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REVIEW ESSAY

# Genuine Concern for Animals in England's Nineteenth-Century Animal Protection Movement: The Case Against Reductionist Interpretations

## Review of Diana Donald, *Women Against Cruelty: Protection of Animals in Nineteenth-Century Britain* (Oxford: Oxford University Press, 2020)

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Animal–human history is an increasingly popular area of historical research.[1] Diana Donald's 2020 book, *Women Against Cruelty: Protection of Animals in Nineteenth-Century Britain* is a must-read for anyone interested in the history of animal protection and the role women have played in moral reform movements. Starting from the premise that the prevention of cruelty to animals is "a pure product of the nineteenth century" (p. 7), this dazzling book takes its reader through a wide range of important topics such as the early history of the Royal Society for the Prevention of Cruelty to Animals (RSPCA), differences between men and women's attitudes toward animals, and the role women played in humane education.[2] This review will particularly highlight the way that Donald consistently attacks reductionist theses that discount the genuine concern women had for animals in the nineteenth-century British animal

[1] See Philip Howell and Hilda Kean, "Writing Animals in History," in *The Routledge Companion to Animal-Human History*, eds. Hilda Kean and Philip Howell (London and New York: Routledge, 2019), 7 (calling for histories which focus on the role that animals themselves play in history). See also Jennifer Bonnell and Sean Kheraj, *Traces of the Animal Past: Methodological Challenges in Animal History* (Calgary: University of Calgary Press, 2022) and Mieke Roscher, André Krebber, and Brett Mizelle, *Handbook of Historical Animal Studies* (Berlin/Boston: Walter de Gruyter, 2022).

[2] The quote is from J.E.G. de Montmorency, "State Protection of Animals at Home and Abroad," *Law Quarterly Review* 69 (1902): 31.

protection movement, and how her interpretations consistently refocus our attention on historical evidence of that genuine concern.

Influential histories from the 1980s advanced the thesis that British nineteenth-century animal protection movements were really about oppressing and controlling the working classes by regulating their interactions with nonhuman animals, whether working animals harshly treated in the streets of London or animals used in "blood sport" as entertainment (what we would now call animal fighting).[3] Admittedly, many "poor labouring men" were punished by harsh laws to protect the sensibilities of members of the middle and upper classes offended by public and very visible beatings of working animals like donkeys and horses (p. 3). However, the reform-minded were also motivated by the deplorable treatment of food animals driven through city streets to slaughter; such animals might suffer extreme thirst or be pushed through open cellar doors, which often crippled them before they were killed.[4] Meanwhile, the cruel field sports of the rich were given a free pass.[5]

Despite this apparent hypocrisy, Donald thinks it is a mistake to see "reform of lower-class morals" as "the *primary* object of the early RSPCA" (p. 59). Why? Upper-class men also often participated in activities targeted by regulation, such as cock fighting and dog fighting (p. 77). More profoundly, Donald argues that it is misguided to understand "the early RSPCA as an authoritarian, single-minded, univocal body, activated from its inception by a purposive ideology [...] Members represented a spectrum of viewpoints arising from political and religious affiliations, social class and (importantly) gender" (p. 61). This last part is indeed important. Sustained treatment of gender has been missing from earlier (otherwise excellent) histories such as Hilda Kean's *Animal Rights: Political and Social Change in Britain since 1800* (1998), a gap which Donald's book aims to fill.

First, there is the point about women's presence and participation in the early RSPCA, both as members (the grassroots membership was overwhelmingly female) and also as important benefactors (a majority of the society's one-off gifts came from women and, from the 1860s on, donations from women significantly exceeded those from men). (See pp. 103–4 and 274.) Donald explains how despite the predominantly female nature of its membership and the key role women played as a source of the organization's financial

[3] See, e.g., Brian Harrison, *Peaceable Kingdom: Stability and Change in Modern Britain* (Oxford: Clarendon Press; New York: Oxford University Press, 1982); Keith Thomas, *Man and the Natural World: Changing Attitudes in England, 1500–1800* (New York: Pantheon Books, 1983); and Harriet Ritvo, *The Animal Estate: The English and Other Creatures in the Victorian Age* (Cambridge, MA: Harvard University Press, 1987).

[4] When women suggested providing ramps or straw to break the animals' fall, they were ridiculed for suggesting workers "tenderly" chaperone large animals like Lincolnshire rams "down an inclined *chaise lounge* with a pillow on the end" before having their throats slit. See Donald, *Women Against Cruelty*, 76.

[5] See Carol J. Adams, *The Sexual Politics of Meat: A Feminist-Vegetarian Critical Theory* (New York, London, Dublin: Bloomsbury, 1990), 99 ("Unlike many animal reform campaigns of the time, which directed their energy to controlling the abuses of animals occasioned by the sports of the lower classes such as bear or bull baiting, vegetarians went after the jugular of the upperclass—meat eating and blood sports" and quoting Percy Shelly: "It is only the wealthy that can, to any great degree, even now, indulge the unnatural craving for dead flesh").

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support, the RSPCA leadership largely froze women out of its leadership and say over policy decisions.

In Chapter Four, "The 'Two Religions': A Gendered Divide in Victorian Society," Donald examines the way in which female "sentimentalism" around animal treatment came to be set up against masculine brutishness. Young boys were sent "beyond [the] petticoat government" of their mothers, grandmothers, and governesses to public school to be "toughened up" (p. 148). As Henry Salt, future leader of the Humanitarian League, pupil of Eaton in the 1860s and subsequent teacher there, puts it, the education was an inculcation into the "the twofold cult of sport and soldiership" (p. 149). This aimed to prepare boys for life in the colonies, where they would participate in the "enslavement of native peoples and appropriation of their land [and be] provided the conditions for reckless hunting and shooting of big game—another kind of warfare" (p. 149). Such teachings, intended to produce proper men, directly contradicted the express program of female-run groups preaching kindness to animals such as the Bands of Mercy. (See pp. 160–67.) Donald writes that "[t]he gendered contrast of attitudes and ideals of behaviour" (p. 165) set men up for the commercial sphere, where animals would continue to be brutalized, as opposed to the private home, with its privileged "pets," or favorites.[6] Donald writes that "female distress over cruelty was a pleasing foil, not a corrective to masculine behaviour" (p. 21). As one contemporary puts it, "[t]he inculcation of humanity to animals in pretty little tracts and illustrated magazines" was a bit of a "farce" (p. 167). These hortatory calls affirmed the normal commercial (coded masculine) world of cruelty, which by and large ignored (female) pleas to end cruelty and accepted increasingly worse conditions for most animals, especially those used for food.

Indeed, the most sobering aspect of Donald's book is her description of the way that contemporaries recognized that "as Britain's imperial power and industrial wealth grew, cruelty actually seemed to be increasing" (p. 45). Donald writes: "A dark thought then arose: was the heartless exploitation of animals an *effect* of the country's growing capitalist might, rather than an anomaly that further progress would rectify?" (p. 37). Pastimes like hunting and racing grew with affluence. The pressures that led people to beat every bit of work they could out of their laboring animals only intensified under "uncontrolled urbanisation and a fast-developing capitalist society" (p. 85). Through a Marxist lens, the protest against animal treatment looks like it may have been just a "wish to palliate the crueler effects of capitalism in a

[6] See Katherine C. Grier, *Pets in America: A History* (Chapel Hill: University of North Carolina Press, 2006), 6 ("Pet" was originally used to describe "an indulged or spoiled child; any person treated as a favorite"; in the eighteenth century writing about pet animals almost always used the word "favorite" instead of "pet." Grier writes: "This usage suggests the most fundamental characteristic of pet keeping, the act of choosing a particular animal, differentiating it from other animals"). These animals were (and are) privileged or favored on condition that they remain wanted inside the home. Unwanted pets or strays were (and are) routinely disposed with. On the complex relationship between a wanted pet and an unwanted one in a situation of war, see Hilda Kean, *The Great Cat and Dog Massacre: The Real Story of World War II's Unknown Tragedy* (Chicago and London: University of Chicago Press, 2017).

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marginal and harmless way," smoothing out some of the rougher edges of laissez-faire economics and even distracting attention from the plight of industrial workers (p. 85). Philanthropists came, painfully, to realize that cruelty to animals might well be "intrinsic to the systems of production and commercial competition that provided the prosperity of the nation, and was unlikely to yield to moral persuasion," either by punishing members of the lower classes or trying to get middle and upper class people to live up to their purportedly civilized standards (p. 90). In other words, this was not a broken system in need of reform; it was a system that was working exactly as was intended.[7] Here was "[t]he violence intrinsic to imperialism" encoded within the "'civilized' culture of the home country" (p. 267).

Donald points out that advances in technology (e.g., transport) "often brought new evils" (p. 237). To take a nineteenth-century U.S. example from another excellent recent book on the history of the animal protection movement by Ernest Freeberg, Chicago slaughterhouses and meat-packing plants replaced the cruelty inflicted upon millions of sheep, cows, and pigs by putting an end to the live rail transport of these animals from western sources to eastern markets where they would be slaughtered.[8] However, "meat on ice" made from animals slaughtered at or near where they were raised created its own new forms of cruelty, what Freeberg calls "civilized slaughter" (p. 141). Here, he writes, were "the origins of our modern factory farming system, one that calms the public conscience less by removing animal suffering than by removing it from view" (p. 274). Drawing a parallel to today, Freeberg continues: "Those now working to expose the profound cruelties of our factory farming system struggle to make us once again see this suffering, far removed from the experience of consumers and carefully guarded by the meat processors and the state legislators who have passed 'ag gag' laws that make sure we do not witness what we could not stand to watch" (p. 275).[9]

Much opposition to cruelty against animals has been and continues to be human- rather than animal-oriented, such as the "Link" movement today, which justifies tougher punishment of animal abusers on the grounds that this abuse will escalate to human harm.[10] By contrast, Donald emphasizes that women in the nineteenth century often genuinely wished to improve

[7] See, e.g., the comments of Omar El Akkad in the 2021 Inaugural PEN Canada Graeme Gibson Talk, "Margaret Atwood and Omar El Akkad: On Dystopian Hope," *CBC Ideas*.

[8] See Chapters 9 and 10 of Ernest Freeberg, *A Traitor to his Species: Henry Bergh and the Birth of the Animal Rights Movement* (New York: Basic Books, 2020) and Angela Fernandez, "Henry Bergh, the American Society for the Protection of Cruelty to Animals, and the Horse," *JOTWELL* (February 21, 2022), https://legalhist.jotwell.com/henry-bergh-the-american-society-for-the-prevention-of-cruelty-to-animals-and-the-horse/, accessed April 17, 2023.

[9] See Justin F. Marceau, "Ag Gag Past, Present, and Future," *Seattle University Law Review* 38 (2015): 1317, and "Ag-Gag Laws," in *Oxford Handbook of Global Animal Law*, eds. Anne Peters, Kristen Stilt, and Saskia Stucki (Oxford: Oxford University Press, forthcoming).

[10] For criticism of this carceral turn in the animal protection movement, see Justin Marceau, *Beyond Cages: Animal Law and Criminal Punishment* (New York: Cambridge University Press, 2019), Chapter 6 and Lori Gruen and Justin Marceau, "Introduction," in *Carceral Logics: Human Incarceration and Animal Captivity*, eds. Lori Gruen and Justin Marceau (Cambridge, UK: Cambridge University Press, 2022), 6–8.

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the conditions of working animals for their own sake and not for some human end. Donald emphasizes that animals were not just objects upon which to practice benevolence for the sake of humans, for example, opposing public beating and other brutal treatment of animals in the streets as a way to maintain good morals (a nineteenth-century version of "Link think"). She insists that nineteenth-century activists genuinely identified with the animals and their suffering. As eminent and important a social commentator as John Stuart Mill "presumed that animal suffering per se was the real, primary concern of the activists, and that claims for the social or political benefits of anti-cruelty laws were merely a stratagem for winning over a sceptical public" (p. 64).[11] This makes sense, since, then as now, many who want to protect animals realize that it can be effective to use anthropocentric arguments and ask humans to think about their own self-interest when it comes to meat eating and other animal-use habits which adversely impact the environment and human health as well as animal well-being.[12] Others want to resist doing so, insisting on a lens of animals for their own sake, given the history of animal interests being so routinely and easily sacrificed for human ones and their extreme vulnerability.[13] At the very least an awareness of "the gravitational pull of anthropocentrism" is required when retaining human-oriented approaches.[14]

Donald writes that many of the exhortations to treat animals kindly by the RSPCA and Bands of Mercy "would have been tedious even to converts" (p. 164). This was all the more so as long as little boys were being effectively taught *how to be* by learning *how not to be*, avoiding, for example, the effeminate sentimentalism preached to them by the women in their lives. Other efforts,

[11] See also Bernard Oreste Unti, "The Quality of Mercy: Organized Animal Protection in the United States, 1866–1930" (Doctoral thesis, American University, 2002), 43 (noting that the English legal biographer Lord John Campbell judged the public morality arguments as a pragmatic way to overcome objections about infringing on valuable private property).

[12] See Jeff Sebo, *Saving Animals, Saving Ourselves: Why Animals Matter for Pandemics, Climate Change, and Other Catastrophes* (Oxford: Oxford University Press, 2022). See also the increasingly popular "One Health" paradigm, linking human, animal, and ecosystem health. "One Welfare" is a similar paradigm. See, e.g., Celeste Morales and Rochelle Stevenson, *Helping People and Animals Together: Taking a Trauma-Informed Approach Towards Assisting Placed-At-Risk People with Addressing Animal Neglect* (Vancouver: Vancouver Humane Society, June 2021), 11 (citing to onewelfareworld.org).

[13] See Anni B. Satz, "Animals as Vulnerable Subjects: Beyond Interest-Convergence, Hierarchy, and Property," *Animal Law Review* 16 (2009), 65.

[14] Howell and Kean, "Writing Animals in History," 6. Donald's earlier work, *Picturing Animals in Britain 1750–1850* (New Haven, CT: Yale University Press, 2007), is quoted and described as "perceptive." See p. 3. I would place Donald's book in the line of histories of the animal protection movement, examples of which are cited in the next note. This is still essentially human history and not the animal–human history Howell and Kean call for, which Donald describes as a "rejection of controlling anthropocentrism" and a turn to "the recent emphasis on animals' own subjectivity and agency in history." Donald, *Women Against Cruelty*, "Preface," p. xi. To quote Erica Fudge, the older line of work is less a history of animals than a history "of human attitudes toward animals." See Robert G.W. Kirk, "The Experimental Animal," in *The Routledge Companion to Animal-Human History*, eds. Hilda Kean and Philip Howell (London and New York: Routledge, 2019), 126. Kirk continues, "more than human histories" will require "radically rethinking the humanistic limit of our historical imagination."

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however, like Anna Sewell's *Black Beauty*, were wildly successful. Donald's discussion of this work (pp. 164–80), often referred to as the *Uncle Tom's Cabin* of the animal protection movement, was for me one of the highlights of the book.[15]

*Black Beauty* is often discussed in histories of the animal protection movement.[16] Donald, however, gives the book a richness and depth I have not otherwise encountered, delving into Sewell's Quaker background and the chronic pain from which she was suffering when she wrote the book. Donald examines carefully the work's criticism of the bearing rein or check rein, used to keep a horse's head held high and neck arched, giving "a noble and spirited appearance … at the cost of obstructing the windpipe, straining the neck muscles, damaging the eyes by exposure to the sun overhead, causing stumbles over unseen obstacles, and bringing on premature debility" (p. 177). Women were accused of being the "greatest devotees" of this rein, as it prevented a horse from tugging and made it easier to drive them, "and it created a showy appearance which fashionable women were said to favour" (p. 179). Like the campaign against feathered millinery (feathers used for fashionable women's hats, which resulted in the deaths of untold numbers of song birds), this pitted women against each other. For example, Sewell depicted a countess who insists on using the rein despite the pain it creates for Black Beauty and his doomed companion Ginger. Donald thinks that criticism of the rein should not be seen as "a feminist diatribe against the physical constrictions of women's dress or their confined lives" or "as a symbol of patriarchal oppression" (p. 180). Like the insistence that animal protection was not merely about class control but included a genuine concern for animals for their own sake, Donald insists that Sewell's opposition to the bearing rein, at least on one level, was exactly what it appears to be: the rein being "the most powerful example of the undeserved, gratuitous suffering of sentient animals inflicted by mankind, which prompted the writing of the book in the first place" (p. 180).

As if to guard against disappointment, much animal law scholarship tends to assume that animal protection is always *really* about something else, controlling abuse out of a desire to protect valuable property or to control the behavior of a disfavored group singled out for harsh treatment by the law.[17] Donald's history reminds us that such interpretations are often only one aspect of the

[15] See also Michele Norris, "How 'Black Beauty' Changed the Way we See Horses," November 2, 2012, produced by *NPR*, radio show, https://www.npr.org/2012/11/02/163971063/how-black-beauty-changed-the-way-we-see-horses.

[16] See, e.g., Richard D. Ryder, *Animal Revolution: Changing Attitudes Towards Speciesism* (Oxford: Basil Blackwell, 1989), 89; Hilda Kean, *Animal Rights: Political and Social Change in Britain since 1800* (London: Reaktion Books, 1998), 79; Diane L. Beers, *For the Prevention of Cruelty: The History and Legacy of Animal Rights Activism in the United States* (Athens, OH: Swallow Press/Ohio University Press, 2006), 26, 31, 133; Susan J. Pearson, *The Rights of the Defenseless: Protecting Animals and Children in Gilded Age America* (Chicago, London: University of Chicago Press, 2011), 43–44, 124–25; Janet M. Davis, *The Gospel of Kindness: Animal Welfare and the Making of Modern America* (Oxford: Oxford University Press, 2016), 65, 108.

[17] On the former, see David Favre and Vivien Tsang, "The Development of Anti-Cruelty Laws During the 1800's," *Detroit College of Law Review* 1 (1993): 1.

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story, even if they are a central part, as is the case with the religious and racial discrimination involved in opposition to Santeria animal sacrifice among the Afro-Cuban population of twentieth-century Florida, bans on Jewish animal slaughter driven by anti-Semitism or Halal slaughter fueled by Islamophobia rather than concern that food animals not be slaughtered without stunning, or efforts to shut down live animal markets or ban the sale of specialty foods like shark fins in North American Chinatowns that are sometimes fueled in part (but by no means exclusively) by anti-Asian sentiment.[18] Donald's refocus on activists' genuine concern for animals exchanges cynicism for hope in understanding the history of the animal protection movement. This is a refreshing and enlightening take on a topic readers might have thought they already knew well, offering a counterpoint to other histories in which reforming middle-class women (especially those concerned with sexual morality, such as the trafficking of young girls and earlier white slavery moral panics) are often depicted as dangerous busybodies keen to police others, especially other poor and often racialized or otherwise additionally marginalized women.[19] Donald's work offers a warning against reductionism in legal-historical thinking, and not just on the specific topic of the animal protection movement. To that extent, it should be informative reading to many, especially those seeking to highlight the role of women and gender in histories in which this has not been a focus to date.

*Women Against Cruelty* is a model of how to examine gender on multiple levels. As we have seen, this is true in at least the three following ways: (i) actual female participation as rank-and-file members of the early RSPCA and as major financial donors; (ii) gendered attitudes and their constitutive operation, specifically, (female) sentimentalism playing the foil to normalized (masculine) brutality; and (iii) important tensions between different groups of women, such as those who defended cruel practices in the name of fashion, whether wearing fur or participating in English horse-back style fox hunting, a sport that, at least in the United States, was dominated by women in the twentieth century, and those who identified as reformers and wished to see such practices end.[20]

[18] On this last phenomenon in San Francisco, see Claire Jean Kim, *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age* (New York: Cambridge University Press, 2015), Chapters 3 and 4. For an in-depth discussion of issues surrounding live animal export and Halal slaughter, see Kristen Stilt, *Animals, Religion, Business -- and the Race to Save the World through the Food We Eat* (Oxford: Oxford University Press, forthcoming).

[19] See, e.g., Amanda Glasbeek, *Feminized Justice: The Toronto Women's Court, 1913–1934* (Vancouver: UBC Press, 2009) and Angela Fernandez, "Feminized not Feminist Justice at the Toronto Women's Court," *JOTWELL* (March 31, 2011), https://legalhist.jotwell.com/feminized-not-feminist-justice-at-the-toronto-womens-court/, accessed April 17, 2023. See also Megan Ross, "Morality Police: Sexuality Governance at the League of Nations" (SJD diss., University of Toronto, 2020).

[20] See Angela Fernandez, "Fox-Hunting in North America, in Perspective," in *Regulation & Imagination: Legal and Literary Perspectives on Fox-Hunting*, ed. Ross E. Davies (Washington, DC: Green Bag Press, 2021), 49–71, 50 (calling the popularity of equestrian fox-hunting with women "probably the second most surprising faction about the history of the sport," the first being the fact that its peak occurred in the United States between 1930 and 1939, during the Great Depression, when one might have thought that there was little bandwidth for such a fancy pastime.

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For those engaged in present-day efforts to decrease or eliminate cruelty to nonhuman animals, the idea that there can be (and has been in the past) genuine concern for animals feels like a necessary pre-condition for hopeful action. This is especially so in a world in which dystopian fiction is looking less and less like fiction and more like reality, especially in (perhaps now formerly) privileged parts of the world like Canada and the United States.[21] The vulnerability we share with nonhuman animals has been underscored by the COVID-19 pandemic and remarkable weather events I personally had never heard of before 2021, including flooding caused by an "atmospheric river" and increasingly frequent and out-of-control forest fires, including one caused by a "heat dome" that melted an entire town in British Columbia, killing at least 619 (predominantly disabled) people in Vancouver who lacked access to air conditioning.[22] Such events have prompted the culling of millions of COVID-19-exposed farmed mink in Denmark, Canada, and other countries, and the related decision to phase out mink farming, mostly due to public health concerns, in British Columbia.[23] Extreme weather resulted in probably one billion aquatic animals literally being cooked alive on the west coast and the slow, panicked deaths of thousands of agricultural animals due to drowning or exposure during December floods.[24] This is all to say, I believe we are living in a time in which we must lean into hope and a commitment to genuine concern for others, including our nonhuman relations. Donald's history is refreshingly compatible with such an orientation.

However, the many horses put into circulation by the Remount service of the U.S. army after World War I led those who were not financially strapped to seek ways to exercise and ride horses in interesting ways).

[21] See, e.g., "Margaret Atwood and Omar El Akkad: On Dystopian Hope," October 13, 2021, in *Ideas,* produced by *CBC Radio*, podcast, https://www.cbc.ca/radio/ideas/margaret-atwood-omar-el-akkad-on-dystopian-hope-1.6209346

[22] See Trudo Lemmens and Gabrielle Peters, "Inequitable Resilience to Climate Change and Policy Failure: Disability and Collective Responsibility During B.C.'s Heat Dome," in *Law in a Changing World: The Climate Crisis* (Toronto: University of Toronto Press, forthcoming).

[23] The provincial government in British Columbia decided to phase out mink farming in the province by 2025. See https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/covid-19/covid-19-pho-order-mink-farms.pdf, accessed April 17, 2023.

[24] See Leyland Cecco, "'Heat Dome' Probably Killed 1bn Marine Animals on Canada Coast, Experts Say," *Guardian* (July 8, 2021), https://www.theguardian.com/environment/2021/jul/08/heat-dome-canada-pacific-northwest-animal-deaths; Amanda Wawryk, "Animal Justice Calls for Limits on Farm Sizes after Deadly Flooding," *Daily Hive News*, November 24, 2021, https://dailyhive.com/vancouver/animal-justice-limit-farm-sizes-flooding, accessed April 17, 2023.

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