” (McDonald, 2000:17). Anecdotes appearing in the qualitative studies exploring this issue have suggested that for some activists, involvement in the animal rights movement can have negative effects on their interpersonal relationships (Herzog, 1993), and at times, can become “a moral and psychological burden” (Herzog, 1995a:667). Nevertheless, inspired by a strong belief in the correctness and justness of the cause, many activists have an intense desire to spread their message to others, perhaps not unlike that of “born-again” religious converts (Herzog, 1993; McDonald, 2000).

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158 According to Sutherland and Nash (1994), each of these fundamental questions are redefined based upon how animals fit within the wider cosmology. Thus, the animal rights movement redefines humans as the source of all evil (in contrast to the Christian belief that Satan is the source of evil), while animals are intrinsically good, pure, and innocent. “Order” is redefined as a state in which animals’ interests are not subordinated to the interests of people. “Suffering” is redefined to include not only physical pain, but also the emotional and psychological pain suffered by humans and non-humans. “Justice” is that which is in agreement with the principle of equality between animals and humans.

159 However, there are several “moral grey areas” (i.e., ethical dilemmas most people either do not consider or are not concerned about, but that can pose difficulties for animal activists attempting to remain morally consistent). These include keeping companion animals, wearing products made of leather that were obtained before their “conversion,” using medicine tested on animals, and killing “nuisance” animals (Herzog, 1993:109).

160 As with many members of more mainstream religions, activists may suffer a sense of guilt when they fail to live up to the moral standards they have set for themselves. For example, given the ubiquity of animal-based ingredients, the quest for purity can be difficult, both logistically and psychically, and can result in “a never-ending process of self-flagellation” (Schnurer, 2002:132).

161 In the U.K. in the 1990s, Mike Hill was crushed while trying to block a truck taking hounds to a hunt, and Jill Phipps was crushed by a lorry transporting calves for export (Lowe, 2001:54).
That the animal rights movement may serve as a functional religion for participants may help explain the growth the movement experienced in the last quarter of the twentieth century (Kruse, 2001). As society becomes more secularized, individuals may search for meaning through which they can interpret their world. In this quest, some may be attracted to alternative communities such as the animal rights movement (Jamison, Wenk, and Parker, 2000). A similar idea was expressed by Sperling (1988), who found that both the Victorian antivivisection and modern animal rights movements have characteristics of “charismatic cults,” which, in a technological culture, may appeal to those individuals who feel alienated and powerless over their own lives:

Science and its practitioners are an important institution of authority in technological culture—a center of repository of symbols, beliefs, and values. … The values of this central zone are perceived by many in our society as a hyperrational empiricism that seeks to conquer nature. By opposing the world view of modern science, animal rights becomes a vehicle for charismatic emotional expressions of alienation from these values (1988:195-196).

The Conflict Between Activists and Their Opponents

Anti-Animal Rights Counter-Movements

As a social movement becomes larger and more visible, it can inspire counter-organization by its opponents. There is no shortage of groups and individuals opposing animal rights. As Munro (2001b) notes, “[i]f the existence of countermovements can be interpreted as a sign of the initial social movement’s success, then the quest for animal rights is on solid ground” (2001b:211). Unfortunately, however, very little has been written about the opponents of animal rights, or of their response to the campaigns of the animal rights movement. It is hoped that the present research project will contribute to this much-neglected subject.

As demonstrated by Munro’s (1999) case study of three well-organized countercampaigns defending animal research, sport hunting, and meat eating, the backlash against the animal rights movement tends to rely on “survivalist anthropocentrism” rhetoric. Thus, while the pro-research counter-movement frames its counter-attack “as literally a matter of life and death,” counter-movements defending recreational hunting and meat eating are framed more as a values war, and emphasize quality-of-life and standard-of-living arguments (1999:40). In either case, apologists for animal use encourage people to put their own interests above those of animals. Furthermore, all three countercampaigns share the common goal of undermining the animal rights movement’s moral capital in the form of compassion for animals. To do this, they have adopted some of the strategies used by their opponents. As Munro notes, “[t]hese tactics include the use of emotion, negative labeling, atrocity stories, protest rallies, and direct mail, which typically features images of suffering innocents ranging from sick children to long-standing farmers and country folk” (1999:50).

162 In fact, animal activists tend to have less faith in science than the general public. In one poll, one-fourth of activists stated they believed science does more “good than harm,” and more than half reported believing that science does more “harm than good.” (In contrast, a 1985 poll conducted by the National Science Foundation found that 58 percent of the general public believed that science does more good than harm, and only 5 percent believed that science does more harm than good (Jamison and Lunch, 1992:450).)
As was shown in Jasper and Poulsen’s (1993) analysis of the different outcomes of three anti-vivisection campaigns, the presence or absence of a strong and organized countermovement is an important factor in the ultimate outcome of activists’ campaigns on behalf of animals. Jasper and Poulsen (1993) examined three anti-vivisection campaigns that were conducted against the American Museum of Natural History in New York City in 1976-1977, Cornell Medical School in 1987-1988, and New York University in 1988-1989. While the first two campaigns resulted in the targeted research being halted, the third did not. Important in the outcome of each of these cases was the fact that the level of counter-mobilization grew from a low level in the campaign against the American Museum, to a medium level in the campaign against Cornell University, to a high level in the campaign against New York University.

Who are the Opponents of Animal Rights?

Although intended to make sense of anti-environmental organizations, Deal’s (1993) typology of groups that oppose the environmental movement may also prove helpful in furthering our understanding about the organizations that oppose animal rights. (Indeed, it is not unusual for the same organizations to oppose both movements.) According to Deal’s schema, anti-environmental groups can be separated into six distinct categories: public relations firms which are “hired to put clean faces on dirty industries and governments”; corporate front groups (i.e., “corporate greenwashing campaigns created by high-priced PR firms and bankrolled by the corporations they represent”); right-wing think tanks, such as the Heritage Foundation and the Cato Institute; corporate-funded legal foundations, including the Mountain States Legal Foundation, the Pacific Legal Foundation, and the National Legal Center for the Public Interest; ultra-conservative endowments and charities, such as the Lilly Endowment, the Carthage Foundation, the John Ohlin Foundation, and the Sarah Scaife Foundation; and “Wise Use” groups (1993:15-17).

In addition, Arluke and Groves (1998) have proposed a typology of interest groups which, as either a central or tangential purpose, work to counter campaigns against animal research. These organizations tend to fall into four categories: grassroots public relations organizations (e.g., Americans for Medical Progress, and Putting People First); patient-originated groups (e.g., the Incurably Ill for Animal Research, and Thank You Researchers); advocacy groups (e.g., the National Association for Biomedical Research); and professional associations (e.g., the American Medical Association, and the National Academy of Science). Although Arluke and Groves’ schema is limited to organizations promoting animal research, similar groups exist in other animal use industries.

Finally, in addition to the organizations identified by Deal and Arluke and Groves, it should be reiterated that the government also often acts as an opponent of animal rights, and engages in a variety of oppositional tactics. As noted in previous chapters, the state may engage in anti-animal rights rhetoric, as illustrated by then-Secretary of Health and Human Services Louis Sullivan’s characterization of the 24,000 activists who had gathered in Washington, D.C. for the first-ever March for Animal Rights as “terrorists.” Or, it may provide moral and material support to groups opposed to animal rights, as demonstrated by the fact that the U.S. Department of Agriculture is a member of the pro-animal use Farm Animal Welfare Coalition, or the fact that several members of Congress and representatives from state and federal agencies gave

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163 These are members of an anti-environmental coalition found largely in the West, and largely funded by timber, mining, ranching, chemical, and recreation companies and their trade organizations.
presentations at a recent anti-animal rights conference. And, of course, the government may investigate and criminalize the behavior of activists.

Different Beliefs about Humans and Non-Humans

As noted earlier, animal rights activists and their opponents tend to hold very different world views. These disparate world views translate into very different beliefs about humans and non-humans and the place of each in this world.

While animal rights advocates tend to recognize the apparent similarities between human and non-human animals, their opponents more often notice the perceived differences (Plous, 1993). (This is significant, for “as history has demonstrated, whenever differences between two groups become evident, one is inevitably regarded as superior” (Lawrence, 1994:177).) Not surprisingly, animal activists tend to hold highly humanistic\(^{164}\) and moralistic\(^{165}\) attitudes, and reduced dominionistic and utilitarian/instrumental attitudes with respect to animals (Kellert, 1980; Jamison and Lunch, 1992; Hills, 1993). Animal advocates also appear to have heightened empathy, and a strong commitment to a value perspective that endorses equality between humans and non-humans (Hills, 1993). In contrast, their opponents tend to hold strongly oppositional attitudes, displaying lesser humanistic and moralistic attitudes, greater dominionistic and utilitarian/instrumental attitudes, and reduced empathy toward animals (Kellert, 1980; Hills, 1993). To illustrate, based on interviews with 3,107 randomly selected persons in 49 states and mail surveys of members of animal activity groups, Kellert (1980) determined that while anti-hunters and humane organization members scored high on a moralistic attitude scale (with mean scores of 7.9 and 9.5, respectively (compared to a mean of 5.5 for the general population)), recreation hunters (2.9), meat hunters (4.2), sportsmen’s organization members (2.9), trappers (2.8), fishermen (4.4), and livestock producers (4.5) all scored very low on this scale. Similarly, while humane organization members (0.9) and anti-hunters (1.2) had the lowest scores on the dominionistic attitude scale (compared to a mean score of 2.0 for the general population), the scores of trappers (8.5), recreation hunters (4.1), meat hunters (3.3), nature hunters (3.8), and sportsmen’s organization members (4.1) were very high (1980:115).

Given the very different attitudes and beliefs of those who advocate for animal rights and those who oppose them, it is not surprising that the two groups seem to use different criteria for determining the tolerability of exploiting animals. As was suggested by Paul’s (1995) research on animal activists and animal researchers, while the former rely on animal suffering as their primary judgment criterion, the latter employ notions of human interest as their primary criterion.

Is there Room for Compromise?

That activists and their adversaries hold such very different world views, beliefs, and attitudes makes meaningful dialogue—let alone compromise—between the two groups unlikely (Herzog, Dinoff and Page, 1997). As Herzog (1998:181-182) explains, “like debates between evolutionists and creationists, the protagonists do not share the same basic assumptions.”

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\(^{164}\) In other words, they have a strong affection for individual animals, in particular companion animals (Kellert, 1980).

\(^{165}\) That is, they have strong opposition to the exploitation and cruel treatment of animals (Kellert, 1980).
Dizard’s (1994) case study of a proposed deer hunt in Massachusetts and the controversy it created illustrates the difficulty animal rights proponents and opponents may have understanding one another, let alone finding some common ground. As Dizard notes,

[t]he proponents of animal rights and the hunters are unintelligible to one another. Hunters cannot fathom how people who profess love for animals can sit idly by knowing that deer are going to be starving to death. Animal rights advocates cannot, for their part, comprehend how hunters can claim to love the animals they so eagerly seek to kill (1994:125).

Not helping matters is the fact that both activists and their opponents tend to keep unflattering and somewhat extreme conceptions of the other. In Paul’s (1995) study examining the beliefs animal researchers and activists have about one another, 41 percent of animal researchers used descriptors such as “gullible” and “immature” when describing their impressions of animal rights campaigners, and 18 percent believed that a “dislike or hatred of mankind [sic]” was the inspiration for their opposition to animal research (1995:15). Not to be outdone, 23 percent of the activists used terms such as “insensitive,” “unempathetic,” and “uncaring” to describe animal researchers, and 55 percent believed researchers were “corrupted by the ‘system’” (1995:15). Similarly, Plous (1998:51) found that three-fourths of activists reported that their image of a typical animal researcher was a person who “does not care about animals.”

Other obstacles to communication and compromise exist. In an essay based upon personal experience working in animal research, Gluck and Kubacki (1991) posit that animal researchers have formed three “working assumptions” which have become obstacles to communicative dialogue and consensus: (1) that the animal rights movement is trivial, either because its adherents are overly sensitive individuals with too much free time on their hands, or because they are anti-intellectual or anti-science; (2) that “all science is excellent and some is especially so,” an implicit suggestion that science would not permit unimportant, self-promoting, biased, fraudulent, or otherwise second-rate research to be performed on animals; and (3) that “an ethical consensus cannot be reached” because values and ethics are relative and evade a normative basis (1991:160).

This last assumption may be especially useful in explaining the impasse between animal researchers and activists, as research by Galvin and Herzog (1992a) indicates that animal activists do not believe values are relative. In their examination of the ethical ideologies of activists, Galvin and Herzog found that three-fourths of them held an “absolutist” moral orientation (compared to just one-fourth of the college student comparison group). Absolutists have high idealism and low relativism, and thus believe that “there are universal moral principles and that adherence to them will lead to positive consequences and the protection of the general

\[166\] In their battle over animal rights, the extreme views held by each of the protagonists may, in fact, be functional to them. As Paul (1995:17) explains,

[w]hen disagreeing with a nebulous other, it is perhaps helpful and supportive to one’s own argument to perceive the counter argument as extreme to the point of ridicule. Moderation, in fact, may be disarming. As a result, both sides seem content to maintain moderate views of themselves and somewhat extreme views of the opposition.
welfare” (1992a:142). This finding can help us understand why activists having absolutist moral orientations may have difficulty finding common ground with those who oppose them:

Absolutists have been reported to be more likely … to take extreme stands on social issues, and they are harsher in making judgments about the behavior of others and their own moral failings. They may be less willing to compromise their positions than individuals who view moral judgment through a more relativistic lens [citations omitted] (1992:147).

Finally, Groves (1997) noted that although activists and biomedical researchers have been able to reach agreements in private, informal negotiations, once the negotiations move into more public settings, both sides become less willing to yield to their opponents, and both sides become more extremist. His ethnographic research of activists and animal researchers revealed that although members of both sides of the debate may be in agreement with some of their opponents’ claims, they may be hesitant to publicly admit it:

If animal rights activists go on public record as saying that they support only some types of animal use, they will be shamed by pro-researchers and other animal rights activists for being hypocritical. And if research supporters go on record as supporting some animal rights claims, they fear they will be crediting the animal rights movement and thus betraying their profession (1997:199).

However, notwithstanding the obstacles identified by the above writers, some have expressed restrained optimism about the protagonists’ ability and willingness to work together (see, e.g., Broida, Tingley, Kimball and Miele, 1993; Rowan, Loew and Weer, 1995). In fact, several researchers have concluded that there may be some “common ground” between animal activists and their opponents (Jamison and Lunch, 1992; Paul, 1995; Plous, 1998). Sanders and Jasper’s (1994) case study of the late-1980s quest of a Cambridge, Massachusetts animal rights organization for the nation’s first local ordinance regulating animal research demonstrates that compromise is possible. Sanders and Jasper found that both sides’ relative avoidance of rigid ideological posturing in favor of pragmatic casuistic argumentation about specific policies helped prevent the polarization that tends to paralyze many animal rights debates and ultimately led to the enactment of a moderate compromise ordinance, one in which both animal activists and the animal research community could claim some success. However, in the debate over animal rights, compromise such as that which occurred in Cambridge is extremely rare. Gluck and Kubacki (1991) propose that two things are required if the “state of siege” between activists and their opponents is to be abated: “First, each side must cease launching stereotyped, distorted, and vainglorious images of themselves at the perceived enemy and the undecided public. These are nothing but naked attempts to overpower and manipulate” (1991:160). Second, both sides “must try to listen for the elements of truth nested in the attacks and assertions of [their] antagonists” (1991:160).

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167 “Idealism” is “the extent to which individuals believe that ethical behavior will always lead to positive consequences,” while “relativism” refers to “the degree to which individuals accept the belief that moral decisions should be based on universal principles” (Galvin and Herzog, 1992a:142).
According to the social constructionist perspective, claims about both the putative problems of animal exploitation and animal rights do not directly stem from objective conditions, but instead flow from the activities of claims-makers who mold and construct this image of animal use or animal rights as a social problem. In the remainder of this chapter, I review those studies examining how both those opposed to animal exploitation and those opposed to animal rights have (1) constructed the behavior of their adversaries as problematic; (2) constructed their adversaries themselves as problematic; (3) constructed their own behavior as honorable; and (4) constructed themselves as honorable. I also review the research investigating the way in which the media assists in the construction of the animal rights debate. In each of these studies, the protagonists—whether they are activists, opponents, or the media—engage in the claims-making process. Because of this, the studies that follow are most similar and relevant to my own project. Finally, anticipating their usefulness in my own research, after briefly reviewing this literature, I distill the claims described in each of these studies. This list of claims is included in Appendix B.

Animal Rights Supporters and Opponents as Claims-makers

Paul (1995) administered questionnaires to 22 animal activists and 22 animal researchers in England. Those surveyed were asked to report their beliefs about the origins of not only their own attitudes and ideas about animal research, but also those they believed their opponents held. As might be expected, both groups tended to describe the sources of their own beliefs in positive terms. Animal activists most often (9 out of 22) cited their childhood experience of animals. They also thought of themselves as being open-minded, questioning, or non-conformist (7); having strong feelings for justice or morality (5); being sensitive, empathic, or caring (5); or having concern for the less powerful members of society (4). For their part, more than half of the animal researchers believed that they were inspired by an interest in science, curiosity, or a longing to understand “how things work” (13). They also cited compassion and a desire to help others (10); their childhood experience of animals (5); the “inevitability of animal experiments for understanding disease, etc.” (4); and, finally, a belief that their work is humane (3) (1995:15). Not surprisingly, the findings of Paul’s study also suggest that each faction tends to have an unflattering and somewhat extreme perception of the other. More than one-half (12) of the animal advocates suggested that their opponents were “corrupted by the ‘system’ (i.e., science, the establishment, education),” and about one-fourth (5) said that researchers were insensitive, unempathetic, or uncaring. Lesser numbers reported believing that researchers were narrow-minded (4); were motivated by factors such as money or prestige (4); perceived humans and non-humans as being very different (4); were bullies, “superior,” arrogant, or selfish people (4); lacked experience with animals (3); or were sadists (3). For their part, 9 of the 22 researchers thought that activists were young, impressionable, gullible, or immature, and 8 reported thinking that activists were “animal lovers,” sentimental, or sensitive. Seven believed that activists had either a lack of interest in or understanding of science, and the same number saw them as being anti-establishment, anarchistic, or in need of a “cause.” Lesser numbers reported that they thought that activists had been exposed to misleading propaganda (5); were “failures” lacking in areas such as education or achievement (4); disliked or hated human beings (4); were intolerant,
fanatical, or bigoted (4); were hypocrites (3); or lacked experience in human suffering (1) (1995:15).

Many of the themes identified by Paul with respect to protagonists’ attitudes and beliefs resurfaced in the findings of Arluke and Groves (1998), but this time, they took the form of more overt claims. Based on interviews with 165 scientists and administrators at a variety of research institutions, attendance at 10 pro-animal research conferences, and analysis of pro-research literature, Arluke and Groves describe how animal researchers present themselves as “moderate centrists, heroes, and humans” while, at the same time, construct animal rights activists as “anti-human, dishonest, and terrorists” (1998:161).

First, researchers claimed they occupied the middle ground of a spectrum in which animal rights lay at one extreme and willful animal abuse at the opposite extreme; in doing this, the biomedical research community loosely positioned itself with the more traditional animal welfare organizations. Second, supporters of animal research constructed themselves as “unsung heroes,” by claiming that research involving animals had added 26 years to the average human life-span in the 20th century, and presenting a litany of “one-time scourges” that they claim were defeated through animal research, including anthrax, cholera, whooping cough, smallpox, measles, tuberculosis, leprosy, rabies, and polio. Animal researchers also claimed they were “on the verge” of finding solutions to problems such as cancer, arthritis, and Alzheimer’s disease, and animal rights was constructed as a primary obstacle to achieving these medical breakthroughs. Finally, they constructed themselves as “animal lovers,” and as persons who were motivated by the altruistic goal of helping people, both of which were thought to “humanize” and soften the public’s view of animal researchers as cold, insensitive scientists.

On the other hand, supporters of animal research portrayed activists as anti-human because of their belief that animals and humans were moral equals:

For researchers, this moral equivalency was antihuman because it meant that humans would die because animals could not, a concern clearly expressed in an ad that the research community considered running that read: “If animal rights groups have their way, only people will die” (1998:147).

Animal activists were also portrayed as being dishonest because, supporters charged, activists not only misrepresented animal research and animal researchers, but also cloaked their true ideological agenda. Finally, they were constructed as “terrorists” and their tactics and messages/communications were portrayed as violent and dangerous. By constructing animal activists in this demonizing way, Arluke and Groves argue, those who support animal research hope not only to exclude them from participating in the debate over the use of animals in research, but also to establish themselves as the voice of reason in the controversy.

Rhetorical strategies. Swan and McCarthy (2003) examined the debate over animal rights as conducted over the Internet, in which data were collected from both pro- and anti-animal rights websites. They discovered that activists and their opponents are engaged in a debate “dialogue,” and that claims and arguments made by one side of the debate are often de facto responses to those of their adversaries. Thus, while animal activists construct humans’ use of animals as a moral problem by portraying animals as victims of cruelty and human beings as oppressive, animal users construct the use of animals as a natural norm (i.e., something all species do), thereby “removing animal use from the realm of the moral” (2003:310). In the same way, in response to animal exploiters’ claims that animal use is both beneficial and necessary to
human health, animal activists rely on the endangerment rhetoric identified by Maurer (1995) and Kunkel (1995, 1999) (i.e., that human use of animals is actually dangerous to human health). Finally, the anti-animal rights side of the debate responds to the claims of proponents of animal rights by “turn[ing] the oppression issue on its head by constructing [animal rights] as discrimination” (Swan and McCarthy, 2003:310). Argumentative strategies used to do this include using an indignant tone, which helps construct animal rights views as absurd; relying on satire and sarcasm, which may have the effect of trivializing animal rights claims and arguments; and portraying animal rights as an effort to discriminate against human beings, and animal rights activists as those who hate and wish to oppress humans.168

In an examination of vegetarian claims-making found in 20 vegetarian books and two vegetarian periodicals, Maurer (1995) found that vegetarian discourse relies on two key rhetorical idioms, the rhetorics of “entitlement” and “endangerment.”169 Vegetarian claims-makers who promote a meat-free diet on animal rights grounds tend to make use of entitlement rhetoric, “which stress an animal’s right to pursue its natural interests” (1995:157). Maurer concludes that although some people may be convinced by entitlement rhetoric, the habit of eating meat is so ingrained in this culture and “meat is still a central component of a typical meal in the United States,” that any distress or guilt one may have about consuming animals is outweighed by cultural mechanisms, cultural demands, and gustatory desires (1995:143). She therefore suggests that endangerment claims, focusing on the individual’s health (e.g., that “meat consumption damages the health of those who eat it; meat production consumes vital resources, the loss of which harms the environment; and feeding livestock grain endangers the lives of the starving”), may be more persuasive to most people (1995:147-148).

As described in Chapter 2, following Maurer’s lead, Kunkel examined the use of “rationale expansion”—expansion of the list of reasons for a particular solution to a claimed problem—by activists in campaigns against both meat (Kunkel, 1995) and vivisection (Kunkel, 1999). Like Maurer, Kunkel suggests that when putative conditions are accepted and deeply ingrained cultural habits, claims-makers are not likely to produce widespread agreement that the condition is in fact a problem, absent the promotion of other, additional grounds. Animal rights activists may thus rely on—in addition to claims about animal suffering—other, indirectly related, and more culturally accepted rationales in an effort to achieve “backdoor” support for their desired policies.

While animal rights claims-makers tend to rely on rationale expansion in their effort to gain support for their policies, Munro (1999) argues that anti-animal rights claims-makers tend to use a rhetorical strategy he terms “survivalist anthropocentrism.” With this approach, opponents of animal rights appeal to the anthropocentric inclinations of individual members of the general public to put their own interests before those of non-human animals: “Where the pro-research lobby argues its case as a life and death matter, the meat and agriculture industries and sport hunting fraternity use standard of living and quality-of-life arguments in defense of their activities” (1999:50). Proponents of animal use may remind audiences of medical advances claimed to have been achieved only through the use of animals, and of long-standing American traditions that use animals (such as rodeos, circuses, and backyard barbeques).

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168 Other claims identified by Swan and McCarthy are set forth in Table B.1 in Appendix B.
169 As discussed earlier, Ibarra and Kitsuse (1993) describe the rhetoric of entitlement as emphasizing tolerance, choice, empowerment, and liberation, and condemning attitudes and actions that are discriminator and unjust, including sexism, racism, ageism, and—notably—speciesism. In contrast, the rhetoric of endangerment focuses on human health and safety.
The Role of the Media as a Claims-maker in the Animal Rights Issue

The animal rights organization PETA is known for its street theater protest tactics. It engages in this often ridiculous, often offensive, strategic behavior because its campaign coordinators believe that a strategy of shocking deeds and accompanying press releases is likely to generate press coverage. In turn, the organization hopes that this will cause viewers, readers, or listeners to at least begin to contemplate the more serious issues prompting the theatrics. Certainly, in this way, the media play a role—however passive—in the social construction of animal rights. However, the media also play a more active role in constructing social problems when they decide how to present what is reported. In the claims-making literature, it is often stated that the media do not merely report the news, but construct it (Kruse, 1998:236).

In its depiction of an event or issue, the media employs frames, which are “central organizing ideas” which define the parameters of an issue by locating it “within a certain sphere of meaning” (Kruse, 2001:68). It employs frames both with respect to the issues and key players in a debate. Kruse (2001) looked at frames employed by the media with respect to the animal experimentation debate, and found that of the packages focusing on the issues, while newsmagazines presented a greater number of pro-animal experimentation packages than anti-experimentation packages, the opposite was true with respect to television news broadcasts. In newsmagazines, the most common pro-animal research frame was “medical progress” (accounting for 29 percent of the total), followed by “necessity” (19%) and “dominion” (10%), and the most common anti-animal research frame was “pain and suffering” (12%), followed by “alternative methods” (11%). With the television news broadcasts, “pain and suffering”—an anti-research frame—appeared most often (46%), followed by the pro-experiment frames “medical progress” (19%) and “necessity” (19%) (2001:75).

Of the packages focusing on the actors, in both print and broadcast media, not only were supporters of animal experimentation much more likely to be portrayed in positive terms than in negative terms, but the opposite was true for those who opposed animal research. Thus, animal researchers were more likely to be positively portrayed as the “conquering hero” (in 38 percent of the packages in newsmagazines and 4 percent of broadcast packages), “martyr/victim” (34% and 78%), and/or “minimizer” (21% and 17%) than they were to be negatively cast. Opponents of animal experimentation, on the other hand, were most commonly presented as “terrorists” or “criminals” (in 30 percent of the packages in newsmagazines and 63 percent in broadcasts), “extremists” (18% and 12%), and/or “agitators” (5% and 1%), and were less likely to be framed positively as “liberators” (20% and 13%) or “pragmatists” (3% and 1%) (2001:77). Kruse comments, “[t]his creates an atmosphere in which anti-experimentation messages and claims are seen as less credible than their pro-experimentation counterparts,” which in turn may affect the ability of the anti-vivisection movement to recruit new members, gain the support of the general public, and be effective against counter-movements (2001:83-84).

According to Munro (2005), media coverage also helps social movements build public support and attract new members; “provides symbolic links with other actors, for example, by putting pressure on policymakers”; and benefits the movement’s internal relations, for example, by boosting the morale of activists when they see that the media take their cause seriously (Munro, 2005:177 (citing Kielbowicz and Scherer (1986))). Indeed, the only negative frame used to describe animal researchers was “callousness” (and this frame was invoked in fewer than seven percent of the total newsmagazines packages and none of the television broadcasts). The “sadist” frame, which is a common theme in anti-vivisection literature, did not appear at all in either the print or broadcast samples.
Finally, the perceived social status of the source of claims can influence the successful construction of a social problem. The perceived relative expertise of claims-makers can influence the attitudes formed by audiences, because rhetoric attributed to prestigious individuals carries more weight than that made by individuals having lower status. Again, the media can have an influential role in shaping this. Kruse (1998), for instance, found that in both newsmagazines and broadcast media, not only were supporters of animal research more likely than opponents to be quoted (three times more likely in the case of newsmagazines, and one and a half times more likely in broadcasts), but they were also significantly more likely than opponents to be presented as professionals or experts in the subject matter. (In the case of the debate over using animals in experiments, “experts” include scientists, professors, and medical doctors, and heads of organizations such as PETA or Americans for Medical Progress.) In newsmagazines, quotations in support of animal research were one and a half times more likely to be attributed to someone of high social status than were quotations critical of it, and in broadcast media, pro-research quotations were six and a half times more likely to be made by someone of high status than were opposing quotations. This presentation of the source of claims may provide pro-experimentation arguments with a higher level of credibility, which may serve as a heuristic cue used by claims-receivers in the formation of their attitudes (1998:240).

The Role of the Social Scientist as a Claims-maker in the Animal Rights Issue

Claims-makers usually have a direct stake in an issue, and generally make overt, evaluative claims about the putative social problem. However, claims-makers may also be relatively disinterested participants, and their claims may be something less than judgmental. Such is often the case of social researchers presenting claims in the form of findings emerging from their research.

Aronson (1984) argues that “doing science” is a kind of claims-making activity. Scientists make cognitive claims, which are “claims concerning research findings directed toward a specialized research community for the purpose of transforming claims to certified scientific knowledge,” as well as interpretive claims, which are claims to outsiders and which “refer to the broader implications of research findings for the particular concerns of the nonspecialist audience” (1984:8, 11). In communicating the findings of their research to both experts and non-experts, then, social scientists are engaging in a type of claims-making activity, and just as an off-the-cuff and overt statement such as “animal rights activists hate people” is a claim, so too is the research-based finding that compared to non-activists, animal activists are less likely to value human life above animal life (Plous, 1991:195).

Thus, in addition to the explicit claims made by directly interested stakeholders which are uncovered by research about animal rights, the animal rights movement, and both the proponents and opponents of animal rights, many other studies discussed earlier in this chapter generate more implicit claims about these topics. For example, from some of these studies emerge more implicit claims that both involvement and interest in animal rights is decreasing (Herzog, 1995b; Jones, 1997); that animal rights is a gendered (i.e., largely female) movement (Plous, 1991; Pious, 1998; Lowe and Ginsberg, 2002); that animal use is central to some individuals’ identity (Einwohner, 1997); and that those who exploit animals employ a number of psychological mechanisms to allow themselves to do so (Plous, 1993).

172 To be fair, this discrepancy may be due to the fact that a large percentage of pro-research claims-makers are researchers or doctors (1998:240).
A Distillation of Claims Made in the Construction of the Protagonists and Their Behavior

I expect that the findings of the research discussed in this chapter will be useful to my own project, as they suggest the claims I should anticipate. What follows, then, is a distillation of claims identified in the literature reviewed in this chapter. As I proceed with my research, I expect to find that opponents of animal rights and their surrogates will make use of most, if not all, of these claims in their efforts to construct animal rights as a social problem. Appendix B includes claims that are sympathetic to animal rights as well as those that criticize it. It encompasses claims-making by those having a direct stake in the outcome of the controversy, claims-making by the theoretically more neutral media, and finally, claims-making by those whose claims are more implicit and appear as findings of social research. Finally, tied to each claim is a citation to at least one study in which the claim appears.

Conclusion

The above review of what is known about animal rights suggests that our understanding about this subject is, regrettably, both limited and piece-meal. Although much has been written which is ideological or philosophical, relatively little has been based on empirical research. Besides contributing to the growing cumulative wisdom about this issue, the movement, and its activists, the present project departs from and expands upon what previous writers have contributed in several ways. First, research specifically about those individuals and entities who oppose animal rights is virtually non-existent. Only a relative handful of such studies exist. Studies specifically examining claims-making by these same persons and groups are even more scarce. Thus, one of my aims for this project is to help fill in this gap in the research, and to contribute to our understanding of those who actively oppose animal rights, by examining the claims they make about animal rights, animal rights activists, and the animal rights movement.

Second, while I anticipate that most, if not all of the above claims that have emerged from previous research will reemerge in my own project, I also anticipate that I may uncover claims which have not been identified in any of the literature discussed in this chapter. For example, based on my personal involvement with animal rights, I expect to uncover claims made by opponents of animal rights that animal rights organizations are motivated more by increasing their coffers than helping animals.

Finally, unlike much existing research, the focus of this study will not be limited by area of exploitation. Studies by Paul (1995), Arluke and Groves (1998), and Kruse (2001) (and others), although particularly useful with respect to claims, are nevertheless limited because their scope of inquiry is restricted to claims made in the context of animal research. Animal rights is a movement that confronts all forms of animal use, and should be treated as such. Opponents of animal rights recognize this, and their claims often reflect this fact. For example, in disputing anti-hunting claims, hunters may make reference to alleged contributions of animal research. Apologists for the meat industry may point to alleged acts of “terrorism” against fur farms. And so on.

In addition to the claims which can be readily classified as either supportive or critical of animal rights are those relatively few claims which appear to be more neutral, such as the claim that animal rights functions like a religion in the lives of its adherents (Herzog, 1993; Sutherland and Nash, 1994; Jamison, Wenk and Parker, 2000). Because of the nature of these claims, they are not included in this table.
CHAPTER 8

SAMPLING AND CODING

In this chapter, I describe the methodology used in this dissertation. First, I provide an explanation of the process used to select the samples of documents analyzed for this project. After that, I briefly describe the coding procedures relied on for the content analysis of these same documents.

For this project, I used two sources of data: a large sample of items published in the New York Times, and a large sample of written testimonies produced and used by witnesses in Congressional hearings. The former sample was obtained using the ProQuest New York Times and New York Times Historical electronic databases, and the latter was obtained using the LexisNexis Congressional electronic database.

New York Times Sample

Sampling Frame

The sampling frame for this part of the project included all documents published in the New York Times containing the keyword “animal rights.” On December 24, 2006, I conducted a search of back issues of the New York Times, using two ProQuest search engines: “ProQuest New York Times Historical” for older articles (i.e., those published from its first issue in 1851 through December 10, 2004) and “ProQuest New York Times” (for articles published after December 10, 2004). Use of both of these search engines was required, because when the sampling frame was initially drawn in late December 2006, ProQuest Historical only included items published before December 10, 2004, and ProQuest Newspapers included items published after that date. In 2007, I updated the New York Times sampling frame, adding documents that had been published between December 24, 2006 and June 11, 2007.

In both of these databases, I ran a search for items published in the New York Times and containing the term “animal rights” in either the citation or document text. This search produced a total sampling frame of 2,196 articles (1,925 in ProQuest Historical (1851-December 10, 2004) and 271 in ProQuest Newspapers (December 11, 2004-June 30, 2007)).

Sample Selection

Because of the large number of items this search retrieved, I relied on a systematic sampling of the resulting documents (see Babbie, 1992: 212-215). Every eighth document in the sampling frame, beginning with the eighth earliest article, was selected for inclusion in the

174 I went back to 1851 because, even though the focus of this research is on the contemporary U.S. animal rights movement (which began in the last half of the 20th century), as explained in Chapter 6, this movement has roots that go back further. In fact, the first reference to “animal rights” in the newspaper (a list of “books received,” including Henry Salt’s book Animals’ Rights, Considered in Relation to Social Progress) was published on September 20, 1894. However, it is important to note that all but three of the coded documents were published in 1973 or later, and so the vast majority of claims were made in the last three and a half decades.
sample. This resulted in a sample of 274 items.\footnote{One item (July 21, 1959), an advertisement, actually contained reprints of two articles. I counted this as one item.} The great majority of these items were news stories, although also included in the sample were items such as lengthy feature stories, editorials, op-eds, letters to the editor, book and film reviews, advertisements, a multiple-choice question “news quiz,” an interview, and even a cooking column.

I did not include in the sample any items that were not substantively about animal rights. However, in many cases, owing to the quirks of an electronic keyword search, a particular document found its way into my sample that really was not about, or even partially about, animal rights. Such items included indexes; items in which the words “animal” and “right/rights” were adjacent to one another at some point in the document text, but nevertheless were not about animal rights; TV programming guides referencing a show having animal rights as its topic; simple event listings merely referencing a talk or some other event having something to do with animal rights; “notable book” listings only noting new books having something to do with animal rights; obituaries or articles about no-longer living persons wherein it was merely noted that the decedent had been an animal rights advocate; one piece that, in fact, did not contain the keyword “animal rights”; and, finally, other miscellaneous items in which “animal rights” was only very briefly mentioned (and such mention did not reach the level of being a “claim” about animal rights). I omitted such articles from my sample, and replaced them with the next substantive article about animal rights, or in the case of indexes, replaced them with the appropriate article referenced in that index. A total of 67 items initially selected for inclusion in the sample were replaced in this manner.

Finally, some of the articles in my sample were substantively “about” animal rights, yet reported animal rights either neutrally or positively, only, and did not contain any anti-animal rights claims. Of the 274 sampled documents, 72, or 26.3 percent of the total sample, contained no claims against animal rights. Because they lacked any instances of anti-animal rights claims-making, I did not code such items, but kept these in the sample and did not replace these items.

**Congressional Testimony Sample**

**Sampling Frame**

The documents selected for inclusion in the Congressional testimony sampling frame include all documents available from January 1, 1990 through August 2, 2007. The end date was determined by availability. At the time the sampled documents were coded and analyzed (in the fall of 2007), this was the date of the last testimony available in LexisNexis. The beginning date was chosen for two reasons, both practical and historical.

First, ongoing changes to (and consequently, instability in) the LexisNexis Congressional database required that that sample begin after the late 1980s. Although ideally, this sample would have began in the mid-1970s, so as to include claims made before and during the earliest years of the U.S. animal rights movement, for practical reasons, at the time this dissertation was written, this was not possible. Briefly, in the middle of this project (on August 31, 2007), it was discovered that LexisNexis is in the midst of an ongoing effort to aggressively add older documents (i.e., those in its “LexisNexis Congressional Hearings Digital Collection”) to its Congressional hearings database, and that this effort is projected to continue into the year 2008. Consequently, a stable sampling frame for all hearings held in all years will not be available until...
that time. Although this has had little or no effect on the availability of documents produced in
more recent years (i.e., from about 1996), the addition of earlier testimonies has revealed the
relative unavailability of older documents (i.e., those from about 1996 and earlier, but especially
those produced before 1989). Thus, at the time of this dissertation, I could not, with great
confidence about the kinds of documents available versus documents existing but not yet
available, draw a sample from documents produced before 1990.

Second, a significant event in the history of the U.S. animal rights movement occurred
about this time. On June 10, 1990, thousands of animal rights advocates participated in the first-
ever March for Animal Rights in Washington, D.C.. Those marching on behalf of animals
walked from the Ellipse, down Pennsylvania Avenue, to the Capitol nearly three miles away, and
although there was some disagreement about the number of persons participating in the
demonstration,\textsuperscript{176} it was reported that marchers were still leaving the Ellipse when the first
marchers arrived at the Capitol (\textit{Animals’ Voice Magazine}, 1990b:60). Supporters billed it as
“the greatest demonstration in the history of the long struggle for animal rights/liberation”
(Mason, 1992).

Therefore, it was decided to select January 1, 1990 as the start day for the sampling
frame. There were ample documents included in the LexisNexis Congressional database after
that date, but relatively few documents before that date, and historically, it was a very
meaningful moment in the history of the young movement.

The data analyzed for this project consist of written testimonies prepared for
Congressional hearings involving the subject of animal rights. On August 31, 2007, I
constructed my sampling frame for these documents by conducting the following electronic
search of Congressional hearings using the LexisNexis Congressional database:

\begin{quote}
search: CONGRESSIONAL PUBLICATIONS: ADVANCED SEARCH
search terms: “ANIMAL RIGHTS”
in: ALL FIELDS INCLUDING FULL TEXT
search within: HEARINGS
restrict by: DATE (DATE IS BETWEEN … 01/01/1990 TO 08/31/2007)
\end{quote}

After omitting all duplicate documents,\textsuperscript{177} I was left with a sampling frame consisting of 602
documents. Of those 602 documents, 114 met the requirements that had been set for inclusion in
the sample (described in the next section).

Most often (for 66 documents), these testimonies were generated for proceedings held to
consider proposals to regulate, prohibit, or otherwise affect one’s ability to participate in a
particular animal use activity. The remaining 48 documents were either produced for hearings
specifically about the putative threat and control of activism, or which testimony had as its
primary purpose explication of the threat and control of activism (i.e., even if such testimony did
not occur in a hearing held specifically for that purpose). Thus, documents selected for inclusion
in the sample tended to fall into one of two categories: testimonies opposing proposed pro-
animal rights legislation, and testimonies urging the control of radical animal activism.

\textsuperscript{176} Official estimates placed the number of participants at 24,000 (Guither, 1998:11); however, animal rights
supporters estimated that 50,000 activists participated in the event (\textit{Animals’ Voice Magazine}, 1990b:60).
\textsuperscript{177} I occasionally came across a duplicate document. This is owing to the fact that the LexisNexis Congressional
database includes hearing transcripts from more than one transcription service.
Sample Selection

In this section, I briefly outline the requirements for a particular testimony to be included in the sample. First, as noted earlier, only documents produced after January 1, 1990 were eligible for inclusion in the sample.

Second, only witnesses’ prepared written statements were eligible for inclusion in the sample. Again, this decision was made based on idiosyncrasies of the LexisNexis Congressional database. Briefly, depending upon the date a document was produced, LexisNexis makes available either individual witnesses’ written testimonies, full verbal hearing transcripts for all witnesses, or both. Not insignificantly, the type of document available varied over time. Newer documents were more likely be individual written testimonies only, while older documents (especially those documents for hearings held before 1997) were more likely to consist of the entire official hearing record, including both written and verbal testimonies, as well as any attachments provided by the witnesses. Again, this quirk is owing to the fact that LexisNexis Congressional database documents consist of transcripts from several transcription service companies, and these companies provide documents in different formats. Because there were more written testimonies available than verbal testimonies—and importantly, because there was a disproportionately greater number of verbal testimonies available in earlier hearings—for the sake of having consistent data and avoiding skewed results, it was decided that the sample would be limited to witnesses’ prepared written statements.

Third, documents were selected for inclusion only if they contained anti-animal rights claims-making. For a document to gain entry into the sample, the keyword “animal rights” had to appear in the context of an anti-animal rights claim of some kind; in other words, the speaker had to have been using the phrase “animal rights” in a negative way. This requirement was set so as to avoid claims made by proponents of animal rights and others who might not fairly be considered opponents of the movement.

Finally, all documents had to meet one of the following two requirements to be included in the sample:

1. The document involved testimony relating to, and specifically referencing, proposed or anticipated legislation relating to animal rights. By “relating to animal rights,” I mean legislation that would have as its effect the restriction of animal use (e.g., a proposed ban on “bear baiting”), or the regulation of animal use (e.g., the 2007 Farm Bill), or would in some other way—either by enabling or hindering—affect how animal users use animals (e.g., a FOIA-related bill impacting those using animals in research). Thus, even if an off-the-cuff comment about animal rights was made during a hearing about a bankruptcy bill, because the subject matter of such testimony was bankruptcy, and could not fairly be said to be related to animal rights, it was not included in the sample. Also, obviously excluded from this sample were non-testimony documents, including indexes to hearings and witness lists.

2. The document involved (1) testimony in hearings that had as their purpose exploration of the threat and/or control of animal rights activists, (2) testimony that had as its primary purpose explication of the threat of animal rights and calls for social control of animal rights.

178 The specific reference requirement was established in an effort to limit my sample size.
179 By “anticipated,” I don’t mean merely “hoped for” or “desired” by proponents; rather, I mean “likely” and “expected” (e.g., a bill already introduced and assigned a bill number; expected reauthorization of a statute like the Endangered Species Act or Marine Mammal Protection Act; or expected appropriations for an existing agency or program).
(even if it did not occur in a hearing specifically on that topic), or (3) testimony that had as its primary purpose the control of radical activism (generally), that also included discussion about controlling animal activism.

There was one notable exception to these rules about what to include in my sample: In the sampling frame, there were two documents from 1990 relating to hearings on the threat and control of radical animal activism. These two documents were only indexes, though, and did not contain any testimony, and thus were not codable. However, at a later date, I discovered that LexisNexis had since uploaded a (codable) full-text version of both of these hearings. So, it was determined that in this instance, an exception to the rules for drawing the sample would be appropriate. I therefore included these two full-text documents in the sample, even though they had not “really” appeared in the sampling frame drawn on August 31, 2007 (i.e., only their indexes had appeared in the sampling frame on that date).

LexisNexis Issues

As indicated above, there were some significant limitations to relying on an electronic database search to generate my sample frame, and to using the same database as the source of documents analyzed. I was, in brief, often largely at the mercy of LexisNexis Congressional and its quirks. However, notwithstanding the idiosyncrasies and limitations of LexisNexis, there were definite advantages to using an electronic database to generate my sampling frame. Most importantly, by relying on a keyword search, I was able to include many, many more documents containing anti-animal rights claims-making than would have been found had I instead relied on a traditional, hard-copy index search of testimonies related to animal rights, or even a subject matter search using an electronic search engine. In short, using an electronic database keyword search for this project produced many more relevant instances of anti-animal rights claims-making than might otherwise have been obtained.

The Coding Process

Coding and analysis of the documents included in this study began in the fall of 2006 and continued through February 2008. The coding process began with a reading of each document selected for inclusion in the sample. As I read through each item, I identified all instances of anti-animal rights claims-making. I included in this analysis all statements that could be reasonably construed to be oppositional to animal rights. My “test” for determining this was, “After reading the statement, would the hypothetical average reader think the statement paints either animal rights in a negative light or animal use in a positive light?” If the answer was yes, I deemed that statement to be oppositional to animal rights or supportive of animal use. As I identified these instances of anti-animal rights claims-making, I noted what kind of claim about animal rights (e.g., alleging that animal activists are criminals, asserting that animal research helps people live longer, and so on) each seemed to be a case of.

On a separate coding document (a different one for each sample), I kept a running table of code categories (also referred to here as “claim categories”). Included in this table was every kind of claim that had been identified. At the same time, I transferred the “data chunks,” or the word(s)/phrase(s)/sentence(s)/paragraph(s) containing each instance of anti-animal rights claims-making.
making, to the appropriate code category in this table. Each of these code categories was assigned a working title that described the data chunks under it. This title changed as new data chunks were added, so that it appropriately captured the essence of every existing and newly added data chunk.

While coding, I consciously remained close to the data (Charmaz, 2006:47). Although this study was informed by the anti-animal rights claim themes identified in previous studies, I allowed the data in these samples to speak for themselves, and developed a coding scheme that was based on the data emerging from the sampled documents, rather than from pre-existing research. It was for this reason that the code categories in the New York Times and Congressional testimony samples are similar but not identical. In each of these samples, the code categories emerged from the data particular to that sample, and I did not attempt to force the data in one sample to fit into the pre-existing code categories of the other sample.

I coded each data chunk into as many claim categories as relevant. In other words, when a data chunk contained more than one claim, I coded it as having every claim it contained. Also, when coding, I relied on a “constant comparative method” similar to the one advocated by Glaser and Strauss (1967) to code instances of anti-animal rights claims-making. While coding, I constantly compared each data chunk with those already assigned to the same and different claim categories before ascertaining whether it was a proper fit. I then placed the coded data chunks into the appropriate existing, and when appropriate (if a data chunk was the first instance of a particular kind of claim), new claim categories.

The process just described was then repeated, data chunk by data chunk, and document by document, for the entire sample. Once the coding was completed for all documents in the sample, I then confirmed the placement of all the data chunks in each code category, to ensure that they still properly “fit” under the code category to which they had initially been assigned. When necessary, they were reassigned to other, more appropriate code categories.

Because so many claims did not become apparent until relatively later in the coding process, I went back through all the documents at least one other time. Although laborious and time-consuming, this extra step ensured that no claims were inadvertently missed the first time around.

This strategy resulted in a table 149 pages in length (single-spaced, 10-point font) of anti-animal rights claims-making for the New York Times sample, and one of 260 pages for the Congressional testimony sample. Once this process was complete and I was satisfied with the placement of every data chunk, I used the constant comparative method once again to organize the claim categories into sub-themes and major claim themes. The purpose of organizing these code categories into sub-themes and themes was to try to make sense of the data, and to allow the data to tell a “story.” It is this story that is told in the next two chapters.

Whenever possible, I “copied and pasted” these data chunks from the original document to the appropriate code category on the coding document. When, because of the format of the original document, this was not possible, I retyped the relevant data chunks directly into the coding document.
CHAPTER 9
CLAIMS-MAKING IN THE NEW YORK TIMES

Introduction and Overview

In this study, I examine the kinds of claims made by opponents of animal rights and their sympathizers that help construct the animal rights movement as a social problem as well as a presumably more serious social threat demanding social control. In this chapter, I respond to the question, “As presented in the New York Times, what kinds of anti-animal rights claims do writers—and the animal users, experts, and others they quote or cite—make that may serve to persuade the public that the animal rights movement is a threat necessitating social control?” I also explore changes in the quantity and quality of these claims over time, and assess how well these findings match the expectations of social threat-social control theory.

What follows is a discussion of the findings that emerged from examination of a sample of 274 items appearing in the newspaper and implicating animal rights. The great majority of these were news stories, although also included were lengthy feature stories, editorials, op-eds, letters to the editor, book and film reviews, advertisements, and even a cooking column. The claims made within these items were coded according to the process outlined in the previous chapter. Such coding revealed claims about two general topics: one concerned with animal use and animal users, and the other with animal rights philosophy, movement, and activists.

I was able to code from the sampled items 70 different claim categories within these two areas. Because of their nature, these claims were not mutually exclusive. Depending upon what a claims-maker said or wrote, all or parts of a particular statement very often were coded under more than one claim category. In an effort to better understand this data, I grouped these individual claim categories into larger themes and sub-themes. These claim categories, and their organization into broader sub-themes and themes are listed in Appendix C. This table also shows the count associated with each of these claim categories, sub-themes, and themes. These counts will be noted throughout this chapter, and will be discussed in greater detail later.

Two major claim themes emerged from these items. In the first, claims-makers suggested that not only is animal use non-problematic, but it is also justifiable and important. Four more specific sub-themes comprised this first theme: (1) animal use is not harmful; (2) animal users are not bad people who enjoy harming animals; (3) animal use is justifiable; and (4) animal use is beneficial and sometimes even necessary. In the second theme, claims-makers turned their attention to animal rights. Here, six sub-themes emerged: (1) animal rights is not important; (2) animal rights is an insignificant movement; (3) animal rights is harmful; (4) animal rights activists are dishonest, hypocritical, and not as concerned about animals as they claim to be; (5) animal activists are flawed individuals; and (6) miscellaneous other claims about the problematic nature of animal rights.

In addition, whether by design or not, these claims-makers relied on a variety of rhetorical strategies having the potential to heighten the effectiveness of their claims-making activities. These strategies included exercising control over language; invoking the rhetoric of “survivalist anthropocentrism” (Munro, 1999); and relying on the various counter-rhetorics, claims-making styles, and rhetorical idioms identified by Ibarra and Kitsuse (1993).
One final introductory note is warranted. Because many of the claims analyzed for this chapter were made not by outright opponents of animal rights, but instead by article authors, it is necessary to distinguish between primary and secondary claims-making. As explained earlier, the process of constructing social problems typically begins when, seeking greater public awareness and/or policy change, victims, activists, experts, or others with some special knowledge about a social condition make claims about that condition. These actors are primary claims-makers (Best, 1989h:260). With respect to the putative animal rights problem, sources of primary claims would include press releases by animal use industries, items in industry newsletters, Congressional testimony by opponents of the animal rights movement, animal use organizations’ websites, and so on.

In contrast, secondary claims-makers are those who “recycle and broadcast” (Bartkowski, 1998:561) the claims made by primary claims-makers. In the process, these secondary claims-makers may “translate and transform” the claims, thus acting as claims-makers in their own right (Best, 1989h:260). The media, including newspapers such as the *New York Times*, can be important and influential secondary claims-makers. By reporting claims, the media bring an issue to the public’s attention (and indeed, this is usually how the largest share of the population receives these claims), and may generate support for the claims-maker’s cause. As Best (1987:115) notes, “simply receiving coverage helps validate a claim as worthy of consideration.” It is important to reiterate, however, that, in their capacity as secondary claims-makers, rather than serving simply as “mirrors” reflecting “what is really going on,” the media actively shape the images they convey (Schneider, 1985:221).

**The Claims**

**Claim Theme One – Animal Use is Non-problematic, Justifiable, and Important**

In Claim Theme One, claims-makers established the “non-problematicity” (Freudenburg, 2000:106) as well as the justifiability and benefits—and, indeed, possible necessity—of animal use. As one might expect, such claims-making was often defensive, in the sense that it was a reaction to the initial claims put forth by the proponents of animal rights.\(^{181}\) As such, this claims-making represented true counter-claims-making.

Analysis of this sample produced 378 total documented occurrences of this theme,\(^ {182}\) and four sub-themes comprise this broader theme. Claims-makers asserted that animal use is not harmful; that animal users are not bad people who enjoying harming animals; that animal use is justifiable; and that animal use is important and perhaps necessary. The individual claims constituting these sub-themes assured readers that, notwithstanding activists’ contrary assertions, animal use is not an issue necessitating their concern, and is something from which we all benefit.

In the first of these sub-themes, claims-makers informed readers of the *New York Times* that **animal use is simply not harmful**. They assured them that neither animals (individually or as a population or species) nor humans are hurt by even the most exploitive animal use. There

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\(^{181}\) Although analysis of claims made by animal rights supporters was not directly a part of this study, in preparation for this project, I did become familiar with the claims frequently made by members of the animal rights movement in their effort to construct animal use as a social problem.

\(^{182}\) In this analysis, a claim is counted just one time per document, and so these counts represent a conservative estimate of thematic claims-making.
were 81 total documented occurrences of this idea, which, for purposes of analysis, may be broken down into five distinct claim categories.

With 41 items invoking it, by far, the most prevalent of these claims was the idea that **animals used are healthy, well cared for, treated humanely, and do not suffer or suffer only minimally.** Such assertions served to counter contrary allegations made by animal rights activists.

Many of these claims-makers simply denied mistreatment, offering pithy assurances that animals used are not harmed. For example, a rodeo owner featured in a story about a New Jersey rodeo offered a firm denial of any and all animal mistreatment in that activity:

> “The question I’m asked the most is whether we’re hurting the animals,” Grant Harris said. “I can assure you that we’re not. Livestock is always unpredictable, but the one predictable thing is that no animal is ever hurt or abused in this rodeo” (August 29, 1993).

But denial of abuse was sometimes more elaborate. Several animal users pointed out that visual inspection of their animals proved they were well treated. “You just have to look at my dogs to see that they’re well treated,” one dog sled racer said. “They have a better diet than some people, and they’re well taken care of. In some ways, they’re like a bunch of spoiled athletes” (January 10, 1993). Others offered logic as a way of denying abuse. A spokesperson for the National Federation of Anglers suggested that the behavior of fish after they have been hooked indicates that the animals do not suffer: “When you hook a fish, the fish always will dash away into the far bank or bore away into the deepest water,” he explained. “If there was any pain involved, the fish would swim toward the angler to take pressure off the line” (May 6, 2003).

Still others offered a “telling anecdote” as proof that animals used are not harmed. As Ibarra and Kitsuse (1993) explain, an abnormal single case may be cited as a reason to cast doubt on the generality of an original claim. In this way, a leading vinkenier (i.e., fincher) responded to his animal rights critics by noting that one of his birds had lived to be 24 years old, an extraordinary contrast to the three year lifespan he said was typically enjoyed by finches in the wild (May 21, 2007).

Claims-makers also emphasized that animal users treat animals well because it is in their economic best interest to do so. One instance of this was found in an article about a Chanel perfume company-sponsored investigation into Ethiopian villagers’ treatment of the civet cat (whose oil is used in the manufacture of some perfumes). A three-person team of investigators, including Dr. Kenneth Bovée, a veterinary professor at the University of Pennsylvania, traveled to Ethiopia to investigate animal activists’ allegations of mistreatment.

> “The villagers who keep the animals,” Dr. Bovée said, “are small farmers, using pre-Christian agricultural methods, almost Stone Age. Their average annual income is about $200 a year. One civet cat is valued at between $20 and $50—a fifth of a year’s income—so they simply do not abuse such a valuable animal” (May 13, 1973).

Finally, in a very different approach, some defenders of animal use acknowledged that, in fact, abuses do sometimes occur. However, they minimized the problematic nature of this fact by explaining that such incidents happen only infrequently. For example, in a letter to the editor
in defense of kosher slaughter, the author admitted that “there may be horror stories of botched killings,” but implied that these incidents are the exception rather than the rule (September 30, 2002). By admitting to some abuse but in the same breath suggesting that such problems are rare, these claims-makers participated in what Ibarra and Kitsuse (1993:41) call “antipatterning.” This counter-rhetorical strategy asserts that an adversary’s allegation does not refer to a full-scale social problem, but rather, something more like “isolated incidents.”

In the second sub-theme, in 29 instances, those writing and speaking in defense of a contested animal use explained that the activity is non-problematic because animal users are not bad people. Such claims were, in effect, promises that these individuals would never knowingly or intentionally cause an animal unnecessary harm.

In 16 items, claims-makers argued that animal users care about the animals they use. In doing so, they informed readers that, contrary to how animal activists might have portrayed animal users, in reality, they had genuine affection for animals and thus were not all that unlike their adversaries or the general public.

Several claims-makers simply reported that the animal users “love” animals (both animals used and animals in general). This was the case for activities as varied as dog racing (January 10, 1993), rodeo (August 29, 1993), bear and deer hunting (August 27, 1996; November 30, 1997), wearing fur (December 15, 1996), and owning a pet store (August 29, 1999). In some instances, animal users’ affection for their animals was so strong that, in the words of one, the animals became like “old friends” or even their “children” (May 21, 2007).

In an article about the ongoing battle between New York City animal activists and the city’s horse-drawn carriage industry, the author described one driver’s adoration for her horse:

> “Just look at my Corina,” she said as she gave her 22-year-old mare the first of what she said were her daily three bags of carrots and got a big equine kiss in return.
> “When she retires I’m going with her,” she said (December 30, 1993).

The significance of descriptions such as this one is that they sharply conflict with many of the images and descriptions provided by the animal rights movement. Rather than being forced to pull tourists in heavy carriages in all kinds of unfavorable weather and with hardly any time to rest, horses were provided carrots and kisses. Thus, when animal users were described as doting on their animals in this way, it was depicted as a good thing. As will be explained in more detail later, when animal activists were thought to have emotional ties to animals, it was often described as a sentimental weakness and offered as another reason to discount their arguments and demands.

Claims-makers also asserted or strongly implied that animal use is justifiable. In essence, the claims invoking this sub-theme argued that, “given X, animal use is reasonable.” In this way, for example, they suggested that because most of the animals used in research are rats and mice (species some claims-makers presumed most people are not concerned about), the use of animals in research is non-problematic (e.g., September 27, 1983). Or, given the fact that animals exist for humans to use (as mandated by a Biblical reference, for example), it is appropriate for people to use them to fulfill our needs and desires (e.g., March 14, 1989). There were 130 instances of this sub-theme, which was comprised of 13 different claim categories.

With 38 counts, the claim most often expressed was that animal use is rooted in history, culture, or tradition. In this code category, then, claims-makers reported that animal use is of
consequence to people because of its relevance to who they are. Because of this, they suggested, it is not unreasonable for these groups or individuals to continue using animals in these traditional ways. In fact, many insinuated that it would be unreasonable to ask that they stop.

The claim was made in the context of a variety of animal uses, including Ethiopian villagers’ use of civet oil for medicinal purposes (May 13, 1973), the consumption of kosher meat by Jews (August 14, 1989), animal sacrifice by Santeros (January 27, 1997), bullfighting in Spain (September 17, 2006), whaling by both the Japanese (April 9, 1995) and the U.S. Makah tribe (e.g., June 28, 1996), riding horse-drawn carriages in New York City (November 25, 1989), and even the throwing of octopuses onto the rink by fans of the Detroit Red Wings celebrating their team’s making the playoffs (April 14, 1996).

Animal use apologists frequently referred to the longevity of the practice activists now sought to restrict or even ban. For example, vinkensport, or finching, was described as a “400-year-old Flemish competition,” and “first conducted by Flemish merchants in 1596” (May 21, 2007). Closer to home, an article about an annual pigeon shoot in Hegins, Pennsylvania presented it as a tradition enjoyed by the entire community for decades:

For more than half a century the men of this tiny Pennsylvania Dutch town have mined coal, grown grain and shot pigeons on Labor Day.

Since the Coleman Shoot started in 1934, it has become a festive rite of summer’s end. Each year, 6,000 area residents watch as 300 participants from this town and around the country compete for prizes of up to $10,000 (September 2, 1986).

Some animal uses were described as being even older, dating back to antiquity and even earlier. In defense of his product, the leading producer of foie gras in North America claimed that humans have been eating the delicacy “for 5,000 years” (June 22, 2006). And the author of an article about hunters’ efforts to counter growing criticism of their activity reported that they defended it “as a tradition as old as humankind” (September 15, 1996). Implicit in such claims was the idea that, given how long the contested activity has been enjoyed by a group of people, such use is justified.

In the second most often invoked code category in this sub-theme (with 19 counts), claims-makers either said or strongly insinuated that the contested animal use is no worse than other kinds of animal use, or alternatively, that the contested animal users were no worse than other animal users. Those invoking this claim asked the public to compare a particular animal use or user with others. After doing this, they suggested, it would be clear that the animal use or animal user under attack was not the worst of the lot. Other animal uses were just as bad, if not worse, and other animal users were just as bad, if not worse.

This claim was succinctly exemplified in a 1989 article about the clash over fur. In it, Isaac Mizrahi, a well-known fashion designer, was quoted as saying, “[w]earing furs is no worse than eating steak or wearing leather shoes” (March 14, 1989). Similarly, in an article about an art student who had created a piece of art using a frog he had killed, the dean of the arts school defended his student by comparing what he had done to dissection in a science laboratory: “I don’t wish to minimize people’s wish to protect animals,” said the dean, “But … if David had done this in private, it would have been no different from what takes place in every biology class in the country” (March 15, 1997).
A similar argument was made in an article discussing the debate over the use of animals in research. In that article, the author noted that supporters of animal research explained that compared with other animal uses, the number of animals used in research and testing is only “a minuscule part of the whole question of animal welfare” (September 27, 1983):

[They] point out that while about 17 million animals, including some 15.5 million mice and rats, are used each year in research experiments in the United States, 10 million dogs and cats are killed annually by humane societies. In addition, about 128 million cattle, hogs and sheep and 4 billion chickens are killed for food.

(This excerpt also raises the issue of hypocrisy on the part of animal activists, an idea captured in another claim category in Theme Two.)

In the most popular of the four sub-themes in Theme One (with 138 total documented occurrences and nine claim categories), claims-makers contended that our using animals is a beneficial, important, and perhaps also necessary activity. In short, they stressed the benefits we get from using animals to meet our wants and needs. Claims such as these relied on what Munro (1999) called the rhetoric of “survivalist anthropocentrism,” whereby opponents of animal rights appeal to the anthropocentric inclinations of individuals to put their own interests before those of non-human animals. Such claims also laid the foundation for related claims, also revealed in this study, that animal activism is problematic because it threatens to limit or even end these beneficial uses.

Most often (in 37 items), claims-makers asserted or suggested or that animal use is needed to take care of some animal threat or problem, such as “nuisance animals.” Those invoking this claim presented a wide variety of natural pests and predators as causing problems for humanity. These included but were not limited to “hordes of blackbird” descending upon rural communities in Kentucky and Tennessee (February 29, 1976), deer destroying farmers’ crops across the country (e.g., February 27, 2000), bison threatening to transmit disease to livestock in southern Montana (e.g., February 18, 2003), marauding elephants and rhinos running amuck in rural Africa (September 12, 1982), and geese fouling a Alabama golf course “to the point that they have made playing golf unpleasant, if not impossible” (January 6, 1995). According to those invoking this claim, certain animals, because of their population, their potential to carry and spread disease, their tendency to interfere with some human economic or recreational activity, or their ability to cause physical harm to people, required some form of control, usually lethal.

For instance, in the six articles addressing a putative deer nuisance problem, claims-makers asserted that the deer caused immeasurable damage to gardens, ornamental plantings, and crops, spread Lyme disease, and threatened human safety when they were struck by cars (e.g., October 29, 1989; December 8, 1991). They therefore tended to voice their support for lethal controls of the deer in an effort to decrease the deer population and alleviate some of the dangers just mentioned (e.g., February 27, 2000).

Sometimes the threat was presented as posing a more immediate physical danger. In these items, claims-makers warned that animal use (usually hunting) was needed to prevent harm to people. For example, in California, after mountain lions were blamed for the deaths of two persons in 1994, a landowner who had encountered a mountain lion near her home warned readers that “[w]e have a problem, and it’s only going to get worse” (October 18, 1995). Another article, this one about a proposal to ban bear hunting in Michigan, similarly reported
that “[h]unters offer alarming predictions that bears will maim children and the elderly” unless controlled (August 27, 1996).

In 21 items, claims-makers asserted that, ironically and even in the case of the most exploitive animal uses, **animal use benefits animals.** At both the individual level and at the population or species level, claims-makers reported that animals benefit from our using them.

First, some claims-makers contended that individual animals live longer, healthier, and/or happier lives because humans use them. One writer, for instance, argued that some animals would not exist were it not for humans exploiting them, and as support for this idea, quoted an unnamed 19th-century philosopher as saying “[t]he pig has a stronger interest than anyone in the demand for bacon. If all the world were Jewish, there would be no pigs at all” (November 10, 2002).

However, most of the claims reported that it was “animals” in the larger sense of the term that benefited. Claims-makers said, for example, that animal use, even if it meant killing individual animals, helped ensure the survival of threatened and endangered species (September 12, 1982). Animal use was also said to help animals in a number of other ways. For example, research conducted on some animals could then be applied so as to benefit other, surviving animals (e.g., March 15, 1992). Hunting and killing some bears helped instill in others a fear of humans that would keep them away from people and help ensure their survival (April 29, 1991). Killing some “nuisance” swans would benefit the surviving ones by improving their habitat and decreasing the opportunity for disease to spread through a crowded flock (January 14, 1990). And keeping animals in zoos and aquariums would allow people—especially children—to gain an appreciation for the animals and the need for conservation (September 14, 2002; October 1, 1991).

Because the claims described in this section indicated that animal use benefits animals, they laid the foundation for the corollary assertion that the efforts of animal activists may, ironically, result in harm to animals. Although not discussed in detail here, this was, in fact, one of the claims that emerged from this analysis, and is an instance of Hirschman’s (1991) “perversity thesis,” by which opponents of reformist policies attack proposed policy changes by asserting that a move to improve some feature of the political, social, or economic order only serves to exacerbate the condition one wants to remedy.

Finally, in 20 documents, claims-makers explained that **animal use helps people live longer, healthier lives.** Nearly all those invoking this claim emphasized that the use of animals in research and testing helps protect human health and promises to continue to do so in the future.

This claim was exemplified in an article about the debate over vivisection, in which the author described some of the medical breakthroughs researchers attribute to animal research:

They cite Louis Pasteur, who used monkeys in the development of a rabies vaccine; Robert Koch, who used cows to arrive at the germ theory of bacterial infection; Joseph Lister, who performed the first sterile surgical techniques on horses and calves, and Elie Metchnikoff and Paul Ehrlich, who found a cure for syphilis through experiments with apes.

And relatively new therapies, such as organ transplant, joint replacement, kidney dialysis, bypass surgery, chemotherapy and blood transfusion have been developed through animal experimentation, resulting in benefits for both animals and humans, the researchers say (September 27, 1983).
Similarly, a pro-animal research advertisement sponsored by Americans for Medical Progress noted that “[t]he life expectancy of the average American today is 75. That’s 25 years more than it was a century ago” (June 25, 1992). According to the organization, this was made possible because of research using animals. “Without the use of laboratory animals in the quest for new cures and treatments, human life in America would still average only 48 years,” it reported. But perhaps the most effective claims appeared in other advertisements produced for the Foundation for Biomedical Research. One showed a sick child in a bed, with a caption reading, “It’s the animals you don’t see that really helped her recover.” According to the accompanying text, it was animal research that helped doctors learn how to remove the brain tumors like the one attacking the little girl. “We lost some lab animals, but look what we saved,” the ad concluded (January 20, 1989).

In summary, in the claims comprising Claim Theme One, the *New York Times* provided a forum for opponents of animal rights and their sympathizers to help construct animal use as non-problematic, as justifiable, and as important. Through their assertions and implications that animal use is not harmful, they countered animal activists’ allegations of abuse and cruelty. By saying or implying that that animal users are not bad people who enjoy harming animals, they provided alternate constructions of what activists had proffered. When they asserted or suggested that animal use is justifiable, they spoke in opposition to activists’ increasingly vocal contentions to the contrary. And by proclaiming or implying that animal use is beneficial and necessary, they countered the claims of those who had declared otherwise. In this first theme, then, claims were likely to be reactive and defensive, and often made in response to the allegations of animal activists.

In contrast, as will be revealed in the following pages, in Claim Theme Two, claims-makers tended to be more on the offensive, in the sense that their claims were more aggressive. While in the first claim theme, opponents of animal rights and their sympathizers were focused on establishing the “non-problematicity” and beneficial nature of animal use, in the second, they were more concerned with constructing both the insignificance and harmful nature of animal rights. I now turn to this discussion of the construction of animal rights as a social problem and social threat.

**Claim Theme Two – Animal Rights is Not Important, and is Problematic**

In Claim Theme Two, claims-makers indicated that animal rights is not important, that the animal rights movement is insignificant, and that activism on behalf of animals is harmful or otherwise concerning. Some of those invoking this theme were dismissive of animal rights, suggesting that it is an idea not really worth giving serious thought to. Others alleged that the animal rights movement is an insignificant movement, in the sense that is not influential enough or embraced by enough people to pose any kind of serious challenge to animal users or the status quo. But most proffered a competing argument, contending that animal activists, as well as their philosophy and behaviors, are issues worthy of concern. In all, there were 301 documented occurrences of this theme, which is comprised of six different sub-themes.

In the first sub-theme, claims-makers suggested that **animal rights is not important**. Through their statements, they suggested to readers that it is a trivial and nonsensical issue not meriting their concern. There were a total of 21 instances of this sub-theme, and four different claim categories comprising it.
Making this point was often as easy as the **use of scare quotes**. As explained by *The Chicago Manual of Style*, scare quotes are quotation marks used to inform readers that a word or phrase is being used in a way that is nonstandard, ironic, or otherwise special; the writer uses the device to let the reader know that “This is not my term” or “This is not how the term is usually applied” (University of Chicago, 2003). Eight documents embraced such use of quotation marks, making this rhetorical device one of the most popular claim categories in this sub-theme.

Use of scare quotes is a subtle claim, in which the claims-making activity occurs through the use of quotation marks where none are required. By doing this, the writer suggests to the reader that the item in quotes is not something he or she needs to take seriously. For example, in three different items, the phrase “animal rights” was wrapped in quotes when no such punctuation was necessary. When readers of the *New York Times* were presented with an article on extra-legal activism titled “Going to extremes for ‘animal rights,’” they were provided with an early suggestion of how to interpret the movement on behalf of animals before even reading one word of the article itself (in which they would have again come across the use of scare quotes around the phrase “animal rights”) (August 20, 1987). Similarly, in another article about the supposed failure of traditional conservation efforts in Africa, the author noted that conservationists supporting the hunting and ranching of wildlife argued that such consumptive uses “could do more to assure wildlife’s continued survival than all the television programs on cuddly lion cubs and weighty essays on ‘animal rights’” (September 12, 1982). Again, use of quotation marks in this way provides a signal to the reader that animal rights is not yet an idea capable of standing on its own. In both of these examples, placing the phrase “animal rights” in quotes effectively calls into question the idea of animal rights, demonstrates that the writer does not take it seriously, and/or suggests to readers that they ought not either. (Importantly, the three items containing “animal rights” in quotes were each published in 1990 or earlier, when the movement was still relatively young. Although claims-makers continued to put other certain key words in quotation marks to suggest that animal rights is not something we need to take seriously, they stopped doing so with this particular phrase. One can only speculate why this is so, but perhaps one reason is that by 1990, the movement had so penetrated the American consciousness that it could no longer be so easily dismissed as nonsense by writers in the *New York Times*.)

In another notable claim category, this one also invoked in eight documents, claims-makers reported that **there are more important things to be concerned about than animal rights**. Opponents tended to list a litany of modern day scourges, before concluding that, compared to these other problems facing the nation and world, concern over the treatment of animals was misplaced and wasted effort.

This claim is nicely illustrated in the following excerpt from a 1990 letter to the editor submitted by a woman reacting to animal activists’ attempts to influence the buying patterns of American consumers:

> No wonder our city, our country and our world are in such a mess when people comfortably provided with life’s amenities can look past other people without jobs, housing, education or medical care, people living on the street, people suffering from AIDS and unable to afford treatment, children dead of stray bullets, deliberately aimed bullets or neglect, and then decide that the most pressing injustice in the world is the eating of lobsters (August 23, 1990).
As indicated in this selection, in this claim category, the gist of the argument was that “the world is full of problems, and surely human problems must come first!” (November 10, 2002).

In the second sub-theme, in 17 instances, claims-makers suggested that the animal rights movement is insignificant. Through their statements, they informed readers that it is an unimpressive, inconsequential effort championed by only a small minority of the population. By declaring the movement impotent, perhaps those making these claims hoped to discourage would-be sympathizers from joining what they characterized as a losing team.

In 12 of these items, claims-makers swore that, notwithstanding the efforts of animal activists, animal rights is not having an impact on animal users. In other words, they asserted that it is an ineffectual movement, one that in spite of activists’ efforts, is not causing any real or significant harm to animal use industries.

This strategy, if indeed it was a pre-conceived strategy, was utilized most often in the conflict over fur, where the ineffectiveness of the animal rights movement was repeatedly articulated. Furriers in several articles reported that the animal rights movement was having little or no effect, and certainly no lasting effect on fur sales, notwithstanding its large demonstrations, often aggressive confrontations with those wearing fur on public streets, and public information campaigns. The putative ineffectiveness of activists’ anti-fur campaigns was demonstrated through reports of rising fur sales (e.g., May 18, 1993), assertions that any drop in sales was due to something other than animal activism (e.g., May 1, 1994), and reports that although fur wearers might have initially been dissuaded by activists, there had since emerged a backlash on the part of fur wearers (e.g., December 15, 1996).

In short, in this particular claim, claims-makers argued that despite their best efforts, the campaigns of animal activists have been largely ineffective, and have had little impact on the lives and decisions of those targeted by the movement. This contention is interesting because it is essentially in conflict with the much more frequent argument that animal rights is harmful. More often, opponents constructed the animal rights movement as a more influential effort, as one that had, or threatened to have, a significant and negative impact on animal users, on the general public, and even on animals. I now turn to a discussion of this much more prominent idea.

The most popular sub-theme in this analysis, with 163 total instances and 17 claim categories, was that animal rights is harmful. Indeed, this sub-theme made up more than half of all the claims in Claim Theme Two and 24 percent of all claims recorded in this analysis. The claims in this theme suggested that rather than being an inconsequential movement, animal rights is, in fact, large enough and animal activists vocal enough, and their demands revolutionary enough, to be problematic. Here, claims-makers were on the offensive and most of their claims attempted to establish the “problematicity” of animal activism. It is suggested that for this reason, such anti-animal rights claims-making in articles and other items published in the New York Times represents traditional claims-making in its purest form, whereby a group of persons identify a putative problematic condition and make claims about that condition in an effort to construct it as a social problem.

The most popular of the claim categories in this sub-theme attempted to persuade readers that animal rights activists are violent, criminals, and/or terrorists. Fifty documents contained this claim, making it the most often invoked claim in this analysis.

Beginning in September 1983, newspaper writers reported that animal activists broke into laboratories, interfered with hunts, released animals from cages, harassed animal users, committed acts of vandalism, firebombed various buildings, and, in one instance, even dug up
and removed the remains of a relative of one of the owners of a guinea pig farm targeted by animal activists (April 12, 2006). Some gave accounts of more serious allegations involving potential violence against persons, including reporting that animal activists in Britain claimed to have injected rat poison in Mars candy bars (November 19, 1984); that an American activist had been charged with attempted murder after planting a bomb outside a surgical instruments company using dogs in its training programs (November 14, 1988); and that an animal rights activist in Amsterdam had assassinated right-wing Dutch politician Pim Fortuyn (March 28, 2003).

Often, these reports were brief, sterile, relatively non-judgmental accounts of news stories. However, as noted earlier, the media can be important and influential secondary claims-makers. By merely reporting claims, the media bring an issue to the general public’s attention, and “simply receiving coverage helps validate a claim as worthy of consideration” (Best, 1987:115). In this way, reports of crimes inspired by animal rights helped create and, later, perpetuate the image of the violent/criminal/terrorist animal rights activist.

Sometimes, though, claims about extra-legal animal activism went beyond mere reporting, where the author’s intent seemed to be to provoke sympathy for the targets of animal rights-inspired crimes, if not antipathy toward the perpetrators. For example, the author of an article about SHAC and PETA protests at executives’ homes included the following account:

Late one recent evening, an undertaker dispatched a hearse to the home of a biomedical company employee to pick up her body. No one, however, had died. The woman who answered the door was very much alive, although the coffin was intended for her. Aghast, she suddenly realized that the undertaker had been duped by an animal rights radical into sending the hearse.

If the goal was to scare her out of her wits, the tactic succeeded. Her voice cracked with fear as she insisted to a reporter that she not be identified, lest she and her family be singled out again.

… A group called Stop Huntingdon Animal Cruelty had sent the hearse, and it had also posted the woman’s name, home address and phone number on its Internet site, along with those of three other company executives (December 7, 2003).

“Atrocity tales” (Best, 1987) such as these are useful to claims-makers seeking to construct something as problematic. As Best notes, “[b]y focusing on events in the lives of specific individuals, these stories make it easier to identify with the people affected by the problem. Selecting horrific examples gives a sense of the problem’s frightening, harmful dimensions” (Best, 1987:106).

The first time animal rights was associated with “terrorism” in the sample analyzed for this project was in a November 14, 1988 article about the Fran Trutt case. Although in that article, any linking of animal rights with terrorism was implicit at best, by 1992, opponents of animal rights had grasped onto the tag, as demonstrated in an Americans for Medical Progress advertisement, in which the group proclaimed that “[t]he methods used by the animal rights

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183 Britain’s Telegraph reported that the assassin, Volkert van der Graaf, was, indeed, an animal activist, but also that he claimed to have shot Fortuyn to defend Muslims in Amsterdam from persecution (Evans-Pritchard and Clements, 2003). In other words, the assassination was evidently not motivated by animal rights.
movement range from disinformation to terror; from posing as mainstream animal lovers concerned for pet safety to firebombing medical research laboratories” (June 25, 1992). The most interesting linking of animal activism with terrorism was also the most unusual. In a “news quiz,” billed as “a test of how much trivia you accumulate” in the year’s news, the New York Times challenged readers to answer 26 multiple-choice questions (December 26, 2004). Question 9 asked the following:

Who was quoted outlining a way to poison tens of thousands of Americans by dropping bacteria into a truck carrying milk?

a) Osama bin Laden.
b) A prisoner at Guantanamo Bay.
c) An animal-rights activist opposed to the use of hormones in dairy cows.
d) A former official at the Department of Health and Human Services.

(According to the paper, the correct answer is “D.”) Although later items also associated animal rights with terrorism, the term was used with relative restraint in the sampled articles, particularly when compared with the findings in the next chapter.

In addition to the criminal threat, claims-makers warned readers that animal rights posed a very real threat to many of the things Americans value. As noted earlier, claims-makers identified a number of benefits obtained through animal use. Because animal activists sought to severely restrict if not end such uses, in this sub-theme, they also identified a great number of ways that animal rights is harmful.

For example, claims-makers frequently asserted that animal rights is economically harmful and/or wastes resources. This assertion was found in 29 items, in which claims-makers suggested that radical animal activism causes financial harm, that animal rights policies are expensive and strain resources, and that animal rights policies cause economic harm to both individuals, businesses, and wider economies.

First, claims-makers noted that radical activism causes financial harm to those targeted. These articles reported the financial impact of activists’ break-ins, acts of vandalism, and firebombings. For instance, the owner of several San Francisco steakhouses reported that she had had “an awful lot of heartache here with animal-rights activists” who vandalized her restaurants. “I’ve spent $17,000 on repairs since last year,” she said (March 20, 1996).

Second, claims-makers—both article authors and quoted stakeholders directly impacted by animal rights—reported that the movement causes economic harm in the sense that animal-friendly policies raise costs or strain existing resources. For example, writers reported that eggs from free-roaming hens are “twice as costly” as eggs from hens kept confined in battery cages (January 17, 1988). The reason, according to these articles, is that it simply costs more to keep hens and other farmed animals in relatively humane conditions (e.g., March 28, 2007).

Finally, these claims-makers asserted that the movement on behalf of animal rights causes economic harm because it impacts the ability of animal users to earn income. One opponent of animal rights therefore emphasized that the effort on behalf of animal rights “treats people unethically by depriving them of their livelihoods” (March 25, 1992). Although this quote was made in an opinion column written by the executive editor of Art Culinaire magazine and was made in the context of the battle over foie gras, other animal users made similar allegations.
In one final example of claims about the harms resulting from animal rights, in 24 documents, claims-makers reported that animal rights threatens culture, heritage, or tradition. In doing so, some specifically invoked what Ibarra and Kitsuse (1993) call the “rhetoric of loss.” This rhetoric invokes imagery of humans as guardians of something unique or sacred, including culture.

Earlier, it was noted that animal use is important—indeed if not central—to a wide variety of human traditions. Certain religions, for instance, rely on animal use or a certain kind of animal use, and for this reason, animal activism may have unintentional yet very real implications for these religious practices. In one instance, the author of an article about the Santeria religion, for which animal sacrifice is an important ritual, described what life was like for adherents before the U.S. Supreme Court recognized animal sacrifice as a religious sacrament protected by the First Amendment: “For years, the Association for the Prevention of Cruelty to Animals stopped ceremonies, rescued chickens, goats and lambs, and had santeros arrested. People for the Ethical Treatment of Animals has also waged a high-profile campaign against the slaughter” (January 27, 1997).

According to claims-makers, activism on behalf of animals either already had, or threatened to, negatively impact a variety of other animal use-dependent traditions. Incidents recorded in the New York Times included activists’ efforts to restrict or ban horse-drawn carriages (characterized by one carriage customer as “a part of New York’s tradition” (November 25, 1989)), whale hunts by both the Japanese and the Makah tribe (e.g., April 9, 1995; June 28, 1996), ranch hunting in Texas (celebrated by proponents as “a tradition that dates from the 1930’s,” but derided by opponents as “canned” hunting (May 11, 1999)), a diving horses attraction at the Atlantic City pier (which began as early as 1924, but was ended in the 1970s after animal activists complained (September 25, 2003)), and cultural practices so ingrained and popular as Spanish bullfighting (e.g., September 3, 2004) and British angling (“Britain’s most popular participatory sport” (May 6, 2003)). In fact, in France, in an effort to preclude further erosion of its industry by activists’ campaigns, foie gras producers sought and were granted a decree by the French National Assembly that the delicacy was a “cultural and gastronomic patrimony protected in France” (December 14, 2005).

In sum, claims in this sub-theme—again, the one most often relied on in this sample—suggested to the newspaper’s readers that the animal rights movement is a harmful and threatening movement with the potential to negatively impact everyone. Whether they emphasized a criminal, financial, cultural, or other harmful effect, those making these claims constructed animal activism as a problem affecting not only animal users, but also as a universal threat impinging on the interests of all Americans. In doing so, these claims-makers were able to transform what might otherwise be dismissed as “private troubles” into “public issues” (Spector and Kitsuse, 2001:143).

In the next sub-theme, claims-makers asserted that animal activists are dishonest, hypocritical, and not as concerned about animals as they claim to be. Thus, the claims in this sub-theme are all about deception. In each of the four claim categories contributing to this sub-theme, reporters and animal users suggested to readers of the New York Times that supporters of the animal rights movement are not being completely honest with the American people, and therefore, the public would be wise to second-guess their allegations and motivations. There were 42 total instances of this sub-theme.

In the most popular claim category (with 27 counts), claims-makers asserted that animal rights supporters make claims without evidence, exaggerate, and even lie. Some claims-
makers were diplomatic in the way they expressed this sentiment. For example, in an article about dog racing, a participant referring to the organizations protesting the activity was quoted as saying, “[t]hey’re well-meaning groups, but they really don’t take the time to visit the kennels and see what it’s all about” (January 10, 1993). But more often, particularly when made by spokespersons for animal use industries, these claims were angrier and more forceful. This was demonstrated in claims made by representatives from the aquarium industry after it became a focus of animal activism. “We are fed up, and we’re not going to take their lies anymore,” said an administrator of the New England Aquarium (October 1, 1991), and in response to allegations made by animal activists about the treatment of marine animals at that facility, the aquarium filed a $5 million defamation lawsuit against three animal rights groups. “We have to put the skids to a misinformation campaign by a vocal minority to mislead the public and raise money,” said the zoological director for Sea World, speaking in support of the other aquarium. “People can’t just run around saying whatever they want about an institution to raise money,” reiterated a high-ranking employee at the National Aquarium in Baltimore.

The sample also contained 49 instances of the assertion that animal activists are flawed individuals. In the nine code categories making up this sub-theme, claims-makers attacked activists personally and questioned both their priorities and their ability to think rationally.

Most often, in 16 documents, claims-makers indicated that animal rights supporters are sentimental and naïve. Thus, animal activists, their views of animals and animal use, their philosophy, and their arguments were constructed as simple, emotional, and uninformed (e.g., November 10, 2002). Such claims often relied on the “counter-rhetoric of hysteria,” whereby the claims-maker discounts the soundness of another’s claim by suggesting that that individual is irrational or emotional. In other contexts, the claimant might be dismissed as a “bleeding-heart liberal,” a “narrow-minded religious fundamentalist,” or a “crazy environmentalist” (Ibarra and Kitsuse, 1993:42). In the discussion about animal rights, this occurred in several other ways.

First, claims-makers referred to animal activists as “animal lovers.” Five unique articles contained this particular assertion. Sometimes, the label was applied with obvious disdain. For example, a columnist arguing in favor of using animals in the nation’s space exploration program dismissed those opposing sending animals into space as “self-nominated animal lovers” (July 21, 1959). More often, however, application of the tag was done in a gentler, albeit still paternalistic manner. In this way, the term “animal lovers” was used to describe those protesting an experiment in which a Russian researcher had reportedly grafted the head and front paws of a puppy onto the back of the neck of an adult dog (July 21, 1959), the alleged mistreatment of civet cats used in the production of civet oil for perfume (May 13, 1973), a proposed massive bird kill (February 29, 1976), the hunting of deer (October 29, 1989), and the operation of horse-drawn carriages (November 25, 1989).

It is suggested that calling animal activists “animal lovers” serves two purposes, either or both of which might have been in operation in any instance when the term was applied. First, it has the effect of dismissing them as soft-hearted emotional types, rather than individuals who for intellectual or philosophical reasons oppose the exploitation of animals. This is suggested by

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184 One item (July 21, 1959) actually contained reprints of two articles, so there were actually six instances of application of this tag.

185 It is for this reason that Peter Singer, the Australian philosopher credited with writing the seminal text of the modern animal rights movement, made a point of emphasizing that he was not an “animal lover.” In the preface to Animal Liberation, Singer explains that he was not particularly “interested in” animals, and nor did he “love” animals. Rather, he “simply wanted them treated as the independent sentient beings that they are, and not as a means to human ends…” (Singer, 1975:x).
the words of horse-drawn carriage driver: “These animal-lover types don’t understand at all. Horses work much harder on a farm. Look at my horse. He’s fat” (November 25, 1989).

Second, it is worth noting that in this sample, with one exception in 2001, after 1989 the term “animal lover” stopped being applied to animal activists. This raises the possibility that, at least initially, some claims-makers—both opponents and journalists—might not have known what to call those participating in the burgeoning movement on behalf of animals. In its most innocent use, then, ascribing the term “animal lover” to these individuals was perhaps simply an innocuous description of animal advocates. However, even in some of those cases, there was an air of dismissive disdain. As was suggested earlier, there was a notable contrast in the way the descriptor “animal lover” was used, depending upon whether it was applied to animal users or animal rights supporters. When applied to the former, it was always meant to portray a positive quality, one that assured readers that, because animal users cared about their animals, they would never cause them undue harm. But when applied to animal activists, sometimes, application of the word seemed intended to emphasize a presumed sentimental weakness.

Notwithstanding an apparent decrease in use of the term “animal lovers,” opponents of animal rights continued to characterize animal advocates and their supporters as being sentimental about animals. For example, an opponent of a proposed ban on fox hunting in England accused activists of having a “Beatrix Potter image” of animals (February 15, 1992). In similar manner, a proponent of animal research implied that they associated animals used in research with “their cuddly little pets” (March 15, 1992). And a bear hunter, referring to the cartoon sidekick of Yogi Bear said, “I love Boo Boo Bear just as much as anybody” (August 27, 1996), implying that animal activists and their supporters had a childlike naivety in their perception of animals. This last example also offers an example of a claims-maker relying on a “comic” claims-making style, whereby the claims-maker may point out the absurdities and hypocrisies of opponents and their claims, or may draw upon irony or sarcasm to make a point (Ibarra and Kitsuse, 1993).

The final sub-theme captures miscellaneous other observations claims-makers made about animal rights. This was a minor sub-theme, with only nine total instances documented. Three claim categories make up this sub-theme, and in each of these, claims-makers put forth additional reasons why animal rights could, and perhaps should, be disregarded.

In four items, writers included the claim that animal rights is an illogical, flawed philosophy. Implicit in these claims was the idea that these problems were serious enough to justify one’s rejection of it. Claims-makers suggested that the ideas upon which the animal rights movement is based are “neither entirely heartwarming nor logically consistent” (May 1, 2005), and that “a human morality based on individual rights makes for an awkward fit when applied to the natural world” (November 10, 2002). And in a letter to the editor, one woman suggested that if the line separating humans and non-human animals could be moved, it might be moved again:

If it is wrong to rank human beings above other animals, what sleight of hand makes it right to rank animals above plants? The ranking of sentient species above nonsentient species has no more ethical foundation than the ranking of species with greater sentience above those with lesser sentience. If a human being is on par with a lobster then who says a lobster ranks above a broccoli or an artichoke or a stalk of rice or corn? (August 23, 1990)
In short, it is the philosophy itself that is problematic.

In three documents, claims-makers contended that there is a difference between “animal rights” and “animal welfare.” They suggested that while the latter may be acceptable, the former is certainly not. Thus, the president of the Connecticut chapter of Educators for Responsible Science, a pro-animal research organization, explained that “there is an enormous difference between animal rights and animal welfare” (March 15, 1992). He continued, “[w]e are all for animal welfare. But we do not believe that animals and people have the same rights.” This same idea was implicit in a letter to the editor published three days after the well-publicized injury of the racehorse Barbaro. “I’m not an animal rights activist,” the letter’s author started, “but I’m of the opinion that most racehorses would be just as ‘happy’ roaming on farms” as being raced around a track (May 23, 2006). Notwithstanding the fact that the letter was written in support of better treatment of the horses used in racing, her remark suggested that there is a difference between animal rights activism and simple compassion for animals. Once again, while the latter is tolerable, indeed, desirable, there is something about the former that evidently caused this reader to want to assure readers that she was “not an animal rights activist.”

Finally, in just two items, claims-makers suggested that animal rights is difficult to “do.” In each, the claims-maker—one a renowned chef, and the other the chairman of the American Academy of Pediatrics committee on nutrition—suggested that animal rights is problematic because the animal and animal by-product-free diet it promotes is difficult to adhere to. Such claims might appear to be insignificant statements in the grand scheme of things, but for readers who might have been curious about a vegetarian or vegan diet, such claims might have been persuasive enough to delay or discourage any attempt to implement it in their own lives.

In conclusion, the claims and sub-themes comprising Claim Theme Two focused on animal rights. Claims-makers invoking these emphasized the triviality of animal rights, informing readers that animal rights is not an important issue, and that animal rights is an insignificant movement. At the other extreme, they cautioned that animal rights is causing—or has the potential to cause—various harms. Furthermore, they informed readers of the deceptive nature of animal activists, described how animal activists are flawed individuals, and, finally, identified other, miscellaneous ways that animal rights is concerning.

**Summary and Discussion**

As the above examples demonstrate, via their claims-making, those making negative statements against animal rights in the *New York Times* constructed animal use as non-harmful, justifiable, and beneficial, and animal users as decent people who care about animals. In the process, they helped establish the “non-problematicity” of both animal use and animal users. At the same time, claims-makers constructed animal rights, the animal rights movement, and the activists who make up the movement, collectively, as a serious social problem and threat. In news articles, feature stories, columns, editorials, op-eds, letters to the editor, book and movie reviews, and advertisements, the newspaper provided a forum to those who would help construct animal rights as an unimportant matter and a flawed philosophy; the animal rights movement as an either insignificant or, alternatively, tremendously harmful cause; and animal activists as dishonest, manipulative, hypocritical, extremist, and even malevolent.
Changes in the Quantity and Quality of Claims

As discussed in Chapter 6, since the beginning of the contemporary movement on behalf of animals, the threat of animal rights has increased. Membership in animal rights organizations has risen, donations to these groups have increased, and polls suggest a shift in the public’s attitudes and beliefs about our duties toward animals. Furthermore, the movement has achieved a growing number of significant “victories” impacting a wide range of animal uses, and the number of extra-legal activities committed in the name of animal rights (and their consequential financial impact) is climbing.

Based on the findings of past research informed by social threat-social control theory, one would expect that as time passed and as the animal rights movement became more threatening to animal users and their supporters, there would be a corresponding change in the claims they made about that movement. One would expect that if there was the perception that the animal rights movement was becoming more threatening, then anti-animal rights claims made by both traditional opponents of animal rights and presumably less biased newspaper reporters would increase in quantity (e.g., in frequency) and/or quality (e.g., in intensity) as time went by.

The sample of New York Times items analyzed for this study spanned a period of 106 years, 2 months, and 4 days, running from April 8, 1901, through June 11, 2007. In large part because the phrase “animal rights” had not entered the public lexicon, from 1901 through 1975, only seven items contained anti-animal rights claims. Then, in 1975, Peter Singer’s important book Animal Liberation was published, marking the “birth” of the contemporary American movement on behalf of animal rights and an end to this trend of relative silence. Because there were so few instances of anti-animal rights claims-making in the more then seven decades before this milestone, this long period of inactivity is omitted from the tables and charts included below.

The following tables and charts illustrate the movement of claims over time. (In all the tables and charts, data are for the period of time running from January 1, 1975 through June 11, 2007; thus, data for 2007 are for less than a full year.) Figure 9.1, below, tracks the items published since 1975 and included in the sample used for this project. It shows the number of articles, columns, etc., containing anti-animal rights claims as well as those containing no such claims. (The latter is useful because it shows that, of the items discussing animal rights in a substantive way, the majority included at least one anti-animal rights claim.) As this chart demonstrates, even after Animal Liberation was published and the contemporary animal rights movement “officially” appeared on the U.S. social problems marketplace, there was a period of relative silence with respect to animal rights. This seems to be because it took a while for the emerging animal rights movement to take hold of the public’s and media’s attention. Then, beginning in the mid- to late-1980s, the number of items discussing animal rights increased substantially. This seems reflective of the events unfolding in the real world. PETA’s membership, for example, had grown from 8,000 members in 1984, to 84,000 in 1987, and 300,000 in 1990. By 1990, the animal rights movement had garnered widespread support for its anti-fur campaigns, demonstrated, for instance in November 1989, when 4,000 people marched in New York City’s “Fur-Free Friday” rally, at that point, the largest anti-fur protest in history. The movement had also shown that it could impact corporate decision-making, as indicated by the fact that by the end of 1989, Benetton, Avon, Mary Kay, Revlon, Fabergé, Amway, Elizabeth Arden, Max Factor, Christian Dior, Chesebrough-Ponds, and others had announced a suspension of or end to animal testing. And, on June 10, 1990, at least 24,000 animal rights supporters participated in the first-ever March for Animal Rights in Washington, D.C. In short, by the end
of the 1980s, animal rights had become a force in American culture, and this was reflected in the growing number of *New York Times* items discussing it. Following a peak in the late-1980s and early-1990s, there were fluctuations in the number of items including substantive mention of animal rights. However, even with the annual variation, the number of items remained at four to eight times the number that appeared in the year *Animal Liberation* was published.

![Figure 9.1. Number of documents containing anti-animal rights claims vs. those containing no anti-animal rights claims.](image)

Figure 9.1 also indicates that there has been fluctuation in the portion of items containing anti-animal rights claims as opposed to those containing no such claims. In most years, the great majority of documents contained anti-animal rights claims. There were two notable years (1993 and 2006) in which all of the documents contained anti-animal rights claims. Examination of the kinds of articles included in the sample for those years does not suggest that there was any particular event(s) spurring increased hostility toward animal rights at those times. Rather, the 25 documents contained in the sample in those two years addressed a variety of topics.

The fact that most documents contained some anti-animal rights claims-making demonstrates that the media—in this case, the *New York Times*, the nation’s “newspaper of record”—has played an active role in the construction of animal rights as a threat. This is in harmony with what Best (1987, 1989h) and others have said about the role of the media in secondary claims-making. Although, to be sure, there were many articles in which animal rights is portrayed in a positive light or simply referenced without any kinds of claims (positive or negative) being made about it, the fact remains that when readers of the newspaper encountered
an article dealing substantively with animal rights, they were more likely than not to be presented with at least some claims that treated the subject negatively.

Turning now to the claims themselves, Figure 9.2 depicts the movement of all anti-animal rights claims combined over time. Here, one sees that, consistent with what might be predicted by social threat-social control theory, the total number of anti-animal rights claims tended to increase (albeit with peaks and valleys, some dramatic) as time went on and the threat of animal rights presumably increased. This increase was particularly pronounced in the 1980s. The total number of claims in that decade increased from 3 in 1980 to 40 in 1989, an increase of 1233.3 percent. (This figure, of course, is so large because the raw numbers are so small.)

![Figure 9.2. Total anti-animal rights claims per year.](image)

As indicated in Figure 9.2, there were several notable high points and low points in the annual number of claims made. Most interesting was the dramatic increase in the total number of anti-animal rights claims from 1987 to 1989. In this two-year period, such claims jumped from just 9 in 1987 to 40 in 1989. As noted, this appears to reflect increased activity by, and public and media attention paid to, the still youthful animal rights movement. Likewise, there were notable increases from 1984 (2) to 1985 (15), 1991 (24) to 1992 (40), 1994 (20) to 1995 (43), 2001 (26) to 2002 (34), and 2004 (26) to 2005 (38). But also important were notable drops from 1986 (20 claims) to 1987 (9), 1992 (40) to 1993 (27), and 1999 (28) to 2000 (8).

At this point, a word of caution is required. The numbers in Figure 9.2 do not necessarily correspond to the relative activity or inactivity of the animal rights movement in any given time period. For example, although the year 1984 was a busy one in the “real world,” this fact is not reflected in the number of claims recorded for that year (which were only two). On April 14 of

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186 It should be reiterated that Figure 2 represents claims while Figure 1 involves documents that may include multiple claims.
that year, for example, the first U.S. mass civil disobedience in the name of animal rights took place at the University of California Davis, and 15 activists were arrested after blocking the entrance to the Primate Research Center there. On May 28, in one of the most important Animal Liberation Front (ALF) actions in U.S. history, the ALF raided the University of Pennsylvania Head Injury Clinic laboratory of Thomas Gennarelli. And in December, the ALF took more than 100 cats, dogs, rabbits, rats, and mice during a raid on the City of Hope research facility in Duarte, California, leading to a stop in funding, an ordered halt in research, and the second largest fine for animal neglect imposed by the USDA to that point in time. (More information about each of these events is included in Chapter 6.) Abroad, this was a busy year as well. Just in the U.K., the “Hunt Retribution Squad” attempted to disinter the grave of Duke of Beaufort, a well-known huntsman; the ALF announced that it had poisoned Mars chocolate bars in protest of the company’s use of animals in dental research experiments; and Scotland Yard established a special unit to monitor and control animal activists. In short, 1984 was a busy and important year in the history of the animal rights movement, a fact not knowable if one were only to look at Figure 9.2. Thus, for whatever reason, perhaps these issues simply did not command wide media attention.

Having issued this word of caution, what might have led to the peaks and valleys in Figure 9.2? Most likely, they reflect the art and quirks of sampling, the number of items substantively discussing animal rights in any given year, the kinds of articles sampled, and secondary claims-making at work.

For example, in 1994, there were 20 recorded claims. The following year, there were 43. This represents the greatest one-year change in Figure 9.2. What might explain this? There were 80 documents in the sampling frame for the year 1994; 9 of these ended up in the sample; and 6 of these contained at least one anti-animal rights claim and were therefore coded. 187 There were 107 documents in the sampling frame for the year 1995; 14 of these were selected for inclusion in the sample; and 10 of these ended up being coded. Examination of the documents in the sample for these years does not shed any light on why there was such a dramatic increase in the number of claims made between 1994-1995. In 1995, five of the 10 items were about hunting; most of these were about specific local hunts, such a proposed goose hunt in Alabama. Two articles were about fur; although both discussed the impact of the nationwide animal rights campaign against fur, they were primarily focused on the local impact of the anti-fur movement. One was a cooking column in which the writer discussed the ethics of eating veal and lobster. Another article celebrating the coming of summer included discussion of the conflict between activists and horse-drawn carriage operators in New York City. And the final item was an article about a proposal to transfer some chimpanzees to a laboratory with a history of Animal Welfare Act violations. There was not, in other words, some major development in the history of animal rights resulting in more articles in 1995. And the same can be said about other years in which there were greater numbers of claims made. Thus, the greater number of claims made in 1995 is, in large part, and as described above, owing to the greater number of documents included in the sample for that year.

Of course, this is not meant to imply that key events never showed up in the sample and had no effect on the number of claims in a given year. For example, there was a noticeable increase in claims in 2005. This was caused, in part, by the two articles about the movement’s recent well-publicized efforts to ban foie gras, the one article about the SHAC campaign, and the

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187 As described in Chapter 8, I sampled every eighth article appearing in the sampling frame, and coded only those that contained at least one anti-animal rights claim.
one article announcing the ACLU’s revelation that the FBI had been monitoring PETA and other left-wing organizations. But notwithstanding the appearance of articles such as these, most of the items in any given year were either about local and relatively minor events, and/or were not tied to major events in the history of the animal rights movement.

What about the next biggest change in the number of claims, in the period from 1999 to 2000? In 1999, there were 28 claims, but the following year, this number had dropped to just 8. In this case, it seems that some of the drop is probably attributable to the fact that, of the 9 documents selected for inclusion in the sample in the year 2000, 5 contained no anti-animal rights claims (see Figure 9.1). With fewer documents to code, there were naturally fewer claims that got counted. Of the remaining 4 documents that did get coded, one had deer hunting as its subject (February 27, 2000), one was a book review (April 30, 2000), one dealt with lawyer jokes (October 22, 2000), and the last was an article about London’s mayor (November 27, 2000). With the exception of the deer hunting article, they produced only one or two claims apiece. In short, the relatively small number of claims in 2000 appears to be due to the luck of the draw in terms of which articles end up in the sample.

Next, to compare increases and decreases in the number of claims over time, I split the total number of claims into five different time periods of equal length, each lasting almost 6 ½ years. The first time period represents all articles containing anti-animal rights claims from January 1, 1975 to June 26, 1981; the second, from June 27, 1981 to December 22, 1987; the third, from December 23, 1987 to June 18, 1994; the fourth, from June 19, 1994 to December 15, 2000; and the fifth, from December 16, 2000 to June 11, 2007. These time periods were selected so as to be able to assess the movement of claims over time, from its earliest years of activity and discussion in the New York Times (in Time 1), through its periods of high activity and growth, up to and including the contemporary period (in Time 5). My objective was to have multiple time periods, each having equal time, and reflecting—as much as possible—the time periods utilized in the next chapter.

From social threat-social control theory, one would anticipate that as time passed and as the animal rights movement became more threatening to animal users and their supporters, there would be a corresponding change in the number of anti-animal rights claims appearing in the newspaper. Furthermore, it is suggested that particular kinds of claims are more likely to evoke sentiments of the need for control. In particular, these claims include those suggesting that animal rights is harmful. Therefore, it is hypothesized that such claims would be among the most commonly invoked and would demonstrate the most growth.

Table 9.1, below, shows the number and percentage (in parentheses) of claims in each claim theme, by time period. This table shows the relative proportion of each theme in the different time periods so the percentages add to 100 percent for each column. (Due to rounding, the numbers do not necessarily add to 100.0.) Thus, for example, in Time 5 (which captures claims made from late 2000 to mid-2007), there were 209 total claims made. Of these, 114 (54.5 percent) suggested that animal use is non-problematic, justifiable, and important, and 95 (45.5 percent) indicated that animal rights is not important, and is problematic.

As this table indicates, the total number of anti-animal rights claims about animal rights has risen dramatically since 1975, growing from just 32 in Time Period 1, to 67 in Time 2, to 197 in Time 3. It then dropped slightly in Time 4, but then increased to a high point of 209 claims in Time 5. However, most of the growth in the total number of claims occurred from the first to the middle time period, and there was relatively little increase from the middle to the most recent time period (and in fact, such claims actually decreased during Time 4). While the total number
of claims made between Time 1 to Time 3 increased from 32 to 197 (an increase of 515.6 %), the total number of claims from Time 3 to Time 5 increased from 197 to 209 (up only 6.1 %).

As is also shown in Table 9.1, there was a steady increase in those claims made in defense of animal use. Such claims rose from just 18 in Time 1 to 114 in Time 5. Once again, most of this increase occurred from Time 1 to Time 3, with comparatively little growth from Time 3 to Time 5. Claims suggesting that animal rights is either trivial or, alternatively, is problematic, also increased in the last 32 ½ years (from 14 in Time 1 to 95 in Time 5). However, in this case, after Time 3, there was a noticeable dip in the number of these claims. They went from 100 claims in Time 3, down to 63 in Time 4, and then back up to 95 in Time 5. All this suggests that while animal rights is still being constructed as a social problem in the New York Times (as is evidenced, for example, by the fact that there were more total claims made in the most recent time period than in any other time period), the most dramatic increase in the expression of this was made in the late 1980s to early 1990s (demonstrated by data showing a 194.0 percent increase in claims between Time 2 and Time 3).

Table 9.1. Number (and percentage) of claims in each claim theme, by time period.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>378 (56.3%)</td>
<td>38 (56.8 %)</td>
<td>97 (49.2 %)</td>
<td>111 (63.8 %)</td>
<td>114 (54.5 %)</td>
</tr>
<tr>
<td>Theme Two: Animal rights is not important, and is problematic.</td>
<td>301 (43.8 %)</td>
<td>29 (43.3 %)</td>
<td>100 (50.8 %)</td>
<td>63 (36.2 %)</td>
<td>95 (45.5 %)</td>
</tr>
</tbody>
</table>

One final point of interest is the relative percentage of Claim Theme One claims versus Claim Theme Two claims in each of these five time periods. As Table 9.1 indicates, with only one exception, throughout the time period included in this analysis, a majority of the anti-animal rights claims made were “defensive” (i.e., the sort found in Theme One) rather than “aggressive” (i.e., the kind captured in Theme Two). The one exception is for the period of 1987-1994, when the majority of claims were aggressive, and even in this period, only a slight majority of claims (50.8 percent) were aggressive. In short, throughout the time period included in this study, the majority of anti-animal rights claims tended to be defensive rather than aggressive. This is contrary to what was expected at the outset of this project. It was expected that, with the passage of time, a growing proportion of claims would have been aggressive toward animal rights, and claims-makers would have been more likely to construct the animal rights movement as a
movement in need of control. Instead, as the animal rights threat presumably grew, most claims were dedicated to defending animal use. Perhaps this is because animal use industries under attack needed to defend their animal use in an effort to stave off any changes sought by the growing animal rights movement.

Table 9.2 shows the same information, except it emphasizes the data as it is broken down according to sub-themes. (In this chapter, because there were only two principal claim themes, the following tables focus on the sub-themes. In contrast, because there were four distinct claim themes in the Congressional testimony sample data, in the tables in the next chapter, I emphasize themes as opposed to sub-themes.)
### Table 9.2. Number (and percentage) of claims in each sub-theme, by time period.

<table>
<thead>
<tr>
<th>Sub-theme</th>
<th>TIME 1</th>
<th>TIME 2</th>
<th>TIME 3</th>
<th>TIME 4</th>
<th>TIME 5</th>
<th>% CHANGE IN CLAIMS, TIME 3 TO TIME 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>679</td>
<td>32 (100 %)</td>
<td>67 (100 %)</td>
<td>197 (100 %)</td>
<td>174 (100 %)</td>
<td>209 (100 %)</td>
</tr>
<tr>
<td>Theme One: Animal use is non-problematic, justifiable, and important.</td>
<td>378</td>
<td>18 (56.3 %)</td>
<td>38 (56.8 %)</td>
<td>97 (49.2 %)</td>
<td>111 (63.8 %)</td>
<td>114 (54.5 %)</td>
</tr>
<tr>
<td>1. Animal use is not harmful.</td>
<td>81</td>
<td>5 (15.6 %)</td>
<td>10 (14.9 %)</td>
<td>18 (9.1 %)</td>
<td>16 (9.2 %)</td>
<td>32 (15.3 %)</td>
</tr>
<tr>
<td>2. Animal users are not bad people who enjoy harming animals.</td>
<td>29</td>
<td>1 (3.1 %)</td>
<td>3 (4.5 %)</td>
<td>5 (2.5 %)</td>
<td>13 (7.5 %)</td>
<td>7 (3.3 %)</td>
</tr>
<tr>
<td>3. Animal use is justifiable.</td>
<td>130</td>
<td>5 (15.6 %)</td>
<td>11 (16.4 %)</td>
<td>31 (15.7 %)</td>
<td>40 (20.6 %)</td>
<td>43 (20.6 %)</td>
</tr>
<tr>
<td>4. Animal use is beneficial and necessary.</td>
<td>138</td>
<td>7 (21.9 %)</td>
<td>14 (20.9 %)</td>
<td>43 (21.8 %)</td>
<td>42 (24.1 %)</td>
<td>32 (15.3 %)</td>
</tr>
<tr>
<td>Theme Two: Animal rights is not important, and is problematic.</td>
<td>301</td>
<td>14 (43.8 %)</td>
<td>29 (43.3 %)</td>
<td>100 (50.8 %)</td>
<td>63 (36.2 %)</td>
<td>95 (45.5 %)</td>
</tr>
<tr>
<td>1. Animal rights is not an important matter.</td>
<td>21</td>
<td>3 (9.4 %)</td>
<td>2 (3.0 %)</td>
<td>8 (4.1 %)</td>
<td>4 (2.3 %)</td>
<td>4 (1.9 %)</td>
</tr>
<tr>
<td>2. Animal rights is an insignificant movement.</td>
<td>17</td>
<td>1 (3.1 %)</td>
<td>0 (0.0 %)</td>
<td>7 (3.6 %)</td>
<td>1 (0.6 %)</td>
<td>8 (3.8 %)</td>
</tr>
<tr>
<td>3. Animal rights is harmful.</td>
<td>163</td>
<td>1 (3.1 %)</td>
<td>18 (26.9 %)</td>
<td>42 (21.3 %)</td>
<td>41 (23.6 %)</td>
<td>61 (29.2 %)</td>
</tr>
<tr>
<td>4. Animal activists are dishonest, deceptive, hypocritical, and not as concerned about animals as they claim to be.</td>
<td>42</td>
<td>3 (9.4 %)</td>
<td>4 (6.0 %)</td>
<td>19 (9.6 %)</td>
<td>9 (5.2 %)</td>
<td>7 (3.3 %)</td>
</tr>
<tr>
<td>5. Animal activists are flawed individuals.</td>
<td>49</td>
<td>6 (18.8 %)</td>
<td>5 (7.5 %)</td>
<td>20 (10.2 %)</td>
<td>7 (4.0 %)</td>
<td>11 (5.3 %)</td>
</tr>
<tr>
<td>6. Miscellaneous other claims about animal rights.</td>
<td>9</td>
<td>0 (0.0 %)</td>
<td>0 (0.0 %)</td>
<td>4 (2.0 %)</td>
<td>1 (0.6 %)</td>
<td>4 (1.9 %)</td>
</tr>
</tbody>
</table>

While, in general, the number of claims in these sub-themes fluctuated with the passage of time, there were some notable exceptions. Only one sub-theme demonstrated consistent increase in the number of anti-animal rights claims made as time passed. The claim that animal use is justifiable increased steadily from just 5 claims in Time 1, to 11 in Time 2, 31 in Time 3, 40 in Time 4, and 43 in Time 5. However, also notable was the sub-theme suggesting that
animal rights is harmful. These claims increased from just one in Time 1, to 18 in Time 2, and 42 in Time 3; then, following a very slight decrease to 41 claims in Time 4, this number increased to 61 in Time 5. In short, notwithstanding the slight decrease in 1994-2000, the claims in this sub-theme also demonstrated relatively consistent growth with the passage of time. This is especially consistent with the expectations of social threat-social control theory.

As also demonstrated in Table 9.2, the sub-themes tending to make up the highest percentage of total anti-animal rights claims made in any given time period are the ones suggesting that animal use is beneficial/necessary, and that animal rights is harmful. With respect to the claim that animal use is beneficial/necessary, this sub-theme was the most popular in Time 1 (21.9 % of all sub-themes), Time 3 (21.8 %), and Time 4 (24.1 %). Similarly, the claim that animal rights is harmful was most popular in Time 2 (26.9 %) and Time 5 (29.2 %), and it was the second most popular sub-theme in two of the three other time periods. Again, this latter finding is consistent with what would be predicted by social threat-social control theory because it indicates that those making anti-animal rights claims were very likely to emphasize the criminal threat and other harmful effects of the movement.

Examination of this table also permits exploration of changes in the relative portion of claims between two consecutive time periods. The greatest increase in the relative portion of claims made was found in claims saying animal rights is harmful. Such claims jumped from just 3.1 percent of all claims made in Time 1 to 26.9 percent in Time 2. On the flip side, the greatest decrease in the relative portion of claims made was found in claims suggesting that animal activists are flawed individuals, when such claims dropped from 18.8 percent in Time 1 to 7.5 percent in Time 2. (If one omits from the analysis claims made in Time 1 and Time 2 (because there are relatively few of them), then the greatest increase in the relative portion of claims (between Time 3 and Time 4) was found in the sub-theme that animal use is justifiable, when such claims increased from 15.7 percent in Time 3 to 23.0 percent in Time 4. Likewise, the greatest decrease in the relative portion of claims made was found in the sub-theme suggesting that animal use is beneficial and necessary, dropping from 24.1 percent in Time 4 to 15.3 percent in Time 5.)

The data here also show the percentage change in the number of claims for each theme and sub-theme, by time period. This information is provided for the change from Time 3 to Time 5, a period of nearly two decades. (Because there are too few claims in Time 1 and Time 2 to provide discussion of meaningful change, these are omitted from this part of the analysis.) As this column indicates, the total number of claims for this time period increased 6.1 percent. While the total number of claims asserting that animal use is non-problematic, justifiable, and important also increased (up 17.5 percent), contrary to what was expected, the total number of claims indicating that animal rights is not important or is problematic actually decreased (down 5 percent).

With respect to changes in sub-themes, the greatest change occurred in the sub-theme asserting that animal use is not harmful; these claims increased 77.8 percent from Time 3 to Time 5. Four other sub-themes demonstrated an increase from Time 3 to Time 5. Most notable is the finding that claims alleging that animal rights is harmful increased 45.2 percent; such a change is consistent with the hypothesis that particularly aggressive anti-animal rights claims-making increases along with the putative threat presented by the movement. Finally, an impressive change was also found in the sub-theme disputing the straightforwardness of animal activists; these claims actually decreased 63.2 percent. Three other sub-themes demonstrated a decrease in the number of claims, and another demonstrated no change from Time 3 to Time 5.
On their face, such changes are not all consistent with what would be expected by social threat-social control theory, which would have predicted an increase in reliance on aggressive claims such as those found in Theme Two. However, given the fact that the total number of claims increased during this period, perhaps these changes simply reflect a shift in the kinds of anti-animal rights claims being produced in the *New York Times*.

In particular, with respect to the more defensive claims in Theme One, these findings suggest a shift away from claims that animal use is beneficial and necessary, and a movement toward increased reliance on arguments that animal use is not harmful, that animal users are decent people, and that animal use is justifiable. Claims-makers are now less likely to emphasize the benefits that accrue to humans from their use of animals, thereby relying less on simple “survivalist anthropocentrism” (Munro, 1999) in defense of animal use.

With respect to the more aggressive claims in Theme Two, there is a shift away from personal attacks on animal activists and claims suggesting that the animal rights movement is not an important matter, and greater emphasis on claims that the animal rights movement is harmful and, paradoxically, that it is an insignificant movement. Notwithstanding the finding of a slight increase in claims that the animal rights movement is an insignificant movement, the changes in the second theme suggest that those making anti-animal rights statements in the *New York Times* are taking the threat of animal rights more seriously today than they once did. They are making fewer dismissive personal attacks and more claims about the putative harm of animal rights.

Finally, Table 9.3 shows the number of claims made, per claim theme and sub-theme, by time period. It also shows the relative proportion of each claim in the different time periods so the percentages add to 100 percent for each row. Thus, for example, of the 679 total claims made, 209 (30.8%) were made from December 16, 2000 to June 11, 2007.
<table>
<thead>
<tr>
<th>Theme One: Animal use is non-problematic, justifiable, and important.</th>
<th>TIME 1 (% of Total Claims)</th>
<th>TIME 2 (% of Total Claims)</th>
<th>TIME 3 (% of Total Claims)</th>
<th>TIME 4 (% of Total Claims)</th>
<th>TIME 5 (% of Total Claims)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>679 (100 %)</td>
<td>32 (4.7 %)</td>
<td>67 (9.9 %)</td>
<td>197 (29.0 %)</td>
<td>174 (25.6 %)</td>
</tr>
<tr>
<td>1. Animal use is not harmful.</td>
<td>378 (100 %)</td>
<td>18 (4.8 %)</td>
<td>38 (10.1 %)</td>
<td>97 (25.7 %)</td>
<td>111 (29.4 %)</td>
</tr>
<tr>
<td>2. Animal users are not bad people who enjoy harming animals.</td>
<td>81 (100 %)</td>
<td>5 (6.2 %)</td>
<td>10 (12.3 %)</td>
<td>18 (22.2 %)</td>
<td>16 (19.8 %)</td>
</tr>
<tr>
<td>3. Animal use is justifiable.</td>
<td>130 (100 %)</td>
<td>5 (3.4 %)</td>
<td>11 (10.3 %)</td>
<td>31 (17.2 %)</td>
<td>40 (44.8 %)</td>
</tr>
<tr>
<td>4. Animal use is beneficial and necessary.</td>
<td>138 (100 %)</td>
<td>7 (5.1 %)</td>
<td>14 (10.1 %)</td>
<td>43 (31.2 %)</td>
<td>42 (30.4 %)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Theme Two: Animal rights is not important, and is problematic.</th>
<th>TIME 1 (% of Total Claims)</th>
<th>TIME 2 (% of Total Claims)</th>
<th>TIME 3 (% of Total Claims)</th>
<th>TIME 4 (% of Total Claims)</th>
<th>TIME 5 (% of Total Claims)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>301 (100 %)</td>
<td>14 (4.7 %)</td>
<td>29 (9.6 %)</td>
<td>100 (33.2 %)</td>
<td>63 (20.9 %)</td>
</tr>
<tr>
<td>1. Animal rights is not an important matter.</td>
<td>21 (100 %)</td>
<td>3 (14.3 %)</td>
<td>2 (9.5 %)</td>
<td>8 (38.1 %)</td>
<td>4 (19.0 %)</td>
</tr>
<tr>
<td>2. Animal rights is an insignificant movement.</td>
<td>17 (100 %)</td>
<td>1 (5.9 %)</td>
<td>0 (0.0 %)</td>
<td>7 (41.2 %)</td>
<td>1 (5.9 %)</td>
</tr>
<tr>
<td>3. Animal rights is harmful.</td>
<td>163 (100 %)</td>
<td>1 (0.6 %)</td>
<td>18 (11.0 %)</td>
<td>42 (25.8 %)</td>
<td>41 (25.2 %)</td>
</tr>
<tr>
<td>4. Animal activists are dishonest, deceptive, hypocritical, and not as concerned about animals as they claim to be.</td>
<td>42 (100 %)</td>
<td>3 (7.1 %)</td>
<td>4 (9.5 %)</td>
<td>19 (45.2 %)</td>
<td>9 (21.4 %)</td>
</tr>
<tr>
<td>5. Animal activists are flawed individuals.</td>
<td>49 (100 %)</td>
<td>6 (12.2 %)</td>
<td>5 (10.2 %)</td>
<td>20 (40.8 %)</td>
<td>7 (14.3 %)</td>
</tr>
<tr>
<td>6. Miscellaneous other claims about animal rights.</td>
<td>9 (100 %)</td>
<td>0 (0.0 %)</td>
<td>0 (0.0 %)</td>
<td>4 (44.4 %)</td>
<td>1 (11.1 %)</td>
</tr>
</tbody>
</table>

This table reveals that the greatest percentage of claims made (85.4 %) were made after 1987. Furthermore, the relative frequency of all claims aggregated is highest in the most recent period, and the same is true for Theme One (animal use is non-problematic, justifiable, and important) when taken in aggregate. However, when taken in aggregate, Theme Two (animal
rights is not important, and is problematic) peaks in Time 3 (but also shows a high frequency in the most recent time period). This latter finding reflects the fact that three of Theme Two’s sub-themes also peak in Time 3. Of the remaining sub-themes, four peaked in relative frequency during the 2000-2007 period, one peaked in Time 4, one peaked in Time 3, and one had two peaks, one in Time 3 and one in Time 5. These findings are consistent with those noted earlier, and indicate that there were two peaks in anti-animal rights claims-making, one in Time 3 and the other in Time 5. This is an idea that will be discussed in more detail in the next chapter.

**Conclusion**

Per the expectations of social threat-social control theory, one would anticipate that as time passed and as the animal rights movement became more threatening to animal users and their supporters, there would be a corresponding change in the number of anti-animal rights claims appearing in the newspaper. Furthermore, it is suggested that particular kinds of claims are arguably more likely to evoke sentiments of the need for control. Therefore, it was hypothesized that such claims would be among the most commonly invoked claims and also those claims demonstrating the most growth. In particular, such claims were those suggesting that animal rights is harmful; the claims in this sub-theme include those about the criminal threat of animal rights as well as those about the harm-producing effects of animal rights.

The data in the above tables and charts provides support for the conclusion that, in this sample of *New York Times* articles, the total number of anti-animal rights claims tended to increase (albeit with peaks and valleys, some dramatic) as time passed and the threat of animal rights presumably increased [from Figure 9.2]. Although this increase in claims was particularly pronounced in the 1980s [from Figure 9.2], the percentage change in the total number of anti-animal rights claims also increased since then (as evidenced by the fact that claims increased from Time 3 to Time 5, up 6.1 percent) [from Table 9.2]. In fact, the greatest percentage of anti-animal rights claims were made after 1987 [from Table 9.3]. Furthermore, more total claims were made in more recent years (December 16, 2000 – June 11, 2007) than in any other time period [from Table 9.1], and the relative frequency of all claims was highest in the most recent time period [from Table 9.3]. All these findings are consistent with what would be predicted by social threat-social control theory.

Also in support of the social threat-social control explanation was the finding of an almost consistent increase in the number of claims in the sub-theme warning that animal rights is harmful. Such claims increased from just one in Time 1 to 61 in Time 5, and demonstrated an increase of 45.2 percent from Time 3 to Time 5. Furthermore, for all but the first time period, claims about the harm of animal rights made up the highest or second-highest percentage of all claims made in a given time period [from Table 9.2]. Finally, claims that animal rights is harmful had the highest percentage in the most recent time period (December 16, 2000 – June 11, 2007). As demonstrated in Table 3, 37.4 percent of all such claims were made in that time period. This indicates claims-makers’ greater reliance on this claim in that time period [from Table 9.3].

Having said all this, there were several findings not consistent with social threat-social control theory. First, although the total number of claims in Theme Two (i.e., those indicating that animal rights is not important and is problematic) increased from Time 1 (January 1, 1975 – June 26, 1981), there was a notable decrease in the total claims in Time 4. Although claims-making activity increased after that, the total number of Theme Two claims in Time 5 was still
slightly less than what was recorded in Time 3 (December 23, 1987 – June 18, 1994) [from Table 9.1]. Contrary to what was expected, such claims decreased 5.0 percent [from Table 9.2]. Second, it was predicted that, as time passed, a greater percentage of the total claims would have been of the “aggressive” kind (i.e, those suggesting that animal rights is not important and the movement is problematic). In fact, this was not found to be the case. Rather, with one exception in Time 3 (December 23, 1987 – June 18, 1994), the majority of claims were made in defense of animal use rather than attacks on the animal rights movement itself [from Table 9.1].
CHAPTER 10

CLAIMS-MAKING IN CONGRESSIONAL TESTIMONIES

Introduction and Overview

In this chapter, I respond to the question “When testifying before Congress, what kinds of claims do opponents of animal rights make in an effort to persuade lawmakers to take action to control animal activism?” In addition, I offer an assessment of whether the quantity or quality of these claims have tended to change over time, and in particular, whether any such changes are consistent with the expectations derived from social threat-social control theory.

To do this, I examine data from a sample of 114 prepared written testimonies made in Congressional hearings implicating animal rights. The claims made by anti-animal rights witnesses testifying at these hearings were coded according to the process outlined in Chapter 8. Such coding revealed claims about four general topics: animal use and animal users; policies proposed to regulate animal use; the animal rights philosophy, movement, and activists; and proposals to control animal activism.

I was able to code from the testimonies 78 different claim categories within these four areas. Because of the nature of the claims-making, claims are not mutually exclusive. Depending upon what an individual wrote, all or parts of a particular statement may have been coded under more than one claim category. In an effort to better understand this data, I grouped these individual claim categories into larger themes and sub-themes. The results of this effort are summarized in Appendix D. That Appendix table also shows the count associated with each of these claim categories, themes, and sub-themes. These counts will be noted throughout this chapter, and will be considered in greater detail later.

Four major claim themes emerged from these testimonies. In the first, defenders of animal use asserted that not only is animal use non-problematic, but it is also beneficial and even necessary. To accomplish this, they relied on four more specific sub-themes: (1) animal use is inherently and historically non-problematic; (2) animals used are treated well and are not harmed; (3) animal users are decent, law-abiding people who know and genuinely care about animals; and (4) animal use is important, beneficial, and perhaps necessary. In the second claim theme, witnesses testified that animal rights activism is problematic. Sub-themes took on several forms: (1) animal activism is harmful; (2) animal activists are dishonest and manipulative; and (3) animal activism is otherwise troublesome. In the third claim theme, they asserted that proposals to regulate animal use (i.e., the bills pushed by activists) are not necessary and, in fact, might do more harm than good, contending that (1) the proposed policy is unnecessary; (2) the proposed policy would have negative consequences; and (3) the proposed policy is otherwise unwise. And in the final claim theme, those testifying argued that increased control of animal activism is both warranted and needed. Here, they argued that (1) existing laws and policies are unable to control radical animal activism and need to be strengthened; and (2) animal activists are knowledgeable about the limits of existing laws and how to successfully commit crime.

In addition, whether consciously or not, these witnesses relied on a variety of rhetorical strategies in an effort to heighten the effectiveness of their claims-making activities. These strategies included exercising control over language; citing others to add both legitimacy and
validity to their claims; presenting victims as “blameless” (Best, 1987); invoking the rhetoric of “survivalist anthropocentrism” (Munro, 1999); and relying on the various counter-rhetorics, claims-making styles, and rhetorical idioms identified by Ibarra and Kitsuse (1993).

The Claims

Claim Theme One – Animal Use is Non-problematic and Perhaps Beneficial or Necessary

In Claim Theme One, witnesses sought to establish the “non-problematicity” (Freudenburg, 2000:106) as well as the benefits and possible necessity of animal use. Such claims-making was often defensive and reactive, and as such, represented true counter-claims-making in response to the initial claims put forth by the proponents of animal rights. The claims in this theme laid the foundation for the more results-oriented claims found in Claim Theme Three, wherein witnesses implored Congress to oppose further regulation of a particular animal use. As will be discussed in more detail in that section, before claims-makers could ask lawmakers to vote against pro-animal rights legislation, they had to persuade members of Congress that, for a variety of reasons, the proposals were inconsistent with already established principles regarding animal use. Through the claims in Claim Theme One, then, opponents of animal rights attempted to establish these principles.

In this claim theme, anti-animal rights witnesses testified that not only is a particular animal use not a problem, but that it is actually beneficial and perhaps necessary. There were 347 documented occurrences of this theme, which is comprised of four sub-themes. Witnesses stated that animal use is inherently or historically non-problematic; that animals used are treated well and are not harmed; that animal users are decent, law-abiding people who know and genuinely care about animals; and that animal use is important, beneficial, and even necessary.

In the most popular of the sub-themes (with 148 documented occurrences and 10 variations), witnesses testified that the use of animals is important, beneficial, and in some cases, even necessary. In other words, they reported the benefits obtained from animal use. The assertion that animal use is beneficial or necessary was the second most frequently relied on sub-theme in the Congressional testimonies (second only to the sub-theme that animal activism is harmful).

Interestingly, witnesses were most likely to argue that, ironically, animal use—even the most exploitive animal use—benefits animals. First, they asserted that individual animals live longer, healthier, and/or happier lives because humans use them. For example, according to Gene Gregory (May 8, 2007), President of United Egg Producers, even hens kept confined in battery cages—a practice banned in a number of countries, and currently targeted by activists in this country—benefit from the practice. “Caged housing systems protect birds from predators and diseases such as highly pathogenic avian influenza. Cage systems also may reduce pecking and other aggressive behavior, including cannibalism,” he explained. Second, witnesses testified that the use of individual animals benefits other surviving animals. To offer just one example, Lester Crawford (August 1, 1996), Executive Director of the American Association of Veterinary Colleges, explained that terminal research using cats and dogs “benefits the lives of other animals, especially the pets that we all cherish.” According to him,

188 In this analysis, a claim is counted just one time per witness per hearing, and so these counts represent a conservative estimate of thematic claims-making.
Important veterinary research has come from dogs and cats. Studies in dogs have led to the development of devices and treatments for animals, including pacemakers, hip and artificial joint replacements, cardiac stents, diabetes treatments, dental care, chemotherapy and canine vaccines for diseases such as rabies. And the advances in treatments for cats has been dramatic. Over the past 30 years, the health of the house cat has been improved to such a degree that their life expectancies have increased by 6-8 years.

But animal use was also said to benefit people. From providing for our most basic needs, including food and clothing, to serving as a source of recreation and entertainment, witnesses testified that we are dependent on the use of animals. Most often (in 28 testimonies), they emphasized that animal use—in particular, the use of animals in medical research and product safety testing—helps people live longer, healthier lives. The following quote from a National Association for Biomedical Research spokesperson nicely illustrates such claims.

Animal research has played a vital role in virtually every major medical advance of the last century . . . . From antibiotics to blood transfusions, from dialysis to organ transplantation, from vaccinations to chemotherapy, bypass surgery and joint replacement, practically every present-day protocol for the prevention, treatment, cure and control of disease, pain and suffering is based on knowledge attained through research with animals (Stuart Zola, May 18, 2004).

Those invoking this claim thus relied on what Munro (1999) called the rhetoric of “survivalist anthropocentrism,” whereby opponents of animal rights appeal to the anthropocentric inclinations of individuals to put their own interests before those of non-human animals. Such claims laid the foundation for the related claims (in Claim Themes Two and Three) that animal activism and animal rights policies are both problematic because each threatens to slow or even end life-saving research.

Witnesses also attempted to persuade members of Congress that animal use is inherently or historically non-problematic. With 100 documented instances, this was the second-most heavily relied on of the sub-themes in this first claim theme. By suggesting that animal use is essentially non-problematic, claims-makers effectively responded to their adversaries’ allegations that animal use is so concerning as to warrant Congressional attention. The claims in this sub-theme attempt to persuade lawmakers otherwise. They suggested that whether intrinsically or by tradition, there simply is no problem with animal use, thereby laying the foundation for related claims (to be discussed later) that Congress does not need to concern itself with regulating animal use. In all, 11 claim categories constituted this sub-theme.

Most often, claims-makers testified that animal use is based on science. Witnesses argued that a targeted animal use has the endorsement of the scientific community, implying that the scientific community would never condone an activity if it were truly problematic. In support of such assertions, witnesses characterized those relying on science in furtherance of animal use as “experts” (e.g., Susan Paris, May 10, 1996) and “specialists” (e.g., Ron Marlenee, June 12, 2003). These professionals were said to have relied on the careful collection and analysis of data (Brian Child, March 13, 1997), conducted experiments and other “scientifically valid studies” (Susan Paris, May 10, 1996), and then subjected their research findings to peer
review (e.g., Timothy Wirth, February 29, 1996) before concluding that a contested kind of animal use was, in fact, not an issue of concern.

For example, Ron Truex (April 18, 2007), testifying on behalf of the United Egg Producers, contended that his industry had developed its “science-based standards for the best ways to care for laying hens” on the recommendations of an unpaid scientific advisory committee comprised of “experts in animal well-being and related fields” and headed by a Michigan State University researcher. In another hearing, he reported that “[t]he committee’s work has led to important adjustments in production practices that have enhanced hen welfare, but also has reaffirmed the basic validity of conventional commercial husbandry techniques,” including keeping hens in battery cages (Ron Truex, September 20, 2006).

Some of those testifying were themselves scientists, or at least adopted a scientific style of claims-making. According to Ibarra and Kitsuse (1993), the claims-maker’s manner, tone, sensibility, and membership category not only influence the general appearance and specific content of a claim, but can also inform audience members about how the claim ought to be received and interpreted. When a person adopts a scientific style of claims-making, he or she probably displays a “disinterested” bearing, speaks with a “sober” tone, and adopts a vocabulary that is “technical” and “precise” (Ibarra and Kitsuse, 1993:47). This claims-making style was both explained and demonstrated in the testimony of Dr. Stuart Zola, a research scientist and professor in the School of Medicine at the University of California-San Diego who described his efforts to publicly counter the claims made by animal activists:

Whenever the animal rights activists had a demonstration, I provided the media with the “balance”, giving the perspective of a scientist, explaining calmly and simply what we knew about how the brain worked, for example, and why computer models can’t replace studies with whole behaving animals, and that the animals are treated humanely, and that they (the reporters) were welcome to visit any of our laboratories at any time and talk to the scientists who were actually carrying out the research that the animal rights activists had so badly distorted (Stuart Zola, May 14, 1998).

Witnesses also frequently stressed the inherent and historical non-problematicity of animal use by asserting that the contested animal use is rooted in “history,” “culture,” “heritage,” or “tradition.” Because of the importance we place on these things, using these words to describe their and others’ participation in activities such as “gamefowl activities” (often a euphemism for cockfighting), aviculture, rodeos, hunting, trapping, and fishing helps establish such animal uses as behaviors not warranting concern. Such claims also laid the foundation for later claims (contained in Claim Theme Three) that would invoke what Ibarra and Kitsuse (1993) call the “rhetoric of loss.” This rhetoric invokes imagery of humans as guardians of something unique or sacred, including culture.

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189 Many witnesses demonstrated careful control of language. In hearings on proposed legislation to regulate animal use, for example, several witnesses refused to adopt the language of their adversaries, and instead elected to use their own language. Hence, cockfighting became “gamefowl activities” (Mark Pollot, May 18, 2006) and an “agricultural practice” (Jerry Leber, February 6, 2007), animals used in rodeos were referred to as “animal athletes” (Myron Etienne, July 8, 1992), animals used in terminal biomedical research intended to benefit human beings were referred to as “patients” (Larry Stephenson, August 1, 1996), and killing both wild and domesticated animals for food was repeatedly called “harvesting” (e.g., J. Y. Jones, April 30, 1997; Robert Ruth, July 21, 2006). With this rhetorical strategy, by changing the words used, opponents were able to lessen the problematic nature of the contested activity.
Those testifying frequently referred to the longevity of the animal use activists sought to restrict or ban. For example, testifying in opposition to the Animal Fighting Prohibition Enforcement Act of 2007\textsuperscript{190}, cockfighting apologist Jerry Leber (February 6, 2007) stated that “we hope that Members of Congress see that this is an industry that has been around for centuries,” and aviculturists fighting further regulation of wild-caught birds reported that their pastime “can be traced to Ancient Egypt” (Gary Lilienthal, July 31, 1992).

Witnesses also stressed that the activities under scrutiny are an important part of their and other people’s heritage and culture. Some provided personal accounts, as illustrated in a statement made by a hunter during a hearing on the importation of polar bear trophies:

> I held my first rifle in my hands before I was able to walk, a .22 caliber weapon that was a gift from my father … My people have lived in the mountains of North Georgia and North Carolina for many generations, and I can trace my ancestry back to soldiers who fought in the American Revolution and in the Civil War. The menfolk in my family line were always hunters (J. Y. Jones, April 30, 1997).

Others stressed the importance of the contested animal use to other groups. Characterizing subsistence hunting and fishing as “a bridge from the past to the present,” for instance, one witness described the social and cultural value of subsistence hunting and fishing to rural villagers in Alaska. As he reported, “it is how Alaska Natives define who they are and their place in the world. It is the fabric of family and community well-being” (Robert Polasky, June 6, 1993).

Less often, yet still key to the construction of animal use as non-problematic was the sub-theme in which witnesses promised that animals used are treated well and are not harmed. While claims in the just-discussed sub-theme captured the idea that animal use is almost non-problematic \textit{per se}, claims falling under this second sub-theme implied that such use was not concerning so long as animal users do not harm the animals that are used. In all, there were 59 occurrences of this sub-theme.

Claims-makers informed Congress that \textbf{animals used are healthy, well cared for, treated humanely, and do not suffer}. Forty-one testimonies contained this claim, making it one of the most-often invoked claims in this analysis. A good example of this claim is found in the testimony of Myron Etienne of the Professional Rodeo Cowboys Association. Although animal activists told members of the House Agriculture Committee that animals used in rodeos suffered serious, even fatal, injuries, rodeo defenders such as Etienne painted a very different picture. “Bottom line, the incidence of injury is extremely low,” he informed the committee (Myron Etienne, July 8, 1992). According to Etienne, proof of their humane treatment is found not only in the condition of these animals but also their longevity:

> Horses are still bucking at twenty years of age. The career of a breeding bull on a ranch is generally over at seven or eight years, while a bucking bull is still going at fifteen years of age. The blunt fact is that bucking stock, due to the care that the animals receive, are in better health and condition than the average saddle horse in the United States.

\textsuperscript{190} The bill passed both houses of Congress and was signed into law on May 3, 2007. The law provides felony penalties for interstate commerce, import, and export related to animal fighting activities.
He concluded his testimony by inviting members of the committee to attend a rodeo and witness for themselves how the animals are treated, a strategy relied on by several witnesses.

Witnesses assured members of Congress that animals used are treated well because animal use is regulated. Regulation, of course, includes laws and rules enacted and enforced by governmental bodies. Thus, for example, Dick Koehler (July 25, 2006) testified that the horse slaughter industry is “required by law to adhere to the Humane Handling Act, the Humane Slaughter Act, the Meat Inspection Act, and additional regulations.” The simple existence of laws prohibiting animal mistreatment was presented as evidence that such abuse in fact does not occur, notwithstanding animal activists’ claims to the contrary. As Koehler asserted, activists “inaccurately describe the slaughter process and continue to claim widespread mistreatment without evidence. Congress has already passed laws to assure that this is not the case” (Dick Koehler, July 25, 2006). However, in the context of anti-animal rights claims-making, “regulation” also refers to less formal—yet, according to witnesses, more stringent—standards imposed and putatively enforced by industry itself. Representatives from the animal agriculture, research, and entertainment industries all testified that large segments of their industries have voluntarily adopted strict programs designed to assure the proper treatment of animals used.

Claims-makers often pointed out that it is in their own interest to treat the animals they use humanely. Speaking on behalf of the American Physiological Association, Terrance Hawk (March 11, 1997), testified that the validity of a study might be compromised if the animals were mistreated. “Proper treatment of animals is important both for its own sake and to ensure that research results genuinely represent what is being studied,” Hawk argued. “This can only be achieved with a healthy, unstressed animal.” A similar argument was sometimes made by apologists of the food animal industry, although in such cases the witnesses asserted that it would not make financial sense to cause the animals harm (e.g., Tom Compton, May 8, 2006).

Alternatively (and less frequently), defenders of animal use testified that although abuses do sometimes happen, such incidents are “rare” (e.g., Rep. John Tanner (D-TN), April 25, 1996), and “neither as extensive or as serious as some in the animal rights community would have you believe” (Ken Jordan, September 28, 1994). In doing so, they participated in what Ibarra and Kitsuse (1993:41) call “antipatterning.” This counter-rhetorical strategy asserts that an adversary’s allegation does not refer to a full-scale social problem, but rather, something more like “isolated incidents.”

In the final sub-theme of this first major claim theme, witnesses attempted to refute any suspicions that animal users harbor an intense dislike of animals or are otherwise deviant. On the contrary, in 40 instances, they testified that animal users are decent, law-abiding, and ethical people who both know and sincerely care about animals and for whom using animals is a privilege and responsibility that is not taken lightly. Thus, most of the claims in this sub-theme speak to the character of the animal users. The claims in this sub-theme also speak to the “non-problematicity” of animal use because animal users constructed themselves in a way that would, at least in theory, make it more difficult for members of Congress to consider what they do as problematic.

Claims-makers outright told Congress that animal users are decent, regular people. They portrayed themselves and their peers as being just like everyone else—“good people” (Sheila Lehrke, July 8, 1992), and “regular people trying to earn a living, raise a family, and provide a decent future for their children” (Bill Trundley, May 23, 2006). Should policymakers suspect that animal users might be sadistic or abnormal, this and the other claims in this sub-theme serve to quash that notion.
More often, though, lest policymakers believe animal users might harbor some kind of hatred toward animals, witnesses testified that **animal users genuinely care about animals.** This was the most frequently invoked claim in this sub-theme, occurring in 15 testimonies. Witnesses testified about animal users’ own personal attachment to animals, evidenced by witnesses’ stated “care” (e.g., Ron Marlenee, June 12, 2003), “concern” (e.g., Susan Paris, June 10, 1996), and even “love” (e.g., Frank Bowman, July 27, 2006) for their animal charges. As one animal researcher stated, “[o]ur families have pets too. We share and understand the emotional bond people have with animals” (Larry Stephenson, August 1, 1996).

In short, in the sub-themes constituting Claim Theme One, the underlying goal of each of the claims appears to have been to establish both the “non-problematicity” and importance of animal use. This positive construction of animal use and animal users stands in stark contrast to how witnesses portrayed animal rights, the animal rights movement, and animal rights activists. I now turn to a discussion of how anti-animal rights claims-makers tried to persuade members of Congress that their opponents are the true social problems meriting Congressional intervention.

**Claim Theme Two – Animal Rights Activism is Problematic**

In Claim Theme Two, opponents of animal rights sought to construct their adversaries, as well as their philosophy and behaviors, as issues worthy of concern. Here, witnesses were on the offensive and attempted to establish the harms of animal activism. In this, the case of anti-animal rights claims-making in Congressional hearings represents traditional claims-making in its purest form, whereby a group of persons identify a putative problematic condition and make claims about that condition in an effort to construct it as a social problem.

Just as the claims in Claim Theme One were largely foundational, in the sense that they formed the basis for later, more results-oriented claims, so too were the claims in Claim Theme Two. These claims, all relating to the problematic nature of animal activism, set the stage for the action-oriented claims that will be discussed in Claim Theme Four, and to a lesser extent, Claim Theme Three. (In Claim Theme Four, witnesses tried to persuade members of Congress to take action to control animal rights activism, while in Claim Theme Three, witnesses tried to convince lawmakers not to take action to regulate animal use.) Again, before claims-makers could ask members of Congress to vote in favor of proposals to further control animal activism, they had to persuade the lawmakers that, for a variety of reasons, the proposals were consistent with already established principles. The claims in this claim theme establish those principles.

In this second broad claim theme then, witnesses professed to inform lawmakers what animal rights is really about, what animal activists really believe, and what animal activists are really trying to do. Thus, with many of these claims, there is a tone of omniscience, almost as though witnesses had some sort of special knowledge about what the animal rights movement is up to. In all, there were 314 documented occurrences of this theme, which is comprised of three different sub-themes. Claims-makers informed Congress that animal rights activism—both radical and lawful—is harmful; that animal activists are dishonest and manipulative; and, via general claims about the undesirable nature of the animal rights movement, that animal activism is otherwise troublesome.

In the first, extremely popular sub-theme (with 213 total documented occurrences, it was the most frequently invoked sub-theme in this analysis), witnesses asserted that **animal rights, the animal rights movement, and animal activists are all dangerous or otherwise harm producing.** Eleven claim categories comprised it.
First, anti-animal rights witnesses very often reported that animal activists have extreme beliefs and goals. Thirty-three testimonies contained this claim. Here, claims-makers attempted to inform Congress of activists’ radical philosophy, and in turn how this philosophy inspires the pursuit of objectives that are incompatible with mainstream society’s values. Perhaps most outrageous, claims-makers said, was animal activists’ presumed belief that “all animals should have rights equal to humans” (Jerry Leber, February 6, 2007). Furthermore, they reported that “[t]hese philosophical grounds include a shared belief that a wide variety of human uses of animals should be prohibited” (Mark Pollot, May 18, 2006). As stated by these witnesses, animal activists therefore seek to end hunting, fishing, trapping, rodeos, horse racing, circuses with animals, raising gamefowl, wearing leather, raising animals for food, using animals in medical research and product testing, and even keeping pets. “What PETA ultimately wants is a vegetarian or vegan world,” explained KFC’s Jonathan Blum (May 18, 2004).

In pursuit of their radical agenda, witnesses said that some animal rights activists have turned to violence, criminality, and/or terrorism. With 63 documents containing this claim, this was the most frequently relied on claim category in this sub-theme, and importantly, was also the most frequently relied on claim category in this analysis.

What is particularly noteworthy is that 17 (27.0 %) of the 63 testimonies containing such claims had as their central focus something other than criminal behavior by activists. This finding demonstrates that even in hearings about the proposed regulation of animal use, opponents of animal rights recognized the utility in invoking the image of the criminal and dangerous activist. They dismissed the claims of those who supported pro-animal rights legislation by associating concern for animals with violence, terrorism, and other criminal and deviant behavior.

Witnesses from both government agencies and private industry portrayed animal activists as law breakers who use often-violent tactics to bully individuals and companies into making the changes they seek. The following excerpt from the testimony of McGregor Scott (May 18, 2004), a U.S. Attorney for the Eastern District of California, exemplifies this claim:

[They] commit arson, trespass, burglary, extortion, and aggravated assault. They vandalize and destroy property. … Make no mistake about it, the individuals who commit these crimes are hardcore, dangerous, and well-funded criminals whose weapons are firebombs, timed detonation devices, Molotov cocktails, and poison.

As evidenced by this claim, many of the witnesses describing the extra-legal activities of animal activists were high-ranking law enforcement officials. When they testified, they often did so using a “legalistic” claims-making style, which is premised on the idea that the claims-maker is speaking on behalf of another party, and that claims originating in that party’s case are supported by “the full weight and prestige of institutional justice” (Ibarra and Kitsuse, 1993:48).

Another strategy relied on by these witnesses was to use the activists’ words against them. Peppered throughout some of their testimonies were quotes reportedly made by activists themselves. The technique was effective. For example, David Martosko (May 18, 2005) of the Center for Consumer Freedom, informed the Senate Energy and Natural Resources Committee that Animal Liberation Front Press Officer Dr. Jerry Vlasak had actually advocated the murder of animal researchers. According to Martosko, Vlasak had said that “[f]or 5 lives, 10 lives, 15 human lives … we could save a million, 2 million, 10 million non-human lives.”
Those testifying also offered estimates of the number of crimes attributed to animal activists, as well as estimates of economic damage caused by these same individuals. Best (1987:106) explains that claims-makers often try to emphasize the magnitude of a problem, because “[t]he bigger the problem, the more attention it can be said to merit.” Thus, according to John Lewis, Deputy Assistant Director of the FBI, “[t]he FBI estimates that the ALF/ELF and related groups have committed more than 1,100 criminal acts in the United States since 1976, resulting in damages conservatively estimated at approximately $110 million” (John Lewis, May 18, 2004).191 Just one year later, Senator James Inhofe (R-OK) (October 26, 2005), seeking support for the bill he would introduce that same day, increased these estimates to 1,200 incidents resulting in more than $200 million in damages.

Furthermore, and perhaps most damning in our post-9/11 world, these individuals were said to be guilty of “terrorism.” Social control authorities made the claim, subsequently echoed by numerous other witnesses, that radical animal activism is “[o]ne of today’s most serious domestic terrorism threats,” and that “[i]nvestigating and preventing animal rights extremism and eco-terrorism is one of the FBI’s highest domestic terrorism priorities” (John Lewis, May 18, 2005). Of the 63 testimonies containing the claim that animal activists are violent, criminals, or terrorists, 41 (65.1%) made reference to “terrorism.” Importantly, 7 (17.1 %) of those 41 testimonies were made in hearings about regulating animal use, which suggests that the “terrorism” tag has become a tool used not only by those seeking increased social control of their adversaries, but also by those fighting increased regulation of their own animal use.

Witnesses spent substantial time discussing the victims of extra-legal animal activism. In an effort to impart what victims had endured, those testifying shared with committee members numerous “atrocity tales” (Best, 1987). As Best notes, “[b]y focusing on events in the lives of specific individuals, these stories make it easier to identify with the people affected by the problem. Selecting horrific examples gives a sense of the problem’s frightening, harmful dimensions” (Best, 1987:106). Often, those targeted were portrayed as blameless innocents. According to witnesses, these blameless victims often included members of relatively powerless groups including children, women, and the elderly. One witness, a market maker targeted by SHAC because he continued to make market for HLS stock, said SHAC activists had even gone so far as to harass his 90-year-old mother at her assisted living facility:

SHAC posted MY MOTHER’S name, her address at her assisted living residence and her phone number on the internet with specific instructions to have her put pressure on me … I quote the SHAC website when I tell you that SHAC members were instructed to “send her sex toys, have an undertaker arrive to pick up her ‘dead body,’ and call her collect in the middle of the night” (Skip Boruchin, October 26, 2005).

By emphasizing the blameless nature of those at the receiving end of animal activists’ putative criminality and terrorism, witnesses likely strengthened their case for passing additional laws to control their adversaries. “Blameless victims offer rhetorical advantages to claims-makers,” Best (1987:110) explains. “Public opinion and official policy often distinguish between ‘innocent’ victims and those who are thought to share some complicity for their fate. … Presenting victims

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191 In recent years, it has become increasingly difficult to obtain an accurate estimate of either the extent of criminality of, or amount of damage caused by, animal activists, as opponents have tended to conflate the criminal behavior of both animal and environmental activists.
as blameless makes it more likely that claims will be ratified.” In addition, claims-makers, perhaps unwittingly, conjured up images of the “melodramatic moral order” (Nelson-Rowe, 1995), with its cast of villains (i.e., malevolent animal activists), victims (innocent and vulnerable targets), and heroes (members of Congress—if they worked to strengthen the laws).

Making matters worse, witnesses informed Congress, **radical activism is increasing, becoming more harmful, and affecting more kinds of people.** The crux of such claims is “that things are getting worse, that the problem is growing and, unless action is taken, there will be further deterioration” (Best, 1987:106). Such assertions are thus vital to a counter-movement asking Congress for help controlling its adversaries. In this case, opponents of animal rights cited several ways in which the putative problem is getting worse. They reported that not only is it becoming a more common occurrence, but also that activists are increasingly willing to resort to violence and that they have broadened their campaigns so as to target more individuals and entities. Several predicted that it was just a matter of time before someone would be killed.

The extent to which witnesses argued that **animal rights activists are dishonest and manipulative** was unexpected. Sixty-six testimonies invoked this sub-theme, which was comprised of four claim categories. Perhaps the relative popularity of this sub-theme is due to the fact that claims-makers’ objectives are to persuade their audience to accept their claims as true and valid, and encourage them to disregard the claims of their adversaries. Constructing opponents as being untrustworthy aids in the second of these tasks.

Most often, opponents argued that **animal rights supporters make claims without evidence, use old information, exaggerate, or even lie.** Forty-three testimonies contained this claim, making it the second most-frequently invoked claim in this analysis. Animal activists were said to—often knowingly and intentionally—make “unfounded allegations” (Dick Koehler, July 25, 2006) and selectively present and withhold evidence (e.g., Rep. Bill Brewster (D-OK), April 25, 1996). Through their propaganda, activists were said to exaggerate (e.g., Tammy Pate, July 27, 2006), “spread inaccurate descriptions” of contested industries (Dick Koehler, July 25, 2006), and outright lie (e.g., Jonathan Blum, May 18, 2004). In short, according to these witnesses, their adversaries exhibit “scant regard for the truth” (Brian Child, March 13, 1997). They implored members of Congress to recognize this, and to disregard activists’ “incredible campaign of distortion, disinformation, and misinformation” (William Horn, March 6, 1997).

Having raised doubts about the straightforwardness of animal activists, it was a relatively short leap to the next most popular claim, in which opponents suggested that, ironically, **animal rights supporters do not really care about animals**, implying that their professed compassion was really just a ruse. Eleven testimonies contained this claim. Critics commented on the apparent failure of animal rights organizations to fund animal shelters (e.g., Dick Koehler, July 25, 2006), support wildlife rehabilitation and conservation (e.g., Ike Sugg, April 25, 1996), or contribute financially to other programs that, in their assessment, truly help animals. These witnesses relied on what Ibarra and Kitsuse (1993) termed the “counter-rhetoric of insincerity,” where the speaker may suggest that the other claimant is motivated by some sort of “hidden agenda” or ulterior motive, such as power or money. This strategy may have an accusatory, *ad hominem* quality, and may take the form of what Ibarra and Kitsuse term a “sincerity test”: “If prolifers really cared about children, then why don’t they do something about malnutrition or children in poverty? If antivivisectionists really cared about animal rights, then why don’t they wear synthetic fibers on an exclusive basis?” (Ibarra and Kitsuse, 1993:42). And, in fact, those testifying at these hearings did indeed pose such tests, as suggested in the following excerpt:
The HSUS and other animal rights groups have no real concern for animals and their well-being. If they did, they would more appropriately use their significant budget on conservation. Rather than bombarding the public with inflammatory solicitations for donations and engaging in political mischief, they should significantly fund activities that make a real difference to conservation and animal welfare (Jerry Leber, February 6, 2007).

In the final sub-theme in Claim Theme Two, in 35 instances, witnesses contended that **animal rights activism is otherwise troublesome**. Again, witnesses often wrote as though they had some special knowledge about animal rights—information perhaps not known by Congress or the general public, and information that once revealed, would surely change how those receiving the claims thought about animal activism.

As was just hinted at, in 11 testimonies, claims-makers suggested that **animal rights groups have substantial fiscal resources, and that much of what these organizations do is aimed at getting even more**. In 2004, Stuart Zola of the National Association for Biomedical Research described the changes that had occurred in animal-oriented charitable organizations in short time: “What began as a grassroots movement has grown into a sophisticated industry. I say industry with good justification—the combined operating budgets of U.S. tax-exempt animal rights organizations approached $200 million in 2002” (Stuart Zola, May 18, 2004). Witnesses described the animal rights movement as “well-financed” (Stuart Zola, May 18, 2004) and “well-funded” (Gary Lilienthal, July 31, 1992) and pointed out that movement organizations have “multi-million dollar annual budgets” (Jerry Leber, February 6, 2007). Consequently, some, like Captive Exotic Animal Protection Act opponent Ike Sugg (April 25, 1996), cynically commented that the proposed legislation would “be a great fundraiser for HSUS and other such groups.”

Witnesses also emphasized that **there is a difference between “animal welfare” and “animal rights.”** For example, Myron Etienne (July 8, 1992) explained that while “[t]he animal rightist takes the position that animals have rights equal to those possessed by citizens of these United States, and that animals should not be used for entertainment, medical research, or exploited in any way,” in contrast, “[t]he animal welfare advocate takes the position that animals can be used for all purposes as long as such use is done in a humane manner.” The latter was thus portrayed as a reasonable (perhaps even laudable) goal, and as something nobody—not even animal users—had a problem with. “We all should be promoters of ‘animal welfare,’” suggested one witness (Robert Phalen, February 8, 1990). In contrast, throughout the testimonies, animal rights was portrayed as an unreasonable philosophy, the occupation of the misguided, and extremists, criminals, and terrorists.

In sum, the claims in this sub-theme and the two other sub-themes making up Claim Theme Two helped lay the foundation for both the larger argument that lawmakers would be wise to reject the proposals pushed by the animal rights movement (Claim Theme Three), as well as the larger argument that animal activism is so problematic that it demands further social control (Claim Theme Four). I now turn to discussion of these two remaining claim themes.

**Claim Theme Three – Proposals to Regulate Animal Use are Not Necessary and Would Do More Harm Than Good**

Earlier, it was noted that anti-animal rights claims-makers attempted to construct animal use and animal users as both non-problematic and beneficial and necessary. I now turn to the
more results-oriented claims that build from this positive portrayal of animal use. In Claim
Theme Three, witnesses informed Congress that proposals to regulate animal use (i.e., proposals
pushed by activists) are not necessary and would do more harm than good. Such claims built
upon the principles established in Theme One and, to a lesser extent, Theme Two. The claims in
this theme were made with the ultimate goal of persuading Congress not to enact the policies
sought by animal activists. There were 237 total documented occurrences of this theme, and it is
made up of three different sub-themes. Witnesses argued that proposals to regulate animal use
are unnecessary; that such policies would have negative consequences; and that these proposals
are otherwise unwise.

In the first sub-theme, which had 35 total documented occurrences, those testifying
contended that the proposed policy is unnecessary. There were four variations of this
argument.

In the most frequently occurring claim in this sub-theme (appearing in 25 documents),
witnesses reminded Congress that the contested animal use is already regulated, via laws and
rules as well as the policies voluntarily adopted by various animal use industries. The reader will
recall witnesses’ reliance on a similar argument in support for their claims that animals used do
not suffer. In that case, witnesses explained that the well-being of animals is all but guaranteed
because of the existence of directives prohibiting their mistreatment. In the present claim,
witnesses again pointed to extant laws, regulations, and policies, only this time, it was in the
context of their arguing that additional regulations would be redundant.

An illustration of this claim is found in hearings on the proposed Captive Exotic Animal
Protection Act of 1995. This bill, which had so-called “canned hunts” as its target, would have
prohibited persons from transporting or possessing a confined exotic animal for purposes of
allowing the injuring or killing of that animal for entertainment or for the collection of a
trophy. According to Representative Lamar Smith (R-TX) (April 25, 1996),

H.R. 1202 is unnecessary. All 50 states already have laws on the books
prohibiting the inhumane treatment of animals. In addition, 30 states, including
Texas, have added separate laws to specifically ban “canned hunts.” Federal
action is unnecessary to protect exotic [animals], or prevent inhumane treatment
to animals. States already can and do perform this function.

Likewise, others pointed to the existence of industry-promulgated voluntary programs. A
representative of the Livestock Marketing Association, for instance, testifying against the
Downed Animal Protection Act,193 argued that “the industry has shown their ability and
commitment to voluntarily correcting problems within its ranks thus making the need for costly
federal solutions, such as those proposed by H.R. 559, unnecessary” (Ken Jordan, September 28,
1994).

In the second sub-theme, claims-makers warned that the proposed pro-animal rights
policy would have negative consequences. There were 115 total documented occurrences of
this sub-theme, making it the third most frequently relied on sub-theme in the analysis. Anti-
animal rights claims-makers identified a wide variety of negative consequences that would arise

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192 The bill did not pass.
193 This bill never became law. The proposal would have amended the Packers and Stockyards Act to prohibit the
marketing, transfer, or holding of nonambulatory (i.e., “downed”) livestock not humanely euthanized.
should Congress enact the proposed legislation. Consequently, 12 specific claim categories comprised this sub-theme.

Opponents offered a litany of negative outcomes affecting not just animal-using stakeholders, but also the general public and even the animals themselves. With 33 testimonies relying on it, the most popular claim in this sub-theme was that the proposed policy would be economically harmful and/or have a negative impact on existing resources. They warned that the policy would raise costs, would be bad for business, would harm the larger economy, or would strain already stretched-thin budgets, facilities, staff, time, and energy, both public and private. To illustrate, several witnesses testified that the affected animal users “would be forced to shut down” if the proposed legislation passed (e.g., Dick Koehler, July 25, 2006). Others testified that the harmful “ripple effect” of the legislation would be felt throughout the larger economy, as well. According to Dick Koehler (July 25, 2006), if the American Horse Slaughter Prevention Act passed, in addition to his plants and its workers, everyone from hay farmers to the Dallas Fort Worth Airport would be financially harmed. In short, if the proposed legislation were enacted, these and other witnesses cautioned, the consequences to consumers, businesses, non-profit organizations, and the government would be substantial.

Interestingly, in 19 testimonies, witnesses asserted that the proposed policy would detrimentally affect animals. This is an instance of Hirschman’s (1991) “perversity thesis,” by which opponents of reformist policies attack proposed policy changes by asserting that a move to improve some feature of the political, social, or economic order only serves to exacerbate the condition one wants to remedy. Thus, for example, animal research supporters cautioned that if the Animal Welfare Act were amended so as to eliminate the use of “random source” animals (e.g., cats and dogs obtained from animal shelters) in research, more animals would die—the millions of cats and dogs killed in animal shelters, plus the animals bred for use in laboratories (e.g., Larry Stephenson, August 1, 1996).

In a final example of the kinds of claims constituting this sub-theme, in 10 testimonies, claims-makers warned that the proposed policy would jeopardize public health and safety. Earlier, it was noted that a prominent claim was that animal use was beneficial and even necessary, and so, it was only natural that there would also emerge a claim that limiting such use would be harmful. In an effort to advance their position, claims-makers called upon the “rhetoric of endangerment” (Ibarra and Kitsuse, 1993) when they strongly implied—if not outright stated—that if passed, the proposed legislation would jeopardize human health. For example, opponents of the Pet Safety and Protection Act of 1998 testified that proposals to restrict the availability of “random source” animals for use in research threatened the search for potentially life-saving research:

Often when someone comes to Capitol Hill to argue against a proposed bill they are merely trying to protect their economic interests. The legislation we’re discussing today would bring with it genuine social cost. It’s quite simple: If scientists are forced to rely solely on expensive purpose-bred animals, they have less money to apply to research. … Real damage will be done to Americans if important medical research is slowed or even halted (Lester Crawford, August 1, 1996).

In sum, in this sub-theme, witnesses predicted a wide variety of negative consequences that would befall the American people (and animals) should Congress give in and pass the
legislation demanded by animal activists. Importantly, by suggesting that proposed legislation promised many negative consequences, opponents constructed these proposals as harmful to not only animal users, but also the interests of all Americans. In doing so, they were able to transform what might have otherwise been dismissed as “private troubles” into “public issues” warranting lawmakers’ attention (Spector and Kitsuse, 2001:143).

In the third and final sub-theme of Claim Theme Three, those testifying cautioned that the proposed policy is otherwise unwise, and that in addition to the negative effects that would surely result should the proposed policy be passed, the bills under consideration suffered from further defects. There were 87 total documented occurrences of this sub-theme.

Most often, in 16 documents, claims-makers contended that the proposed pro-animal rights policy is unscientific, and/or based on politics, sensationalism, or emotion. As noted earlier, a popular claim used by those attempting to establish the non-problematic nature of animal use was that animal use is based on science. At the same time, witnesses dismissed claims in support of policies sought by animal activists as “essentially political” (Jim Dean, July 24, 2006), “sensational” (Tammy Pate, July 27, 2006), and “emotional” (Dick Koehler, July 25, 2006), and lacking in scientific rigor and certainty. In short, according to these witnesses, “politics and emotion—instead of science or logic—are driving this debate” (Ike Sugg, April 25, 1996). The function of this argument is clear. Claiming that one position is based on “science” or “logic” and another is not serves to portray the conflict between animal use and animal rights as though it were “a clash between the forces of reason and ignorance” (Dreher, 2007).

Anti-animal rights claims-makers also said that the proposed policy suffers from miscellaneous drafting problems such as vagueness and failure to define key terms. This claim was found in 14 of the testimonies. It speaks to the legal sufficiency of the proposed law, and in some instances, offers a sort of veiled threat that the proposal suffers from certain flaws that could possibly result in its being struck down by a court. No lawmaker wants his or her laws declared unconstitutional or otherwise legally inadequate by the judiciary, and this claim speaks to that concern. For example, Representative Bill Brewster (D-OK) (April 25, 1996) predicted that if the Captive Exotic Animal Protection Act of 1995 passed, activists would take advantage of its deficiencies (with “loopholes large enough … to drive their infamous legal Mack trucks through”) by filing lawsuits.

In summary, in Claim Theme Three, witnesses raised various concerns about the proposals pushed for by animal activists and their Congressional supporters. First, they argued that such proposed policies simply are not necessary. Second, they hypothesized that enacting such proposals would cause harm, or at least, would be unwise. Such arguments built upon the claims discussed in Theme One and, to a lesser extent, the claims in Theme Two. While the claims in Themes One and Two were often more foundational, the claims in this theme were more action oriented, in the sense that they suggested to Congress what to do—or, more accurately, what not to do. In this claim theme, then, witnesses’ claims-making was all about imploring Congress to oppose further regulation of animal use.

Claim Theme Four – Increased Control of Animal Activism is Warranted and Needed

As discussed earlier, opponents of animal rights constructed their adversaries, and their adversaries’ philosophy and behaviors, as issues worthy of concern. In Claim Theme Four, witnesses—typically representatives of federal social control agencies or affected industries, or members of Congress themselves—suggested to Congress that the appropriate solution to
problematic activism is to take action to control it. Federal legislative response, they contended, is not only appropriate, but also necessary.

There were 45 documented occurrences of this theme, which is comprised of two sub-themes. First, claims-makers said that existing laws and policies are inadequate for controlling radical animal activism and need to be strengthened. Second, they portrayed animal rights supporters as being particularly sophisticated criminals, knowledgeable both about the limits of existing laws and how to successfully commit crime. Thus, in these claims, witnesses stressed that criminal justice agencies need additional tools to control the radical animal rights problem.

First, they reported that existing laws and policies are unable to control radical animal activism and need to be strengthened. They detailed the numerous deficiencies found in then-existing laws and policies, and suggested that new laws need to be enacted, existing laws need to be strengthened, or other actions—specifically, investigation of above-ground animal rights organizations—need to be taken if problematic activism is to be controlled.

The first federal law specifically targeting crimes against animal use industries was the Animal Enterprise Protection Act (AEPA), enacted in 1992. In the years preceding passage of this statute, opponents of animal rights rationalized the need for such a law. Thus, in the earliest testimonies analyzed for this project, claims-makers attempted to persuade federal lawmakers that controlling radical animal activism should be made a federal criminal justice priority, and there was a need for a law specifically addressing animal rights criminality. Eleven testimonies made this assertion.

According to witnesses testifying in these early hearings, several facts made federal action imperative. First, they claimed, criminal acts committed in the name of animal rights had reached levels that demanded response and were being “committed with impunity” (John Howe, February 28, 1990). Second, witnesses promised, federal legislation would help deter this criminal activity (e.g., Frederick King, April 15, 1991). And finally, they suggested, local and state authorities simply lacked the authority and resources to investigate and prosecute these crimes (e.g., John Howe, July 17, 1990). Importantly, all of these arguments would be resurrected in hearings even after the AEPA was enacted, and in fact, they would become prominent themes in the hearings leading up to the most recent amendment of the statute in 2006.

After the AEPA was enacted in 1992, the kinds of claims made in this sub-theme changed. In early 2002, witnesses began testifying that existing laws suffer from weaknesses that render them inapplicable or ineffective in the effort to control radical animal activism. In 14 testimonies, they argued that existing laws simply do not apply to all the crimes committed by animal activists, and that the laws that do apply to this conduct are so narrow, so dated, and so lacking in sufficient punishment, that they are essentially ineffectual.

Many of the calls for renewed Congressional intervention focused on the crimes and other deviant behaviors attributed to a specific animal rights campaign—the multi-national SHAC effort against Huntingdon Life Sciences. The U.S. SHAC campaign began in 2001 (Stagno, 2001:12), and by May 2004, the first renewed calls for amending the AEPA so as to specifically target that organization’s tactics began appearing in Congressional hearings. In the years since then, most of the testimonies invoking this claim specifically cited the SHAC campaign. Thus, it is suggested that many of the more recent calls for social control of radical animal activism are a response to the emergence and growth of this one organization and its campaign.
In these more recent hearings, witnesses resurrected the argument that the relatively small number of arrests, prosecutions, and convictions, in part, was due to the ineffectiveness and inapplicability of traditional federal criminal laws, such as federal arson and RICO statutes (e.g., Barry Sabin, October 26, 2005). But further, they said, even the AEPA itself was too narrow and its punishments too weak to serve as a deterrent, leaving authorities unable to effectively contain problematic animal activism.\(^{194}\) In sum, witnesses painted a picture of embattled social control authorities facing a serious menace but armed only with ineffectual and dated statutes.\(^{195}\)

Further complicating things, witnesses testified, animal rights activists are knowledgeable about the limits of existing laws and how to successfully commit crime. Sixteen testimonies called upon this sub-theme. First, in eight testimonies, witnesses said that animal activists are knowledgeable about, and exploit, the limits of existing laws. They described activists as being “very knowledgeable about the letter of the law” (John Lewis, May 18, 2005), and thus cognizant of the alleged inadequacies in state and federal statutes. Further, witnesses claimed activists took advantage of these deficiencies by engaging in campaigns that, in fact, “seem to be designed to skirt existing laws” (Stuart Zola, May 18, 2004). For example, in the case of the AEPA, the FBI’s John Lewis (May 18, 2004) testified that “SHAC members are typically quite conversant in the elements of the federal statute and appear to engage in conduct that, while criminal (such as trespassing, vandalism or other property damage), would not result in a significant, particularly federal, prosecution.”

Also in eight testimonies, witnesses claimed that animal rights activists are knowledgeable about how to successfully commit crime. “Participants in the animal rights extremist movement exercise excellent tradecraft, and are very security conscious,” reported the Department of Justice’s Barry Sabin (October 26, 2005). Likewise, Richard Hamilton, Director of Police for the Texas Tech University Health Sciences Center described a July 4, 1989 Animal Liberation Front raid on that facility as having been “run with the precision of a commando raid,” and informed lawmakers that the locks to the building had been “picked by means available only to professional thieves” (Richard Hamilton, February 28, 1990). Witnesses also testified that activists’ criminal actions are carefully planned in advance, with activists engaging in substantial pre-activity intelligence gathering and surveillance of their targets (e.g., John Lewis, May 18, 2004). Finally, they described law-breaking activists as exercising equal caution during and after the criminal event itself:

ELF and ALF activists wear gloves during their illegal activity to avoid leaving behind fingerprints, and wear non-descript clothing to include hoods and hats to hide their identity. They are knowledgeable of the implications of DNA evidence. Also, in the event bolt cutters are used during an attack, they are instructed to sharpen the bolt cutters afterwards in order to thwart law enforcement tool mark analysis (Carson Carroll, May 18, 2005).

In short, anti-animal rights claims-makers portrayed law-breaking activists as able and experienced criminals—in the words of one witness, as “highly organized, professional law breakers” (Richard Hamilton, February 28, 1990).

\(^{194}\) In fact, prosecutors have used the statute, with success, only twice, in 1998 and 2006.
\(^{195}\) Presumably inspired by the claims described in this chapter, Congress has substantively amended the AEPA twice, once in 2002 and again in 2006.
In sum, in Claim Theme Four, witnesses implored members of Congress to enact policies or take other action to increase the social control of their adversaries. They asserted that unless lawmakers acted in response to the threat, criminal justice authorities would remain unable to sufficiently investigate, prosecute, punish, and deter crimes inspired by animal rights. These arguments built upon the foundational claims discussed in Theme Two, whereby witnesses testified as to the problematic nature of animal rights, animal activists, and animal activism. While those claims were more foundational, the claims in this theme were more action oriented, in the sense that they suggested to Congress that it should enact formal policies and take other action to control the threat of animal rights.

**Summary and Discussion**

In their Congressional testimony claims, anti-animal rights witnesses painted very different pictures of the warring sides in the contemporary conflict over animal rights. They constructed animal use as beneficial, and animal users as making an important contribution to society, and in doing so, attempted to establish the “non-problematicity” of both. Much of this was done with the aim of persuading members of Congress that the appropriate response to proposed legislation regulating animal use was what might be called “non-control.” At the same time, witnesses constructed animal rights, the animal rights movement, and the activists who comprise the movement, collectively, as a serious social problem and threat. Claims-makers vilified their opponents by portraying them as dishonest, manipulative, hypocritical, extremist, and even malevolent, and characterized the philosophy and policies of animal rights as unnecessary, unwise, and even harmful. The collective social problem was so serious, witnesses suggested, it all but demanded Congressional intervention.

**Changes in the Quantity and Quality of Claims**

As discussed in Chapter 6, since the beginning of the contemporary movement on behalf of animals, the threat of animal rights has increased. Membership in animal rights organizations has grown, donations to these groups have increased, and polls suggest a shift in the public’s attitudes and beliefs about our duties toward animals. Furthermore, the movement has achieved a growing number of significant victories impacting a wide range of animal uses, and the number of extra-legal activities committed in the name of animal rights is climbing.

Based on the findings of past research informed by social threat-social control theory, one would expect that as time passed and as the animal rights movement became more threatening to animal users and their supporters, there would be a corresponding change in the claims they made about the movement. One would expect that if there was the perception that animal rights was becoming more threatening, then the claims made by its opponents would increase in quantity (e.g., in frequency) and/or quality (e.g., in intensity) as time went by. The remainder of this chapter is dedicated to consideration of whether this in fact happened in the context of testimonies prepared for Congressional hearings.

Figure 10.1 depicts the movement of all claims combined over time. Here, one sees that, contrary to what would be predicted by social threat-social control theory, the total number of anti-animal rights claims did not consistently increase as time went on and as the putative threat of animal rights increased. (Data for this Figure are included in Table 10.1 below, and in all figures and tables, data for the year 2007 are for less than a full year.)
Figure 10.1. Total claims per year.

Rather than exhibiting the steady rise predicted by social threat-social control theory, Figure 10.1 shows that, especially in the first half of the period covered in this analysis, the annual number of claims fluctuated over time. There were notable peaks in 1990 (when 131 total claims were made), 1992 (105), and 1996 (136), but each of these peaks were subsequently followed by notable crashes the following year; the number of claims plummeted in 1991 (9), 1993 (17), and 1997 (39). Beginning in 2001, though, the number of claims exhibited a more consistent upward trend, more in line with what might be expected by social threat-social control theory. But what might account for the numerous peaks and valleys in the years before then? While social threat-social control theory would suggest these fluctuations are a function of increases and decreases in threat, it is also possible that an alternative explanation(s) is more appropriate. Indeed, the variation in the number of claims from year to year reflects a number of factors in addition to threat. In particular, the number of claims made in any given year was in part a function of politics, including whether or not bills hostile to animal users’ interests were introduced, whether or not other bills having as their purpose exploration of the threat and control of animal activism were on the Congressional agenda, and whether or not committee hearings were held on the proposed legislation. It was also likely dependent upon past victories, because having persuaded Congress to enact or amend a law targeting animal activism in one year, claims-makers were presumably not likely to request an amendment to the new/recently amended statute the following year. Giving a nod to the idiosyncrasies of Lexis-Nexis, the number of claims also certainly reflected the availability of documents in that database (e.g., whether or not a hearing transcript was produced and made available, and whether an available hearing transcript included written testimony196). And finally, per the expectations of social threat-social control theory, the number of claims in certain years was also partially a function of the threat in the “real world,” such as the emergence of SHAC’s aggressive campaign against Huntingdon Life Sciences in the first part of this decade. Before providing illustrations of the

196 There were some hearings in the sampling frame that, because only a verbal transcript was available, did not make it into the sample (which, as noted in Chapter 8, included only prepared written statements).
contribution of these various factors to the peaks and valleys described earlier, I first turn to an
examination of the total number of claims, broken down by claim theme, over time.

Figure 10.2 illustrates the movement of claims, broken down by claim theme, over time. Per the expectations delineated by social threat-social control theory, one would expect that, even if the annual number of claims did not consistently and steadily increase in response to the threat, the number of particular kinds of claims (particularly, Theme Two’s assertions that animal rights activism is problematic, and Theme Four’s contentions that Congress must act to control it) might nevertheless have progressively increased. However, as this chart demonstrates, this was not the case for any of the themes in these Congressional testimonies. Rather, as with the case of total claims per year, the number of annual claims in each claim theme fluctuated with the passing of time. (Data for this chart are included in Table 10.1 below.)

![Figure 10.2. Total claims per year, by claim theme.](image-url)
As indicated in Figure 10.2 and Table 10.1, Claim Theme One (animal use is non-problematic and beneficial) and Claim Theme Two (animal rights is problematic) accounted for most of the initial peak in 1990. They made up 40 (30.5%) and 80 (61.1%), respectively, of the 131 total claims made that year. In 1990, Congress held three different hearings on the criminal threat of animal rights, and 14 of the 18 testimonies included in the sample for that year had as their central purpose exploration of this threat; this fact helps explain why the greatest number of claims made that year were those found in Theme Two. However, in 1990, witnesses were also busy constructing animal use as important, as something worth protecting, as evidenced by the finding that 30.5 percent of claims made that year were made in defense of animal use.

It thus seems reasonable to assume that the large number of claims in 1990 (and the kinds of claims made that year) is reflective of many significant and high-publicity events in the animal rights movement in that year and the years immediately preceding it. As discussed in Chapter 6, these include a number of high-impact raids on animal facilities by the ALF, and the November 1988 arrest of animal rights activist Fran Trutt for attempted murder. By 1990, the animal rights movement had also demonstrated that it was a real threat to animal users in non-criminal ways, as well. PETA’s membership, for example, had grown from 8,000 members in 1984, to 84,000 in 1987, and 300,000 in 1990. The movement had also demonstrated that it could influence corporate decision-making, evidenced by the fact that by the end of 1989, in response to animal rights anti-vivisection campaigns, a growing number of major corporations had announced a suspension of or end to animal testing. By 1990, the animal rights movement had also garnered widespread support for its anti-fur campaign, shown, for instance by

<table>
<thead>
<tr>
<th>Year</th>
<th>Theme I</th>
<th>Theme II</th>
<th>Theme III</th>
<th>Theme IV</th>
<th>Total Claims</th>
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<tr>
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<td>40</td>
<td>80</td>
<td>1</td>
<td>10</td>
<td>131</td>
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<td>9</td>
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<tr>
<td>1992</td>
<td>41</td>
<td>17</td>
<td>47</td>
<td>0</td>
<td>105</td>
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<td>8</td>
<td>9</td>
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<td>0</td>
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</tr>
</tbody>
</table>
decreasing sales attributable in part to large-scale animal rights protest; such protest was evidenced in November 1989, when 4,000 people marched in New York City’s “Fur-Free Friday” demonstration, at that point, the largest anti-fur demonstration in history. Finally, in 1990, a revised edition of *Animal Liberation* was published, and on June 10 of that year, at least 24,000 animal rights supporters participated in the first-ever March for Animal Rights in Washington, D.C. In short, by 1990, animal rights had become a force in American culture.

However, notwithstanding the initial peak, the number of claims crashed the following year. In 1991, there were only 9 total claims made. This is largely due to the relative lack of testimonies in that year (there were only two in the sample), and less to do with anything going on that year in the world outside the Congressional committees. For example, in that year, the anti-fur movement was still in full swing. In 1991, fur sales continued to decline, with retail sales at $1 billion that year, down 44 percent from 1987 (Fur Commission USA, August 29, 2006). And on June 10, 1991, the Animal Liberation Front launched its “Operation Bite Back” campaign targeting fur farms and research facilities with a strike against Oregon State University’s Experimental Fur Animal Research Station. Equipment was smashed, research records were stolen or destroyed, and fire was set to an experimental feed barn. Seventy years of research was lost, and within a year, the facility had shut down permanently (Western Wildlife Unit, n.d.:23-24). Opponents of animal rights recognized the continuing threat of animal rights, for in this year, two important anti-animal rights organizations, Americans for Medical Progress and the National Animal Interest Alliance, were founded, and the American Farm Bureau Federation, the largest general farm organization in the U.S., published *Meeting the Animal Rights Challenge*. In short, the relatively few claims made in 1991 did not mirror the actual threat from animal rights. Thus, it is at this point that one must begin to doubt whether the total number of claims made in Congressional hearings in any given year necessarily mirrors events outside the Capitol.

By the following year, claims were back up, almost to the levels found in 1990. In 1992, 105 total claims were made. This time, most of the claims were of the kind found in Themes One (41 (39.0 %)) and Three ((47) 44.8 %); in other words, in 1992, claims-makers emphasized the importance of animal use and defended against efforts to further regulate it. In that year, Congress held hearings to consider the Exhibition Animal Protection Act and the Wild Bird Conservation Act. These hearings brought out animal users from the rodeo, pet, and aviculture industries, who all testified as to the beneficial nature of animal use and emphasized the harmful effects of legislation that would restrict this use. Notwithstanding the fact that 83.8 percent of the claims recorded in that year were defensive claims, this was also the year in which Congress enacted the Animal Enterprise Protection Act, the first federal law addressing the animal rights criminal threat. This fact suggests that the *kinds* of claims made in Congressional hearings in a particular year do not necessarily fully indicate all the threats felt by animal users at that same point in time.

After another sharp decrease in 1993 and a short period of relative inactivity, in 1996, the total number of documented claims again skyrocketed to 136, the most for any year included in this analysis. In that year, again, most of the claims were of the kinds found in Themes One (55 (40.0 %)) and Three (58 (42.6 %)), and witnesses were especially focused on defending animal use and avoiding further regulation of it. Most of the claims contributing to the spike in claims in this year were owing to animal users’ testimonies in hearings related to the Captive Exotic Animal Protection Act and the Pet Safety Protection Act. In hearings held on these issues, animal users and their Congressional defenders emphasized the beneficial nature of
“ranch/canned hunting” and the use of “random source” animals in research and warned of the problems that would befall both animal users and the American public should these bills become law.

Beginning in 1997, the total number of claims tended to steadily decrease, until in 2001 there were no documented claims. This did not accurately reflect what was going on in the real world, because this was a period of high activity in the animal rights movement, both here and abroad. To offer just a few examples, in the late 1990s, PETA began an aggressive international campaign to convince major fast-food chains to require suppliers to improve the treatment of animals; by September 2001—the same year in which there were no recorded anti-animal rights claims—McDonald’s, Burger King, and Wendy’s had all implemented animal welfare changes in response to the campaign. The criminal threat of animal rights also continued. During the July 4, 1997 weekend, the ALF celebrated “Independence Day for Mink” with the release of thousands of mink from a Washington State fur farm; it was the 31st such raid in the U.S. and Canada since the federal government declared the ALF incapacitated two years earlier (Animals’ Agenda, 1997a:14). In October 1999, a radical group calling itself the “Justice Department” mailed more than 80 razor-laced envelopes to animal researchers at academic institutions throughout the U.S.; in January 2000, members of Compassionate Action for Animals openly rescued 11 hens from an egg farm in Minnesota, marking the first open rescue in U.S.; in September of that year, activists liberated 14,000 mink at Earl Drewelow & Sons Fur Farm in Iowa, which was the largest raid of its kind in the history of the ALF; and in May 2001, the aggressive SHAC direct action campaign was imported into the U.S. from the U.K. (Stagno, 2001:12). In short, threat outside the committee rooms of Congress did not necessarily result in immediate claims-making response by animal use defenders, and the decreasing number of claims from 1996 to 2001 is reflective of something other than threat.

Finally, from 2001 to 2006 (the last year for which there is complete data), the total number of claims steadily increased, climbing to 129 total claims in 2006. As reflected in Table 10.1, this gradual ascent reflects increases in the total number of claims in all themes, with greater emphasis on some themes in particular years, and other themes in other years. For example, in 2002, Congress again focused on animal rights criminality, when it held a hearing on the Agroterrorism Prevention Act. Consequently, the number of claims asserting animal rights is problematic (i.e., Theme Two claims) made in that year jumped from none to 19. To offer one more illustration, in 2006, a hearing was held on the Animal Enterprise Terrorism Act, resulting in a respectable number of claims about the threat and control of animal activism (in Claim Themes Two and Four). But also in that year, Congress considered the Animal Fighting Prohibition Enforcement Act and the American Horse Slaughter Prevention Act, and hearings on these bills contributed to an even greater number of claims asserting that animal use is important (Theme One) and the proposed legislation was not needed and would be do more harm than good (Claim Three). Consequently, in that year, such claims made up 79.1 percent of all claims made.

Although I have already suggested that the number and kind of claims made in a given year do not always mirror events in the real world, a number of events in the period from 2001 to 2006 demonstrated that the threat of animal rights was still present. To provide a few examples, in November 2002, Florida voters approved an amendment to the state’s constitution banning the use of pig gestation crates, which made Florida the first jurisdiction in U.S. to ban a major form of factory farming. Similarly, in early 2005, California banned forced-feeding of ducks and geese for production of foie gras and the sale of foie gras made from forced-fed birds; in 2006, the Chicago city council banned the sale of foie gras; and in 2006, Arizona voters voted 61.5
percent to 38.5 percent in favor of banning the use of pig gestation crates and crates for calves (Animal Agriculture Alliance, 2008). Finally, during these years, the aggressive SHAC campaign was in full swing in this country, targeting businesses and secondary targets in their effort to put the animal testing company Huntingdon Life Sciences out of business. Thus, if the number of annual claims made in Congressional hearings truly corresponds with the annual threat (but there is reason to suspect that this is not always the case), then it would seem that threat—along with politics and other contributing factors—is helping drive the increase in claims from 2001 to present.

Shifting gears a bit, perhaps examination of claims-makers’ reliance on one particular claim over time would be useful. Arguably, claims equating animal activism with “terrorism” and animal activists as “terrorists” are the most “intense” of the claims made in opposition to animal rights. Thus, one would expect that the number of such claims would increase with time, as the threat of animal rights presumably also grew. Importantly, as shown in Figure 10.3 below, following a highpoint in 1990 and subsequent petering out, the label has, in fact, been applied with greater frequency as time has passed. Indeed, although this study examines claims made from early-1990 to mid-2007, a period of more than 17 ½ years, 24 (58.5 %) of the 41 testimonies containing the “terrorism” claim were made in the 5 ½-year-period following the September 11, 2001 terrorist attacks on the U.S. Although examination of the testimonies suggests this may be a response to the emergence and activity of the antagonistic SHAC campaign, perhaps anti-animal rights claims-makers also seized the rhetorical opportunities provided in our new Era of Terrorism.

![Figure 10.3. Number of “terrorism” claims, per year.](image)

Another way of assessing whether social threat-social control theory is supported by this data would be to look at the percentage of aggressive claims (i.e., those in Claim Themes 2 and 4) versus the percentage of defensive claims (i.e., those in Claim Themes 1 and 3) over time.
The theory would predict that as time passed, a greater percentage of claims made would be aggressive.

![Figure 10.4. Percentage of claims aggressive vs. defensive, over time.](image)

As indicated in Figure 10.4, the percentage of aggressive versus defensive claims rise and fall over time. Such a finding is consistent with the other findings in this study, but is not entirely consistent with the expectations of social threat-social control theory. (At this point, a word of caution is required, because what seems to be an impressively high percentage of aggressive claims in the years 1991 and 2000 is, in fact, largely driven by small numbers. For example, only four claims were made in the year 2000, and so the finding of 75 percent aggressive claims in that year really represents just three Claim Theme Two claims.)

In sum, in spite of the expectations of social threat-social control theory, the number and kinds of claims made in any given year did not necessarily mirror events in the real world, and rather, tended to be dependent upon additional factors including politics. Thus, rather than trying to link fluctuations in the total number of claims recorded in a given year with events in the real world in that same year, and vice-versa, it may be more beneficial to look at trends over longer periods of time.

**Analysis, Using Three Time Periods**

I now turn to analysis of the movement of claims over extended time periods. Appendix E shows the total claim occurrences count for each of the themes and sub-themes discussed and
illustrated in the first part of this chapter. To compare increases and decreases in the number of claims over time, I split the analysis into three different time periods, each lasting approximately 5 years, 10 ½ months. Time 1 runs from January 1, 1990 through November 11, 1995, Time 2 runs from November 12, 1995 through September 21, 2001, and Time 3 runs from September 22, 2001 through August 2, 2007.

Table 10.2 shows the number and percentage of claims in each claim theme, by time period, so that each column adds up to 100 percent. Also, the table shows the percentage change in the number of claims from Time 1 to Time 3. As demonstrated in this table, consistent with the expectations of social threat-social control theory, there was a greater number of total anti-animal rights claims made in Time 3 (413 total claims) than there was in either Time 1 (322 claims) or Time 2 (208 claims). The total number of claims increased 28.3 percent from Time 1 to Time 3. Similarly, the number of claims in each claim theme also increased as time passed. The greatest increase occurred in Theme Four (suggesting increased control of activism is required), in which claims increased 158.3 percent from 12 in Time Period 1, to 31 in Time Period 3. Again, this finding is consistent with the expectations of social threat-social control theory, for as the perceived threat increased, calls for its control also grew.

However, as these same numbers suggest, perhaps contrary to the expectations of social threat-social control theory, the number of claims did not steadily increase with the passage of time and the presumed corresponding growth in the threat of animal rights. Rather, there was a sizeable “dip” in claims-making, as evidenced by the smaller number of claims made in Time Period 2. For both total claims made and for each of the claim themes, there were fewer claims made in Time Period 2 than in either Time Period 1 or Time Period 3. In essence, the data show that, for both total claims made and these four claim themes, there were two peaks in claims-making. This may simply be a function of the fact that there were fewer testimonies in the sample for this time period (25), compared to those in Time 1 (40) and Time 2 (49).

Or perhaps this dip shows something more meaningful. To offer one possibility, perhaps it reflects responses to two distinct criminal threats: one in Time 1 (when the Animal Liberation Front was still a relatively new threat), and one in Time 3 (coinciding with the emergence of the SHAC threat in the U.S. in 2001). This interpretation suggests that claims-making waned in Time 2, possibly because opponents assumed the criminal threat, at least, was effectively “controlled” by enactment of the AEPA in 1992. Once the threat re-emerged (in the form of SHAC’s innovative and aggressive tactics), claims-making again increased in Time 3. In other words, perhaps having achieved social control, opponents made fewer claims before once again deciding that increased social control (in the form of an amended statute) was called for. In fact, of the 49 testimonies in Time 3, 25 (51.0 %) had as their central purpose discussion of problematic activism. This is in contrast to Time 2, when there were only 3 such testimonies (comprising 12.0 percent of testimonies in that period), but is similar to Time 1, when 21 testimonies (52.5 percent of all testimonies in that period) focused on activism.

Finally, some of the growth in Time 3 claims seems to reflect animal users responding to activists’ new emphasis on anti-factory farming campaigns. As discussed in Chapter 6, this shift in emphasis began in the 1990s. Indeed, of the 49 testimonies in Time 3, 15 (30.6 %) primarily addressed animals in food production. This is in contrast to Time 2, when no testimonies were primarily concerned with animals raised for food, and Time 1, when only 6 (15.0 %) focused on food animal issues.

Table 10.2 also shows that, as time passed, there was a change in the relative popularity of certain themes. In Time 1, the greatest number of claims (121, or 37.6 %) were the kind
suggesting that animal rights activism is problematic. However, in both Times 2 and 3, the
greatest number of claims (86 (41.3%) and 145 (35.1%), respectively) were of the kind
suggesting that animal use is non-problematic and beneficial. This is not what social threat-
social control perspective would have predicted.

Table 10.2. Percentage of claims in each claim theme, by time period.

<table>
<thead>
<tr>
<th>Theme One: Animal use is non-problematic and perhaps even beneficial or necessary.</th>
<th>TOTAL NO. OF CLAIMS</th>
<th>NO. OF CLAIMS, TIME 1 (% OF CLAIMS IN CLAIM THEME)</th>
<th>NO. OF CLAIMS, TIME 2 (% OF CLAIMS IN CLAIM THEME)</th>
<th>NO. OF CLAIMS, TIME 3 (% OF CLAIMS IN CLAIM THEME)</th>
<th>% CHANGE IN NUMBER OF CLAIMS, TIME 1 TO TIME 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan. 1, 1990 - Nov. 11, 1995</td>
<td>347 (36.8%)</td>
<td>116 (36.0%)</td>
<td>86 (41.3%)</td>
<td>145 (35.1%)</td>
<td>+ 25.0%</td>
</tr>
<tr>
<td>Nov. 12, 1995 - Sept. 21, 2001</td>
<td>314 (33.3%)</td>
<td>121 (37.6%)</td>
<td>57 (27.4%)</td>
<td>136 (32.9%)</td>
<td>+ 12.4%</td>
</tr>
<tr>
<td>Sept. 22, 2001 - Aug. 2, 2007</td>
<td>237 (25.1%)</td>
<td>73 (22.7%)</td>
<td>63 (30.3%)</td>
<td>101 (24.5%)</td>
<td>+ 38.4%</td>
</tr>
<tr>
<td>Theme Four: Increased control of animal activism is warranted and needed.</td>
<td>45 (4.8%)</td>
<td>12 (3.7%)</td>
<td>2 (1.0%)</td>
<td>31 (7.5%)</td>
<td>+ 158.3%</td>
</tr>
</tbody>
</table>

This table also shows that the percentage of claims in any given theme changed with the
passage of time. They were especially different in Time 2, the period of anomaly. For defensive
claims in Themes One and Three, after increases in Time 2, their percentages returned to their
previous levels in Time 3 (with claims in Theme Three increasing slightly). However, the
aggressive claims in Theme Four doubled during these same time periods, from 3.7 percent in
Time 1 to 7.5 percent in Time 3. This latter finding is consistent with what would be predicted
by social threat-social control theory. However, contrary to the expectations of social threat-
social control theory, the aggressive claims in Theme Two decreased from 37.6 percent of claims
in Time 1 to 32.9 percent in Time 3.

Finally, Table 10.3, below, displays the relative proportion of each claim in the different
time periods so that each row adds up to 100 percent. Once again, this information sheds light
on whether a particular claim theme was more likely to be relied on as time passed. As Table
10.3 demonstrates, each of the four themes were most likely to be invoked in the most recent time period.

<table>
<thead>
<tr>
<th>Table 10.3. The relative frequency of claims.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>TOTAL CLAIMS</td>
</tr>
<tr>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>TOTAL 943 (100.0 %)</td>
</tr>
<tr>
<td>Theme One: Animal use is non-problematic and perhaps even beneficial or necessary. 347 (100.0 %)</td>
</tr>
<tr>
<td>Theme Two: Animal rights activism is problematic. 314 (100.0 %)</td>
</tr>
<tr>
<td>Theme Three: Proposals to regulate animal use are not necessary and would do more harm than good. 237 (100.0 %)</td>
</tr>
<tr>
<td>Theme Four: Increased control of animal activism is warranted and needed. 45 (100.0 %)</td>
</tr>
</tbody>
</table>

**Conclusion**

According to social threat-social control theory, as time passed and the animal rights movement presumably became more threatening to animal users, there would be a corresponding change in the number of anti-animal rights claims made by witnesses whose testimonies were analyzed for this project. Furthermore, it would be expected that particular kinds of claims—in particular, those suggesting that animal rights is harmful, and those suggesting that animal rights needs to be controlled—would be among the most commonly invoked claims and would also be those claims demonstrating the most growth.

In fact, contrary to what the theory predicted, the annual number of anti-animal rights claims did not consistently increase as time passed; instead, they fluctuated with time [from Figure 10.1]. Similar trends were found for the four particular claim themes; rather than consistently increasing as time passed, the number of annual claims in each theme also fluctuated with the passing of time [Figure 10.2]. (However, for each of the themes, the highest percentage of claims was made in Time 3, a finding that is consistent with predictions [Table 10.3].) And finally, the percentage of aggressive versus defensive claims also rose and fell over time, while
social threat-social control theory would have predicted a rising trend in the percentage of aggressive claims [Figure 10.4]. Thus, in summary, the data provide support for the conclusion that, at least in this sample, claims about a putative threat and calls for its social control do not necessarily mirror increases in social threat in the “real world.” Rather, in addition to reflecting particular threatening animal rights events (e.g., large demonstrations, specific campaigns, and particular criminal attacks), fluctuations in the number of claims in Congressional testimonies over time also appear to be a function of other factors including politics.

Also, when analyzed using three time periods, some findings were inconsistent with social threat-social control theory. The number of claims did not steadily increase with the passage of time and the presumed corresponding growth in the threat of animal rights. Rather, there was a sizeable “dip” in claims-making [Table 10.2]. (However, the greatest number of claims was made in Time 3, and this finding is consistent with what was predicted [Table 10.3].) And finally, while in Time 1 (January 1, 1990 – November 11, 1995), the greatest portion of claims were the kind suggesting that animal rights activism is problematic, in both Times 2 (November 12, 1995 – September 21, 2001) and 3 (September 22, 2001 – August 2, 2007), the greatest portion of claims were of the kind suggesting that animal use is non-problematic and beneficial [Table 10.2]. This change is not what would have been predicted by the social threat-social control perspective.

However, notwithstanding the fluctuations and dip in claims-making, the data obtained in this study also show that some findings were, in fact, consistent with the expectations of social threat-social control theory. First, although the number of annual claims fluctuated—wildly in the first half of the period studied in this project—since 2001, the number of claims has steadily increased [from Figure 10.1]. Second, per the expectations of social threat-social control theory, the number of claims equating animal rights with “terrorism”—arguably the most aggressive of all claims—also tended to increase as time passed; although such claims waned after the early 1990s, it was invoked with renewed fervor after the September 11, 2001 terror attacks on the U.S. [Figure 10.3].

When trends were assessed using three time periods, additional findings were consistent with the predictions of social threat-social control theory. Most importantly, both the total number of claims and the number of claims for each claim theme increased from Time 1 to Time 3. The greatest increase occurred in Theme Four (suggesting increased control of activism is required), which is consistent with the expectations of social threat-social control theory, for as the perceived threat increased, calls for its control also grew [Table 10.2]. Also, for both the total number of claims and each of the themes, the highest percentage of claims was made in Time 3 [Table 10.3]. And finally, witnesses’ reliance on the aggressive claims in Theme Four increased from 3.7 percent of all Time 1 claims to 7.5 percent of all Time 3 claims, which indicates that, compared to other claims made in that time period, witnesses were increasingly likely to call for increased control of their adversaries [Table 10.2].

In conclusion, analysis of anti-animal rights claims-making in Congressional testimonies, as done for this project, is useful for understanding the kinds of claims made by opponents, and sheds some light on the movement of these claims over time. However, given the limitations indicated, findings and explanations relating to the movement of claims over time must be interpreted with caution.
CHAPTER 11

SUMMARY AND CONCLUSION

This research explores the claims made by animal use industries and their supporters in response to the growth and increasing influence of the contemporary American animal rights movement. It also examines how such claims help construct this movement as a serious threat demanding social control.

My analysis of animal rights-related items published in the *New York Times* and testimonies prepared for Congressional hearings is thus grounded in the social constructionism/claims-making approach to understanding how social problems come to be. Central to this approach is examination of the claims made about a putative problem. Generally, the intent of claims-makers is to convince the public, the press, and policy-makers “that X is a problem, that Y offers a solution to that problem, or that a policy of Z should be adopted to bring that solution to bear” (Best 1987:102). From rape (Rose, 1977) to road rage (Best and Furedi, 2001), the claims-making approach has been used to explain how a range of social phenomena have been constructed as “social problems.” One of the aims of this project is to show that, similarly, claims-making analysis can also be used to understand how, in two different forums, animal users and their supporters constructed the animal rights movement as a putative problem.

This research is theoretically grounded in social threat-social control theory, which contends that “the greater the number of acts and people threatening to the interests of the powerful, the greater the level of deviance and crime control” (Liska, 1992b:18). Although originally developed to explain repressive measures taken against racial minorities (Blalock, 1967), researchers testing this theory have used the logic of social threat to make sense of efforts to control other threatening groups including the unemployed (Chamlin, 1992), foreign born (Brown and Warner, 1992), women (Faludi, 1991; Karlsen, 1998; Messerschmidt, 1993), surplus populations (Rubenstein, 1983), and the mentally ill (Arvantis, 1992; Foucault, 1965; Rothman, 1971). I argue that it can also be useful for understanding repressive measures taken against challenging subordinate social movements. The current project thus presents another broadened application of the perspective, extending it from its prior applications, to address social control as a response to the threatening ideas and behaviors of the animal rights movement.

Two primary hypotheses guided this study. First, it was predicted that opponents of animal rights and their allies and supporters rely on claims-making to construct animal rights as a threat demanding control. Second, consistent with past research informed by social threat-social control theory, I expected to find that as time passed and the animal rights movement became more threatening, there would be a corresponding change in the quantity (e.g., in frequency) and/or quality (e.g., in intensity) of claims made about the movement. Furthermore, it was anticipated that particular kinds of claims—specifically, those warning that animal rights is harmful, and those contending that animal rights activities need to be controlled—would be among the most commonly invoked claims and would also be those claims demonstrating the most growth.
Hypothesis 1

The findings of this research indicate that both primary and secondary claims-makers rely on a variety of claims, framing processes, and rhetorical strategies so as to support the status quo as it concerns animal use. In both the New York Times and Congressional testimonies, the anti-animal rights countermovement and its supporters have been shown to engage in two related, yet distinct, campaigns against animal rights. First, in response to activists’ claims that animal exploitation is a social problem, opponents have participated in defensive counter-claims-making in an effort to construct the “non-problematicity” (Freudenburg 2000:106) of animal use. They constructed animal use as non-harmful, justifiable, and beneficial, and animal users as decent people who care about animals and who are making important contributions to society. In the New York Times items, such claims may have had the aim and/or effect of informing readers that animal use is an issue not requiring their concern. In the context of Congressional hearings, this claims-making was done for the purpose of convincing federal lawmakers that the appropriate response to proposed legislation regulating animal use was what might be called “non-control.”

Second, the results of this analysis show that, at the same time, opponents have also aggressively worked to construct the animal rights movement as a social problem. As shown in the New York Times sample of news articles, feature stories, columns, editorials, op-eds, letters to the editor, book and movie reviews, and advertisements, the newspaper provided a forum to those who would characterize animal rights as an unimportant matter and a flawed philosophy, the animal rights movement as an either insignificant or tremendously harmful cause, and animal activists as dishonest, manipulative, hypocritical, extremist, and even malevolent. Congressional witnesses reaffirmed these allegations and characterized proposed animal rights policies as being unnecessary, unwise, and even harmful, and also suggested that the animal rights problem was so serious, that it all but demanded Congressional intervention. Furthermore, in both samples, animal users and their supporters portrayed animal rights as a multi-faceted and near-universal menace, affecting not only their own economic and personal interests but also the interests of all Americans.

In addition, whether by design or not, in both samples, claims-makers engaged in certain framing processes and relied on a variety of rhetorical strategies having the potential to heighten the effectiveness of their claims-making activities. They thus framed the debate over animal rights in terms of the sanctity of human life (Snow, Rochford, Worden, and Benford, 1986), and the conflict between animal users and animal activists as a battle between good and evil. Rhetorical strategies included exercising control over language, citing others to add both legitimacy and validity to their claims, presenting victims as “blameless” (Best, 1987), invoking the rhetoric of “survivalist anthropocentrism” (Munro, 1999), and relying on various counter-rhetorics, claims-making styles, and rhetorical idioms (Ibarra and Kitsuse, 1993).

Hypothesis 2

Also, consistent with the expectations of social threat-social control theory, findings in both samples provide support for the idea that as time passed and the threats of the animal rights movement increased, the number of claims defending animal use and constructing animal rights as problematic increased (albeit with some fluctuation). In both the New York Times and Congressional testimonies samples, the total number of anti-animal rights claims increased as time passed [Table 9.1; Table 10.2]. Although similar trends were found for each of the claim
themes in the Congressional testimony sample [Table 10.2], the sub-themes in the New York Times sample did not all show consistent increase, and some actually revealed a decrease in claims in recent years [Table 9.2].

I also anticipated that, as the putative threat grew, particular claims would increase more than others. Specifically, I anticipated that those claims constructing animal rights as harmful and indicating increased control is necessary would show disproportionately greater increase. While this remains logically true, this was not always empirically demonstrated. First, in the Congressional testimony sample, although claims that animal rights activism is problematic increased as time passed, contrary to expectations, such claims demonstrated less growth than the other claims [Table 10.2]. However, as predicted, the number of claims calling for increased control increased the most [Table 10.2]. Also, notably, claims equating animal rights with terrorism tended to increase as time passed. Although such claims waned after the early 1990s, they were invoked with renewed fervor after the September 11, 2001 terror attacks on the U.S. [Figure 10.3]. In the New York Times sample, consistent with what was predicted, claims that animal rights is problematic increased; however, this growth was not steady [Figure 9.2]. Finally, consistent with expectations, claims that animal rights is harmful demonstrated relatively consistent increase and showed some of the greatest growth of all the claims appearing in the newspaper [Table 9.2].

In sum, the results suggest that claims-making analysis of anti-animal rights claims-making in the New York Times and Congressional testimonies is useful for understanding how opponents used these two forums to help construct the animal rights threat, and sheds some light on the movement of these claims over time. The results of this analysis provide some support for the proposition that as the threat of a social movement increases, so too do claims made by opponents and their supporters in an apparent effort to prompt control. However, given the limitations discussed earlier, findings and explanations relating to the movement of claims over time must be interpreted with caution.

Conclusion

This study makes several contributions to the existing literatures it borrows from. First, it expands conflict theory’s threat hypothesis by extending it to explain the repressive measures taken against a social movement (whereas, traditionally, this theory has been used to explain control of racial minority threat). Second, this study provides qualitative support for the idea that social control is mobilized by claims-making. Third, by demonstrating how opponents engage in claims-making activities for the purpose of constructing a social movement as a threat, this study provides a unique contribution to the social constructionism/claims-making perspective, which has tended not to examine the use of claims to construct a movement as a problem. Finally, this research is timely, in the sense that it helps explain the current focus of social control authorities on animal rights-motivated crimes and acts of “terrorism.”
### APPENDIX A

#### RESEARCH REVIEWED

Table A.1. Research reviewed.

<table>
<thead>
<tr>
<th>Study</th>
<th>Focus of study</th>
<th>Methodology (qualitative, quantitative)</th>
<th>Type of study, nature of sample, size of sample, when conducted, where conducted, etc.,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arluke (1991)</td>
<td>opponents of animal rights(^{197})</td>
<td>qual.</td>
<td>Participant observation at 12 biomedical laboratories and animal facilities, other observations of shorter durations at other laboratories and facilities, and open-ended interviews with 135 individuals involved in animal research. Analyzes animal research as a stigmatized occupation, and examines use of information control strategies by those engaged in it.</td>
</tr>
<tr>
<td>Arluke and Groves (1998)</td>
<td>opponents of animal rights</td>
<td>qual.</td>
<td>Semi-structured interviews with 165 scientists and administrators at a variety of research institutions (conducted between 1988 to 1992), attendance at 10 pro-animal research conferences, and analysis of pro-research literature. Examines narratives used by animal researchers in an effort to exclude others from the debate over animal research.</td>
</tr>
<tr>
<td>Block (2003)</td>
<td>animal rights activists</td>
<td>quant.</td>
<td>Defining Issues Test survey (measuring moral reasoning development) administered to 54 animal rights activists recruited from an animal rights newsletter. Evaluates the moral reasoning of animal rights activists (compared to control groups).</td>
</tr>
<tr>
<td>Broida, Tingley, Kimball and Miele (1993)</td>
<td>college students</td>
<td>quant.</td>
<td>1055 college students from 7 universities administered the Myers-Briggs Type Inventory and other personality measures, and the “Animal Research Survey.” Examines relationship between personality and opinions about animal rights.</td>
</tr>
<tr>
<td>Compton, Dietrich, Smith and Johnson (1995)</td>
<td>high school students, college students, college professors, general public</td>
<td>quant.</td>
<td>Survey of 729 high school students, college students, college professors, and members of general public in central Georgia. Examines respondents’ beliefs about animal rights.</td>
</tr>
</tbody>
</table>

\(^{197}\) In this table, “opponents of animal rights,” refers to either those who engage in behaviors that are inconsistent with animal rights—such as using animals in research, hunting, raising animals for human consumption, etc.—or their apologists.
<table>
<thead>
<tr>
<th>Study</th>
<th>Focus of study</th>
<th>Methodology (qualitative, quantitative)</th>
<th>Type of study, nature of sample, size of sample, when conducted, where conducted, etc.,</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2002)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dizard</td>
<td>animal rights activists, opponents of animal rights, general public</td>
<td>qual.</td>
<td>Case study of controversy surrounding proposed deer hunt in Massachusetts. Methods include attendance at public hearings, interviews, archival research.</td>
</tr>
<tr>
<td>(1994)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1997)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1999a)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Einwohner</td>
<td>animal rights activists, opponents of animal rights, general public</td>
<td>qual.</td>
<td>Observation at animal rights meetings and protest events, analysis of organizational records, interviews, and surveys. Data principally derived from 1990 to 1994. Examines reasons why people engage in animal exploitation, and how this may influence a protest campaign’s effectiveness.</td>
</tr>
<tr>
<td>(1999b)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2002a)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Study</td>
<td>Focus of study</td>
<td>Methodology (qualitative, quantitative)</td>
<td>Type of study, nature of sample, size of sample, when conducted, where conducted, etc.,</td>
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<tr>
<td>-----------------------------</td>
<td>--------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Galvin and Herzog (1992a)</td>
<td>animal rights activists, college students</td>
<td>quant.</td>
<td>Two studies: (1) Ethics Position Questionnaire (EPQ) survey administered to 157 activists attending 1990 March for Animals and 198 college students; (2) EPQ with scale designed to measure attitudes toward treatment of animals given to 169 college students. Investigates relationship between individual differences in ethical ideology, involvement in animal rights movement, and attitudes toward use of animals.</td>
</tr>
<tr>
<td>Galvin and Herzog (1992b)</td>
<td>college students</td>
<td>quant. &amp; qual.</td>
<td>160 college undergraduate students acting as members of hypothetical Institutional Animal Care and Use Committee were asked to approve or reject five research proposals in which animals were to be used. Examines effect of gender and differences in personal moral philosophy in approval decisions.</td>
</tr>
<tr>
<td>Groves (1994)</td>
<td>animal rights activists; opponents of animal rights</td>
<td>qual.</td>
<td>Interviews and participant observations of 20 activists and 20 animal research workers. Examines alleged inconsistency between the image of cruelty to animals as conceived of by the public and activists, and the experiences of animal research workers.</td>
</tr>
<tr>
<td>Study</td>
<td>Focus of study</td>
<td>Methodology (qualitative, quantitative)</td>
<td>Type of study, nature of sample, size of sample, when conducted, where conducted, etc.,</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------------------------------------------</td>
<td>-----------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Groves (1997)</td>
<td>animal rights activists; opponents of animal rights</td>
<td>qual.</td>
<td>Interviews and participant observations of 20 activists and 20 animal research supporters. Explores the ideas and emotions of activists and their opponents.</td>
</tr>
<tr>
<td>Groves (2001)</td>
<td>animal rights activists</td>
<td>qual.</td>
<td>Interviews with 20 activists and participant observations. Examines how activists interpret their emotions in the context of interaction with the media and opponents.</td>
</tr>
<tr>
<td>Herzog (1995a)</td>
<td>animal rights activists; college students</td>
<td>quant. &amp; qual.</td>
<td>Two studies: (1) 157 activists at 1990 March for Animals and 266 college students given questionnaire (including EPQ), and (2) 23 rank-and-file activists interviewed using qualitative methods. Explores (1) differences in ethical ideology between activists and non-activists, and (2) how participants became involved in animal rights and how involvement affected them.</td>
</tr>
<tr>
<td>Herzog (1995b)</td>
<td>articles about animal rights</td>
<td>quant.</td>
<td>Counted number of articles about animal rights referenced in periodical and newspaper indexes. Examines trends with respect to media attention to animal rights.</td>
</tr>
<tr>
<td>Herzog, Betchart and Pittman (1991)</td>
<td>college students</td>
<td>quant.</td>
<td>Three instruments (Bem Sex Role Inventory, questionnaire measuring attitudes about animal welfare, and questionnaire measuring respondents’ comfort touching animals of different species) administered to 144 male and 222 female college students in North Carolina. Examines relationship among gender, sex role orientation, and attitudes toward use of animals.</td>
</tr>
</tbody>
</table>
Table A.1. Research reviewed—continued.

<table>
<thead>
<tr>
<th>Study</th>
<th>Focus of study</th>
<th>Methodology (qualitative, quantitative)</th>
<th>Type of study, nature of sample, size of sample, when conducted, where conducted, etc.,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hills (1993)</td>
<td>See footnote.</td>
<td>quant.</td>
<td>Surveys of 51 farmers and 55 animal rights supporters, and interviews with 54 members of the urban public. Research conducted in Australia. Examines differences in 3 motivational bases of attitudes toward animals (instrumentality, empathy, and beliefs about animals (i.e., dominance v. equality)).</td>
</tr>
</tbody>
</table>

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198 It is not clear from this study whether or not the farmers surveyed raised animals to be killed for food; hence, it is not clear whether they should be considered “opponents of animal rights.” Similarly, this study states that the “animal rights supporters” were taken from the ranks of Animal Liberation and the Humane Society of Western Australia; this writer is not certain whether individuals in this latter group may accurately be considered “animal rights activists.”
<table>
<thead>
<tr>
<th>Study</th>
<th>Focus of study</th>
<th>Methodology (qualitative, quantitative)</th>
<th>Type of study, nature of sample, size of sample, when conducted, where conducted, etc.,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Study</td>
<td>Focus of study</td>
<td>Methodology (qualitative, quantitative)</td>
<td>Type of study, nature of sample, size of sample, when conducted, where conducted, etc.,</td>
</tr>
<tr>
<td>------------------</td>
<td>-----------------------------------------------------</td>
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<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Munro (1997)</td>
<td>broadcasts about animal rights, animal rights activists</td>
<td>qual.</td>
<td>Analysis of 50 television news stories and features, interviews with activists involved in campaign against duck shooting. Examines how activists successfully constructed duck shooting as a social problem in Victoria, Australia.</td>
</tr>
<tr>
<td>Study</td>
<td>Focus of study</td>
<td>Methodology (qualitative, quantitative)</td>
<td>Type of study, nature of sample, size of sample, when conducted, where conducted, etc.,</td>
</tr>
<tr>
<td>-------------------</td>
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<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Munro (2001a)</td>
<td>“animal</td>
<td>quan.</td>
<td>Animals and Social Issues Survey of 437 members of Australian and New Zealand Federation of Animal Societies, whose members are “animal protectionists” (ranging from animal rights activists to welfarists to conservationists). Explores gender differences in attitudes and actions by animal protectionists.</td>
</tr>
<tr>
<td></td>
<td>protectionists”</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>protectionists”</td>
<td>&amp; qual.</td>
<td></td>
</tr>
<tr>
<td>Munro (2005)</td>
<td>“animal</td>
<td>quan.</td>
<td>Animals and Social Issues Survey of 437 members of Australian and New Zealand Federation of Animal Societies, whose members are “animal protectionists” (ranging from animal rights activists to welfarists to conservationists), and interviews with 53 “animal protectionists”—movement supporters, advocates, and activists—in the U.S., U.K., and Australia. Examines why and how people campaign on behalf of non-human animals, and how activists are engaged in the social construction of animal cruelty as a social problem.</td>
</tr>
<tr>
<td></td>
<td>protectionists”</td>
<td>&amp; qual.</td>
<td></td>
</tr>
<tr>
<td>Nickell and Herzog (1996)</td>
<td>college students</td>
<td>quan.</td>
<td>Experiment in which 100 undergraduates evaluated effectiveness of pro-and anti-animal research propaganda; subjects also administered EPQ survey. Explores relationship between personal moral philosophy, gender, and judgments of effectiveness of animal research propaganda.</td>
</tr>
<tr>
<td>Nicoll and Russell (1990)</td>
<td>animal rights books</td>
<td>quan. &amp; qual.</td>
<td>Content-analysis of 21 pro-animal rights books. Compares number of pages dedicated to types of animal exploitation with number of animals killed annually in each of these areas.</td>
</tr>
<tr>
<td>Study</td>
<td>Focus of study</td>
<td>Methodology (qualitative, quantitative)</td>
<td>Type of study, nature of sample, size of sample, when conducted, where conducted, etc.,</td>
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<td>-----------------------------</td>
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</tr>
<tr>
<td></td>
<td>opponents of animal rights</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peek, Bell and Dunham</td>
<td>general public</td>
<td>quan.</td>
<td>Data from 1993 General Social Survey. Examines relationship between egalitarian gender ideology and gender differences in support for animal rights.</td>
</tr>
<tr>
<td>(1996)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peek, Dunham and Dietz</td>
<td>general public</td>
<td>quan.</td>
<td>Data from 1993 General Social Survey. Examines relationship between relational role orientation and gender differences in support for animal rights.</td>
</tr>
<tr>
<td>(1997)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peek, Konty and Frazier</td>
<td>general public</td>
<td>quan.</td>
<td>Data from 1993 and 1994 General Social Surveys. Explores relationship between religious beliefs and ideological support for animal rights.</td>
</tr>
<tr>
<td>(1997)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1994)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plous (1993)</td>
<td>general public, college students</td>
<td>quan.</td>
<td>Several small surveys of general public and college students, and experiment using college students to test “Similarity Principle” (i.e., idea that “people give more consideration to others who are perceived as similar to themselves than to those who are perceived as dissimilar”). Reviews research on attitudes toward use of animals, and discusses psychological factors that enable humans to exploit animals.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Richards and Kranich</td>
<td>animal rights activists</td>
<td>quan.</td>
<td>1990 national mail survey of 853 subscribers to Animals’ Agenda magazine. Explores demographic characteristics and attitudes of activists.</td>
</tr>
<tr>
<td>(1991)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Study</td>
<td>Focus of study</td>
<td>Methodology (qualitative, quantitative)</td>
<td>Type of study, nature of sample, size of sample, when conducted, where conducted, etc.,</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------------------------------</td>
<td>-----------------------------------------</td>
<td>------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Sanders (1998)</td>
<td>“animal interest” organizations</td>
<td>quan.</td>
<td>Two-year study tracking mailing solicitations by 38 national “animal interest” organizations (including animal rights groups as well as pro-hunting wildlife organizations) to 12 individuals in five states. Explores relationship between mail solicitations and organizations’ budget, assets, programs, overheads, and salaries.</td>
</tr>
<tr>
<td>Sanders and Jasper (1994)</td>
<td>animal rights campaign</td>
<td>qual.</td>
<td>Case study of debate over 1989 Cambridge, Massachusetts ordinance regulating animal research, and factors influencing the compromise outcome.</td>
</tr>
<tr>
<td>Sutherland and Nash (1994)</td>
<td>animal rights movement</td>
<td>qual.</td>
<td>“[A]n eclectic and opportunistic approach” relying on a variety of methods (e.g., field trips, public lectures, films, literature, interviews) to become immersed in subject of animal rights. Explores role of animal rights movement as a religious cosmology.</td>
</tr>
</tbody>
</table>
### Table B.1. Claims about animal use, animal users, animal rights, and animal rights activists, distilled from extant studies.

<table>
<thead>
<tr>
<th>Pro-Animal Rights</th>
<th>Anti-Animal Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal use causes animals pain and suffering (Kunkel, 1995; Munro, 1997; Kunkel, 1999; Maurer, 1995; Paul, 1995; Kruse, 2001; Swan and McCarthy, 2003).</td>
<td>Animals who are used do not suffer or suffer only minimally (Paul, 1995; Kruse, 2001).</td>
</tr>
<tr>
<td>Animal use is oppression or discrimination (i.e., “speciesism”) (Maurer, 1995; Paul, 1995; Swan and McCarthy, 2003).</td>
<td>Animals enjoy being used by humans (Groves, 1994).</td>
</tr>
<tr>
<td>Animal use is immoral (i.e., it corrupts animal users and humanity) (Paul, 1995; Kruse, 2001).</td>
<td>Animal use is a “norm of nature” (i.e., animals kill other animals in nature; humans are also animals; therefore, it is natural for humans to use animals) (Paul, 1995; Swan and McCarthy, 2003).</td>
</tr>
<tr>
<td>The exploitation of animals often mirrors the exploitation of other oppressed groups (Adams, 1990; Plous, 1993; Adams and Donovan, 1995a; Spiegel, 1996; Berry, 1997; Nibert, 2002).</td>
<td>Humans have dominion over, or are more important than, other animals (Paul, 1995; Kruse, 2001).</td>
</tr>
<tr>
<td>Humans and animals are equal or interconnected (Swan and McCarthy, 2003).</td>
<td>The use of animals is allowed by law (Paul, 1995; Young, 2004).</td>
</tr>
<tr>
<td>The public supports the goals and objectives of the animal rights movement (Nibert, 1994; Einwohner, 1997).</td>
<td>The public supports the use of animals and opposes animal rights (Einwohner, 1997; Arluke and Groves, 1998; Jerolmack, 2003).</td>
</tr>
<tr>
<td>Animal rights has become mainstream (in the sense that it has been absorbed by the popular culture and has entered the public’s consciousness) (Rowan and Shapiro, 1996).</td>
<td>Involvement and interest in animal rights is decreasing (Herzog, 1995b; Jones, 1997).</td>
</tr>
</tbody>
</table>
Table B.1. Claims about animal use, animal users, animal rights, and animal rights activists, distilled from extant studies—continued.

<table>
<thead>
<tr>
<th>Pro-Animal Rights</th>
<th>Anti-Animal Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal use is dangerous to human health, to the environment, etc., (e.g., eating animal products causes disease; lead pollution from duck hunting harms the environment) (Kunkel, 1995; Kunkel, 1999; Maurer, 1995; Paul, 1995; Munro, 1997; Kruse, 2001; Swan and McCarthy, 2003).</td>
<td>Animal use is useful and necessary for human welfare (e.g., the use of animals in research to find cures for human diseases) (Paul, 1995; Einwohner, 1997; Arluke and Groves, 1998; Munro, 1999; Kruse, 2001; Swan and McCarthy, 2003).</td>
</tr>
<tr>
<td>Humans and animals are different (i.e., this implies that results from animal research are unreliable and not applicable to humans) (Paul, 1995).</td>
<td>Humans and animals are similar, so experiments on animals are reliable (Paul, 1995).</td>
</tr>
<tr>
<td>Animal use is unnecessary (e.g., testing cosmetics on animals is not something that we need to do) (Swan and McCarthy, 2003; Paul, 1995).</td>
<td>Animal use is central to some individuals’ identity (e.g., generations of hunters and ranchers) (Einwohner, 1997).</td>
</tr>
<tr>
<td>Animal use is irrelevant (e.g., results from research on animals are not directly generalizable to humans, or are not significant and merely “reflect the confirmation of common sense” (Kunkel, 1995: 50)) (Kunkel, 1999; Kruse, 2001).</td>
<td>Animal use is an important family activity (Einwohner, 1997).</td>
</tr>
<tr>
<td>There are adequate/superior alternatives to the use of animals (Maurer, 1995; Paul, 1995; Kunkel, 1999; Kruse, 2001).</td>
<td>A minimum number of animals are used, as infrequently as possible, and efforts are being made to develop alternatives to animal use (Kruse, 2001).</td>
</tr>
<tr>
<td>Animal use is wasteful (e.g., animal research is wasteful of taxpayers’ money) (Kunkel, 1999).</td>
<td>The use of animals makes financial sense (i.e., is cost-effective/financially rewarding) (Paul, 1995).</td>
</tr>
<tr>
<td>Animal use causes harm to other humans and animals (e.g., if we did not feed grain and soy to cattle, we could feed the starving people of the world; during duck hunting season, birds other than ducks are illegally shot) (Maurer, 1995; Munro, 1997).</td>
<td>Animal use benefits animals (e.g., research on some animals has benefited other animals (i.e., companion animals); hunting some animals is necessary to keep surviving animals from starving) (Einwohner, 1997; Arluke and Groves, 1998).</td>
</tr>
<tr>
<td>Those who exploit animals must employ a number of psychological mechanisms to allow themselves to do so (Plous, 1993).</td>
<td>One form of animal use is no worse than other forms of animal abuse (e.g., using animals in research is no morally worse than raising animals for food) (Paul, 1995).</td>
</tr>
<tr>
<td>Animals don’t have a voice, so people have to speak for them (Paul, 1995).</td>
<td>Animal rights activists have no right to dictate their morals to others (Paul, 1995).</td>
</tr>
</tbody>
</table>
Table B.1. Claims about animal use, animal users, animal rights, and animal rights activists, distilled from extant studies—continued.

<table>
<thead>
<tr>
<th>Pro-Animal Rights</th>
<th>Anti-Animal Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Those who exploit animals are cruel, sadistic, callous, or greedy (i.e., those who use animals do so for dubious reasons), or are at least insensitive, unempathetic, or uncaring (Paul, 1995; Kruse, 2001; Swan and McCarthy, 2003).</td>
<td>Animal users are heroic (e.g., animal researchers are fighting to defend humankind against disease and death) (Arluke and Groves, 1998; Kruse, 2001).</td>
</tr>
<tr>
<td></td>
<td>Animal users care about animals (and are animal “protectionists”) (Arluke and Groves, 1998).</td>
</tr>
<tr>
<td>Those who defend animal use are emotional/irrational (Groves, 1995; Arluke and Groves, 1998; Munro, 1999; Munro, 2005).</td>
<td>Animal users are martyrs/victims (e.g., researchers suffer as a result of activists) (Kruse, 2001).</td>
</tr>
<tr>
<td></td>
<td>Animal users are scientific and rational (Einwohner, 1997).</td>
</tr>
<tr>
<td>Those who use animals deceive (Arluke and Groves, 1998).</td>
<td>Animal users are the ones who know about animals and know what their needs are (Groves, 1994; Arluke and Groves, 1998).</td>
</tr>
<tr>
<td></td>
<td>Animal users are moderate centrists (i.e., they occupy the middle ground between the willful maltreatment of animals at one end of the spectrum and the demands of animal rights at the other end) (Arluke and Groves, 1998).</td>
</tr>
<tr>
<td>Those who exploit animals are more likely to be aggressive or violent (Maurer, 1995).</td>
<td>Animal rights activists are dishonest/deceivers (Arluke, 1991; Einwohner, 1997; Arluke and Groves, 1998).</td>
</tr>
<tr>
<td>Animal rights is peaceful and humanitarian (Munro, 2001b; Swan and McCarthy, 2003).</td>
<td>Animal rights activists are hypocrites (i.e., their lifestyles do not always measure up to their philosophies) (Paul, 1995; Arluke and Groves, 1998).</td>
</tr>
<tr>
<td>Animal rights is about justice (Groves, 1995; Munro, 1997).</td>
<td>Animal users are humanitarian (Swan and McCarthy, 2003).</td>
</tr>
<tr>
<td></td>
<td>Animal rights activists are terrorists/criminal/violent (Arluke, 1991; Kruse, 2001; Arluke and Groves, 1998; Munro, 1999; Young, 2004).</td>
</tr>
<tr>
<td></td>
<td>The animal rights movement is oppressive (Swan and McCarthy, 2003).</td>
</tr>
</tbody>
</table>
Table B.1. Claims about animal use, animal users, animal rights, and animal rights activists, distilled from extant studies—continued.

<table>
<thead>
<tr>
<th>Pro-Animal Rights</th>
<th>Anti-Animal Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal activists are successful (i.e., well-educated, economically successful, and have professional jobs) (Richards and Krannich, 1991; Jamison and Lunch, 1992; Herzog, 1995a; Jasper and Poulsen, 1995; Plous, 1998; Lowe and Ginsberg, 2002).</td>
<td>Animal rights activists are failures (e.g., lacking education, success, achievement) (Paul, 1995).</td>
</tr>
<tr>
<td>Animal rights activists are pragmatists (Kruse, 2001).</td>
<td>The animal rights movement and animal rights ideas are extremist (Paul, 1995; Kruse, 2001; Swan and McCarthy, 2003; Young, 2004).</td>
</tr>
<tr>
<td>Animal rights activists are not morally retarded (Block, 2003).</td>
<td>Animal rights activists have a need for a “cause” (Paul, 1995).</td>
</tr>
<tr>
<td>Animal rights activists do not reserve their moral concern for animals (Block, 2003).</td>
<td>Animal rights activists have a lack of experience of human suffering (Paul, 1995).</td>
</tr>
<tr>
<td></td>
<td>Animal rights activists have warped priorities (i.e., care more about animals than people) or hate people (Paul, 1995; Einwohner, 1997; Kruse, 2001; Arluke and Groves, 1998).</td>
</tr>
<tr>
<td></td>
<td>Animal rights is incompatible with human welfare (e.g., without animal research, humans will suffer and die) (Arluke and Groves, 1998; Munro, 1999; Swan and McCarthy, 2003).</td>
</tr>
</tbody>
</table>
Table B.1. Claims about animal use, animal users, animal rights, and animal rights activists, distilled from extant studies—continued.

<table>
<thead>
<tr>
<th>Pro-Animal Rights</th>
<th>Anti-Animal Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Animal rights activists are young, impressionable, gullible, or immature (Paul, 1995).</td>
</tr>
<tr>
<td></td>
<td>Animal rights activists are ignorant about animals (Groves, 1994; Einwohner, 1997; Arluke and Groves, 1998).</td>
</tr>
<tr>
<td></td>
<td>Animal rights activists do not understand science or are anti-science/anti-progress (Paul, 1995; Einwohner, 1997).</td>
</tr>
<tr>
<td></td>
<td>Animal rights activists are females (and tied to this are stereotypes about females (i.e., that they act emotionally)) (Einwohner, 1997).</td>
</tr>
<tr>
<td></td>
<td>Animal rights activists are office workers (and tied to this are stereotypes about middle- and upper-class persons (i.e., that they do not understand nature and animals)) (Einwohner, 1997).</td>
</tr>
<tr>
<td></td>
<td>Animal rights activists are city dwellers (and tied to this are stereotypes about individuals who live in urban and suburban areas (i.e., that they also do not understand nature and animals)) (Einwohner, 1997).</td>
</tr>
</tbody>
</table>
APPENDIX C

NUMBER OF CLAIMS MADE IN THE NEW YORK TIMES, BY CLAIM CATEGORY, SUB-THEME, AND THEME

Table C.1. Number of claims made in the New York Times, by claim category, sub-theme, and theme.199

<table>
<thead>
<tr>
<th>TOTAL</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>679</td>
<td></td>
</tr>
<tr>
<td>378</td>
<td><strong>Claim Theme One</strong>: Animal use is non-problematic, justifiable, and important.</td>
</tr>
<tr>
<td>81</td>
<td>1. Animal use is not harmful.</td>
</tr>
<tr>
<td>41</td>
<td>Animals used are healthy/ well cared for/ treated humanely/ do not suffer/ suffer minimally.</td>
</tr>
<tr>
<td>17</td>
<td>The treatment of animals is improving, or fewer animals are being used.</td>
</tr>
<tr>
<td>5</td>
<td>Animal use is safe.</td>
</tr>
<tr>
<td>8</td>
<td>Animal use does not threaten the population or species.</td>
</tr>
<tr>
<td>10</td>
<td>(Exercising control over language: It’s not “killing”; it’s “harvesting”; etc.,)</td>
</tr>
<tr>
<td>29</td>
<td>2. Animal users are not bad people who enjoy harming animals.</td>
</tr>
<tr>
<td>6</td>
<td>Animal users value and respect animals.</td>
</tr>
<tr>
<td>5</td>
<td>Animal users are opposed to, and seek to prevent, the unnecessary suffering and killing of animals used.</td>
</tr>
<tr>
<td>16</td>
<td>Animal users care about the animals they use.</td>
</tr>
<tr>
<td>2</td>
<td>Animal users do not kill animals wantonly or with pleasure.</td>
</tr>
<tr>
<td>130</td>
<td>3. Animal use is justifiable.</td>
</tr>
<tr>
<td>2</td>
<td>Most of the animals used (in research) are rats and mice.</td>
</tr>
<tr>
<td>6</td>
<td>Animal use is “fair.”</td>
</tr>
<tr>
<td>8</td>
<td>Animals exist for humans to use.</td>
</tr>
<tr>
<td>1</td>
<td>Animal use is a matter of personal choice.</td>
</tr>
<tr>
<td>12</td>
<td>A particular animal use is permitted/ required by law.</td>
</tr>
<tr>
<td>12</td>
<td>The public and other relevant groups support the use of animals.</td>
</tr>
<tr>
<td>10</td>
<td>There is a difference between humans and non-human animals.</td>
</tr>
<tr>
<td>4</td>
<td>Animal use is based on science.</td>
</tr>
<tr>
<td>14</td>
<td>Animal use is natural, or is similar to what occurs in nature, or is no more cruel than what occurs in nature.</td>
</tr>
<tr>
<td>2</td>
<td>Animals used were going to be killed, anyway.</td>
</tr>
<tr>
<td>19</td>
<td>The contested animal use/user is no worse than other kinds of animal use/ other animal users.</td>
</tr>
<tr>
<td>2</td>
<td>Animal users know animals.</td>
</tr>
<tr>
<td>38</td>
<td>Animal use is rooted in history, culture, and tradition.</td>
</tr>
</tbody>
</table>

199 The reader is reminded that a claim is “counted” just one time per document, and so is a conservative estimate of thematic claims-making.
<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>CLAIMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>4. Animal use is beneficial and necessary.</td>
</tr>
<tr>
<td></td>
<td>17 Animal use saves money, provides people with income, and/or is good for the economy.</td>
</tr>
<tr>
<td></td>
<td>20 Animal use helps people live longer, healthier lives.</td>
</tr>
<tr>
<td></td>
<td>10 Animal use provides people with food and clothing.</td>
</tr>
<tr>
<td></td>
<td>11 Animal use provides recreation or entertainment.</td>
</tr>
<tr>
<td></td>
<td>37 Animal use is needed to take care of some animal threat or problem (e.g., “nuisance animals”).</td>
</tr>
<tr>
<td></td>
<td>21 Animal use benefits animals.</td>
</tr>
<tr>
<td></td>
<td>4 Animal use benefits charitable causes.</td>
</tr>
<tr>
<td></td>
<td>5 Animal use provides educational benefits.</td>
</tr>
<tr>
<td></td>
<td>13 Animal use provides miscellaneous other benefits or fills other needs.</td>
</tr>
<tr>
<td>Claim Theme Two:</td>
<td>Animal rights is not important, and is problematic.</td>
</tr>
<tr>
<td>1. Animal rights is not an important matter.</td>
<td>Animal activists are skilled at committing crime.</td>
</tr>
<tr>
<td>2. Animal rights is an insignificant movement.</td>
<td>Radical animal activists try to recruit new members, including “young” people.</td>
</tr>
<tr>
<td>3. Animal rights is harmful.</td>
<td>Above-ground or moderate groups fund or are affiliated with under-ground or radical groups.</td>
</tr>
<tr>
<td>12 Animal rights is not having an impact on animal users.</td>
<td>The radical animal rights movement is associated with the radical environmental movement.</td>
</tr>
<tr>
<td>10 Animal rights is harmful to animals.</td>
<td>Animal rights activists attempt to force their beliefs on others.</td>
</tr>
<tr>
<td>24 Animal rights threatens culture/heritage/tradition.</td>
<td>Animal rights policies are “not fair.”</td>
</tr>
<tr>
<td>7 Animal rights infringes on people’s rights and freedoms.</td>
<td>The proposed animal rights policy is merely the first of many proposals to end other forms of animal use.</td>
</tr>
<tr>
<td>12 Animal rights activists attempt to force their beliefs on others.</td>
<td>Animal activism is harmful to scientific and medical research.</td>
</tr>
<tr>
<td>4 Animal activists engage in legal and political mischief.</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>---</td>
</tr>
<tr>
<td>1</td>
<td>Animal rights causes harm to the environment.</td>
</tr>
<tr>
<td>1</td>
<td>Animal rights threatens charitable causes.</td>
</tr>
<tr>
<td>42</td>
<td>4. Animal activists are dishonest, deceptive, hypocritical, and not as concerned about animals as they claim to be.</td>
</tr>
<tr>
<td>1</td>
<td>Animal rights supporters do not really care about animals.</td>
</tr>
<tr>
<td>2</td>
<td>Animal rights supporters are only concerned about certain animals.</td>
</tr>
<tr>
<td>27</td>
<td>Animal rights supporters make claims without evidence, exaggerate, and even lie.</td>
</tr>
<tr>
<td>12</td>
<td>Animal rights supporters are hypocrites.</td>
</tr>
<tr>
<td>49</td>
<td>5. Animal activists are flawed individuals.</td>
</tr>
<tr>
<td>6</td>
<td>Animal rights supporters care more about animals than they do people.</td>
</tr>
<tr>
<td>16</td>
<td>Animal rights supporters are sentimental and naïve.</td>
</tr>
<tr>
<td>4</td>
<td>Animal rights supporters anthropomorphize animals.</td>
</tr>
<tr>
<td>2</td>
<td>Animal rights supporters are strange or have mental health issues.</td>
</tr>
<tr>
<td>2</td>
<td>Animal rights supporters are busybodies needing something to do.</td>
</tr>
<tr>
<td>1</td>
<td>Animal rights supporters are attracted to the movement because they have failed in their relationships with people.</td>
</tr>
<tr>
<td>3</td>
<td>Animal activists are not willing to compromise.</td>
</tr>
<tr>
<td>8</td>
<td>Animal rights activists have extreme beliefs and goals.</td>
</tr>
<tr>
<td>7</td>
<td>Animal rights supporters are “extremists,” “retarded,” “communists,” etc.</td>
</tr>
<tr>
<td>9</td>
<td>6. Miscellaneous other claims about animal rights.</td>
</tr>
<tr>
<td>4</td>
<td>Animal rights is an illogical, flawed philosophy.</td>
</tr>
<tr>
<td>2</td>
<td>Animal rights is difficult to “do.”</td>
</tr>
<tr>
<td>3</td>
<td>There is a difference between “animal welfare” and “animal rights.”</td>
</tr>
</tbody>
</table>
### APPENDIX D

**NUMBER OF CLAIMS MADE IN CONGRESSIONAL TESTIMONIES, BY CLAIM CATEGORY, SUB-THEME, AND THEME**

**Appendix D.1. Number of claims made in Congressional testimonies, by claim category, sub-theme, and theme.**

<table>
<thead>
<tr>
<th>TOTAL</th>
<th>943</th>
</tr>
</thead>
<tbody>
<tr>
<td>Claim Theme One: Animal use is non-problematic and perhaps even beneficial or necessary.</td>
<td>347</td>
</tr>
<tr>
<td>1. Animal use is inherently and historically non-problematic.</td>
<td>100</td>
</tr>
<tr>
<td>2. Animals exist for humans to use.</td>
<td>2</td>
</tr>
<tr>
<td>1. There is a difference between humans and non-human animals.</td>
<td>1</td>
</tr>
<tr>
<td>14. The public supports the use of animals.</td>
<td>14</td>
</tr>
<tr>
<td>16. The contested animal use is rooted in history/culture/tradition.</td>
<td>16</td>
</tr>
<tr>
<td>14. Animal use is permitted/required by law.</td>
<td>14</td>
</tr>
<tr>
<td>3. Animals used were going to die, anyway.</td>
<td>3</td>
</tr>
<tr>
<td>5. The contested animal use is no worse than other kinds of animal use.</td>
<td>5</td>
</tr>
<tr>
<td>18. Animal use is based on science.</td>
<td>18</td>
</tr>
<tr>
<td>10. Animal use is safe.</td>
<td>10</td>
</tr>
<tr>
<td>3. Animal use does not threaten the population or species.</td>
<td>3</td>
</tr>
<tr>
<td>14. (Exercising control over language: It’s not “killing,” it’s “harvesting”; etc.,)</td>
<td>14</td>
</tr>
<tr>
<td>2. Animals used are treated well and are not harmed.</td>
<td>59</td>
</tr>
<tr>
<td>41. Animals used are healthy/well cared for/treated humanely/do not suffer.</td>
<td>41</td>
</tr>
<tr>
<td>18. The treatment of animals has improved.</td>
<td>18</td>
</tr>
<tr>
<td>3. Animal users are decent, law-abiding people who know and genuinely care about animals.</td>
<td>40</td>
</tr>
<tr>
<td>2. Animal users are decent, regular people.</td>
<td>2</td>
</tr>
<tr>
<td>8. Animal users are law-abiding and ethical.</td>
<td>8</td>
</tr>
<tr>
<td>7. Animal users know animals and what is best for them.</td>
<td>7</td>
</tr>
<tr>
<td>15. Animal users care about animals.</td>
<td>15</td>
</tr>
<tr>
<td>8. Using animals is a privilege/responsibility animal users do not take lightly.</td>
<td>8</td>
</tr>
<tr>
<td>148. Animal use is important, beneficial, and perhaps necessary.</td>
<td>148</td>
</tr>
<tr>
<td>26. Animal use is economically beneficial.</td>
<td>26</td>
</tr>
<tr>
<td>13. Animal use provides people with food and clothing.</td>
<td>13</td>
</tr>
<tr>
<td>32. Animal use benefits animals.</td>
<td>32</td>
</tr>
<tr>
<td>7. Animal use is needed to prevent or take care of some animal threat or problem (e.g., “nuisance animals”).</td>
<td>7</td>
</tr>
</tbody>
</table>

---

200 The reader is reminded that a claim is “counted” just one time per witness per hearing, and so is a conservative estimate of thematic claims-making.
## Appendix D.1. Number of claims made in Congressional testimonies, by claim category, sub-theme, and theme—continued.

<table>
<thead>
<tr>
<th>TOTAL</th>
<th>Claim</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Animal use benefits charitable causes.</td>
</tr>
<tr>
<td>28</td>
<td>Animal use helps people live longer, healthier lives.</td>
</tr>
<tr>
<td>8</td>
<td>Animal use provides recreation or entertainment.</td>
</tr>
<tr>
<td>9</td>
<td>Animal use provides educational benefits.</td>
</tr>
<tr>
<td>2</td>
<td>Animal use is central to animal users’ lives.</td>
</tr>
<tr>
<td>21</td>
<td>Animal use provides miscellaneous other benefits or fills other needs.</td>
</tr>
</tbody>
</table>

314 Claim Theme Two: Animal rights activism is problematic.

213 1. Animal activism is harmful.

33 Animal activists have extreme beliefs and goals.

63 Animal rights activists are violent, criminals, and/or terrorists.

25 Problematic animal activism is increasing, becoming more harmful, and affecting more kinds of people.

8 Above-ground or moderate groups fund or are affiliated with under-ground or radical groups.

3 Radical animal activists try to recruit new members, including children.

23 Radical animal rights hinders medical research.

4 Radical animal rights activism creates the risk of disease transmission.

13 Animal rights activists are actually the ones harming animals.

1 Animal rights supporters infringe on some cultures.

37 Radical animal activism is economically harmful and/or wastes resources.

3 Radical activism sets a dangerous precedent for other social movements.

66 2. Animal activists are dishonest and manipulative.

43 Animal rights supporters make claims without evidence, use old information, exaggerate, and even lie.

11 Animal rights supporters do not really care about animals.

10 Animal activists engage in legal mischief.

2 Animal activists try to “set up” animal users.

35 3. Animal rights activism is otherwise troublesome. (= General claims about the nature of animal rights.)

10 There is a difference between “animal welfare” and “animal rights.”

9 The radical animal rights movement is associated with the radical environmental movement.

3 Animal rights is “political correctness.”

11 Animal rights groups have substantial fiscal resources (and aim to get more).

2 Animal activists are motivated by publicity.
## Appendix D.1. Number of claims made in Congressional testimonies, by claim category, sub-theme, and theme—continued.

<table>
<thead>
<tr>
<th>TOTAL</th>
<th>Claim Theme Three: Proposals to regulate animal use are not necessary and would do more harm than good.</th>
</tr>
</thead>
<tbody>
<tr>
<td>237</td>
<td>1. The proposed policy is unnecessary.</td>
</tr>
<tr>
<td>35</td>
<td>The proposed policy is “aimed at a problem that doesn’t exist.”</td>
</tr>
<tr>
<td>4</td>
<td>Neither the authorities or the public want the proposed policy.</td>
</tr>
<tr>
<td>25</td>
<td>Animal use is already regulated (which renders the proposed policy redundant and unnecessary).</td>
</tr>
<tr>
<td>5</td>
<td>Rather than enacting a new policy, the better solution would be to apply, improve, and enforce existing regulations/programs.</td>
</tr>
<tr>
<td>115</td>
<td>2. The proposed policy would have negative consequences.</td>
</tr>
<tr>
<td>10</td>
<td>The proposed/existing policy might constitute a violation of people’s rights.</td>
</tr>
<tr>
<td>7</td>
<td>The proposed/existing policy presents an unwarranted infringement of some cultures.</td>
</tr>
<tr>
<td>13</td>
<td>The proposed policy threatens states’ rights, or addresses an issue best handled by the states.</td>
</tr>
<tr>
<td>3</td>
<td>The proposed policy will make criminals out of “normal” Americans.</td>
</tr>
<tr>
<td>5</td>
<td>The proposed policy would be crime-inducing.</td>
</tr>
<tr>
<td>8</td>
<td>The proposed policy amounts to a de facto ban and/or would cause reduced participation in/elimination of the contested animal use.</td>
</tr>
<tr>
<td>2</td>
<td>The proposed policy sends the wrong message to the public.</td>
</tr>
<tr>
<td>10</td>
<td>The proposed policy will cause people to lose faith in the government.</td>
</tr>
<tr>
<td>19</td>
<td>The proposed policy would detrimentally affect animals.</td>
</tr>
<tr>
<td>87</td>
<td>3. The proposed policy is otherwise unwise.</td>
</tr>
<tr>
<td>16</td>
<td>The proposed policy is unscientific, and/or based on politics, sensationalism, or emotion.</td>
</tr>
<tr>
<td>9</td>
<td>The proposed policy reflects a naivety about animals and what is best for them.</td>
</tr>
<tr>
<td>5</td>
<td>There are more important things to worry about than the issue that is the subject of the proposed policy.</td>
</tr>
<tr>
<td>9</td>
<td>The proposed policy conceals a hidden agenda.</td>
</tr>
<tr>
<td>11</td>
<td>The proposed policy is unfair.</td>
</tr>
<tr>
<td>10</td>
<td>The proposed policy might not achieve what its proponents think/hope it will.</td>
</tr>
<tr>
<td>14</td>
<td>The proposed policy suffers from miscellaneous drafting problems.</td>
</tr>
</tbody>
</table>
### Appendix D.1. Number of claims made in Congressional testimonies, by claim category, sub-theme, and theme—continued.

<table>
<thead>
<tr>
<th>TOTAL</th>
<th>Claim Theme Four: Increased control of animal activism is warranted and needed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>45</td>
<td>1. Existing laws and policies are unable to control radical animal activism and need to be strengthened.</td>
</tr>
<tr>
<td>29</td>
<td>Controlling radical animal activism should be made a (federal) criminal justice priority, and we need a law specifically addressing animal rights criminality.</td>
</tr>
<tr>
<td>11</td>
<td>Existing laws suffer from weaknesses that render them inapplicable or ineffective in the effort to control radical animal activism, and proposed legislation would remedy these deficiencies.</td>
</tr>
<tr>
<td>14</td>
<td>There is a need for Congress to launch an investigation into the relationship between radical and above-ground groups, and/or revoke the tax-exempt status of above-ground animal rights organizations.</td>
</tr>
<tr>
<td>4</td>
<td>2. Animal activists are knowledgeable about the limits of existing laws and how to successfully commit crime.</td>
</tr>
<tr>
<td>16</td>
<td>Animal rights supporters are knowledgeable about, and exploit, the limits of existing laws.</td>
</tr>
<tr>
<td>8</td>
<td>Animal activists are knowledgeable about how to successfully commit crime.</td>
</tr>
</tbody>
</table>
## APPENDIX E

**DOCUMENTED OCCURRENCES OF CLAIMS IN CONGRESSIONAL TESTIMONY, BY TIME PERIOD (FOR THREE TIME PERIODS)**

Table E.1. Documented occurrences of claims in Congressional testimonies, by time period.

<table>
<thead>
<tr>
<th>TOTAL</th>
<th>TIME 1</th>
<th>TIME 2</th>
<th>TIME 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1/1/90 - 11/11/95</td>
<td>11/12/95 - 9/21/01</td>
<td>9/22/01 - 8/2/07</td>
</tr>
<tr>
<td>943</td>
<td>322</td>
<td>208</td>
<td>413</td>
</tr>
<tr>
<td>347</td>
<td>116</td>
<td>86</td>
<td>145</td>
</tr>
<tr>
<td>100</td>
<td>31</td>
<td>29</td>
<td>40</td>
</tr>
<tr>
<td>59</td>
<td>26</td>
<td>10</td>
<td>23</td>
</tr>
<tr>
<td>40</td>
<td>15</td>
<td>12</td>
<td>13</td>
</tr>
<tr>
<td>148</td>
<td>44</td>
<td>35</td>
<td>69</td>
</tr>
<tr>
<td>314</td>
<td>121</td>
<td>57</td>
<td>136</td>
</tr>
<tr>
<td>213</td>
<td>88</td>
<td>25</td>
<td>100</td>
</tr>
<tr>
<td>66</td>
<td>23</td>
<td>23</td>
<td>20</td>
</tr>
<tr>
<td>35</td>
<td>10</td>
<td>9</td>
<td>16</td>
</tr>
<tr>
<td>237</td>
<td>73</td>
<td>63</td>
<td>101</td>
</tr>
<tr>
<td>35</td>
<td>10</td>
<td>11</td>
<td>14</td>
</tr>
<tr>
<td>115</td>
<td>32</td>
<td>32</td>
<td>51</td>
</tr>
<tr>
<td>87</td>
<td>31</td>
<td>20</td>
<td>36</td>
</tr>
<tr>
<td>45</td>
<td>12</td>
<td>2</td>
<td>31</td>
</tr>
<tr>
<td>29</td>
<td>10</td>
<td>2</td>
<td>17</td>
</tr>
<tr>
<td>16</td>
<td>2</td>
<td>0</td>
<td>14</td>
</tr>
</tbody>
</table>

**Claim Theme One:** Animal use is non-problematic and perhaps even beneficial or necessary.

1. Animal use is inherently and historically non-problematic.
2. Animals used are treated well and are not harmed.
3. Animal users are decent, law-abiding people who know and genuinely care about animals.
4. Animal use is important, beneficial, and perhaps necessary.

**Claim Theme Two:** Animal rights activism is problematic.

1. Animal activism is harmful.
2. Animal activists are dishonest and manipulative.
3. Animal rights activism is otherwise troublesome. (= General claims about the nature of animal rights.)

**Claim Theme Three:** Proposals to regulate animal use are not necessary and would do more harm than good.

1. The proposed policy is unnecessary.
2. The proposed policy would have negative consequences.
3. The proposed policy is otherwise unwise.

**Claim Theme Four:** Increased control of animal activism is warranted and needed.

1. Existing laws and policies are unable to control radical animal activism and need to be strengthened.
2. Animal activists are knowledgeable about the limits of existing laws and how to successfully commit crime.
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Bentham, Jeremy

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Berry, Bonnie

Best, Joel


Best, Joel and Frank Furedi


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Schoenmann, Joe

Schnurer, Maxwell Dervin

Schuster, Henry

Serpell, James A.

Shapiro, Kenneth J.

Shapiro, Paul

Singer, Peter

Snow, David A. and Robert D. Benford

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Jen Girgen has B.A. (English), J.D., and M.S. (Criminology and Criminal Justice) degrees. She has worked for the Florida Supreme Court, the Legislatures of Texas and Florida, the Florida Guardian ad Litem Program, and the Florida State University College of Criminology and Criminal Justice.