

Masculinities and Animal Harm

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## Abstract

This paper explores the role of masculinities in animal harm and conceptions on the Masculinities Offender; primarily motivated by power and masculine behaviors. Within 'masculinities crimes' exercise of power allied to sport or entertainment; linked to organized crime and gambling is significant. Masculinities crimes also include elements of cruelty or animal abuse and perceptions by offenders of their actions having cultural significance and where toughness, masculinity and smartness combine with a love of excitement. Examples include badger digging and badger baiting, and cock-fighting, and other crimes involving the 'sporting' killing or taking of wildlife.

This article explores masculinities offender rationalizations and associated masculinity-based negative attitudes towards animals and animal harm. The public policy response to masculinities crimes reflects acceptance of the violent nature of offenders. Yet arguably enforcement and punishment through use of surveillance activities and undercover operations and reliance on prison as the primary deterrent/sanction risks being counter-productive and reinforcing the very masculinities that underlie offending behavior.

*Keywords:* - animal abuse - dog-fighting - domestic violence - green criminology - masculinities - environmental crime

This article explores the role of masculinities as a substantive factor in animal harm and the abuse of animals. Academic debate on crime generally acknowledges that crime and criminality are predominantly male concerns (e.g. Groombridge, 1998) reflecting both the propensity towards violence of young males and the extent to which men in this category might become victims of crime. Previous research (Nurse, 2013a) has also identified that while masculinities are a common cause of animal harm, a specific type of masculinities-

based animal harm offender arguably exists (Nurse, 2013a). For this offender, masculinities constitute both a primary cause of their offending behaviour, and a justification for the animal harm that they cause. Masculinities-based animal harm is also linked to other forms of offending such that, for example, in domestic settings, animal harm is a means through which men sometimes express and reassert their masculinity in challenging social situations. Thus, animal harm, predicated on the influence of notions of masculinities, can be linked both to aspects of control, and to those situations where a perceived loss of power or challenge to masculine authority needs to be addressed. Animal harm thus arguably becomes a tool through which masculinity is reasserted and the victimisation of animals is part of a broader conception on victimisation of the vulnerable.

This article explores the rationalisations of the masculinities offender and the extent to which negative attitudes towards animals and animal harm are linked to notions of masculinity. The public policy response to 'masculinities crimes,' those crimes of a distinctly masculine nature and which engage with stereotypically masculine behaviours (Nurse, 2013a) reflects acceptance of the propensity towards violence of male offenders and is similar to that employed for organised crime (Nurse, 2012, 2013a). In respect of animal harm this includes those offences where deliberate infliction of pain is a factor such as badger baiting, cock-fighting, dog-fighting and hare coursing. These are crimes intrinsically linked to the exercise of male power over the vulnerable. Yet arguably, enforcement and punishment through use of surveillance activities and undercover operations and reliance on prison as the primary deterrent/sanction risks being counter-productive and reinforcing the very masculinities that underlie offending behaviour.

## **Methods**

While this paper is largely theoretical in respect of advancing conceptions on masculinities as a cause of animal harm, it draws on the author's prior research into wildlife and animal crime and makes use of both empirical research (including prior research) and documentary analysis. For this paper, a literature review was conducted in order to identify factors that indicated the existence of masculinities within animal harm (as defined later in this article) or where evidence of a particularly male offending characteristic was present. The literature review examined prior research studies on the links between animal abuse and human violence. Studies in this area have identified some correlation between animal abuse and interpersonal violence, and have also examined the extent to which violent male offenders are exposed to or are engaged in animal abuse prior to being active in human violence. The evidence of research studies suggests that where animal abuse occurs, interpersonal violence (and particularly domestic violence) is likely to occur, and vice versa (Linzey, 2009). Such abuse is predominantly committed by men against women with vulnerable animals often used as tools to aid offending (for example involving children in animal abuse as a form of control and abuse in its own right). Accordingly, this article examines what the available research reveals about the reasons why male offenders may engage in animal abuse, and the influence of notions of masculinity upon their offending. In addition, an analysis of selected available prosecutions data was conducted in respect of animal abuse offending in the UK. The author's research on dog-fighting in the UK, for example, identified that the majority of those prosecuted for dog-fighting offences are male (Harding & Nurse, 2015). As part of this research, the available data on prosecutions was revisited in order to try and identify the indicative male behaviours (psychological, social and cultural) that are possible predictors of animal abuse and that also might help to identify which offences in relation to animal abuse are being prosecuted in respect of male offenders.

During the period 2000 to 2008 the author also conducted research into wildlife crime, which has also informed this article's research. This prior research into wildlife crime conducted interviews with the majority of UK wildlife NGOs focused on the scale of wildlife crime, the nature of offending behaviour that contravened legislation, and the adequacy of the law. Interviews were intended to provide a balance of the wide range of views and expertise available on wildlife crime issues and the differing policy perspectives held by individuals and organisations and represent a form of interpretive interactionism (Denzin, 2001). In particular, the combination of document research, and qualitative interview data was designed to provide the most comprehensive picture possible of wildlife law enforcement, wildlife criminality and offender type in the UK. It was accepted that while theorists might consider the NGOs approached in this research (the mainstream NGOs) to fit within a particular definition of environmental or animal rights organisations (Beirne, 2007; Connelly & Smith, 1999) there is considerable diversity in the culture, organisational structure and political sensibilities of the organisations. Allowing NGOs to answer open ended questions allowed them to expand on the reasons for their views, the moral or theoretical underpinnings of their views and the political imperatives that might dictate policy, predominantly aimed at addressing male offending. While the interviews were conducted for a broader purpose than the focus of this article, views were sought on a range of subjects including:

1. Why people commit wildlife crime
2. What should be done with wildlife offenders
3. The effectiveness of sentencing in wildlife crime cases
4. The case for changes to wildlife legislation
5. How to reduce wildlife crime

Thus, the interviews provided considerable information on the nature of offenders involved in wildlife and animal crime, who are predominantly male. What emerged from the empirical

research was a clearer picture of the nature of wildlife and animal crime in the UK as well as a picture of the types of offenders involved. One finding of the previous research was that whilst male offending dominated, offenders have different motivations and rationalisations for their offending (Nurse, 2011, 2013). Thus, rather than animal offenders fitting into the perceived wisdom of the rationally driven, profit-motivated offender, a range of offender types exist, including that of the masculinities offender (discussed later in this chapter).

In developing this article, information provided in the author's earlier fieldwork and the evidence of previous studies into animal abuse and human violence has been considered alongside criminological literature on the links between animal abuse and human violence, and of the role of masculinities in offending. By combining this information this article seeks to advance a theoretical basis for the role of masculinities in animal abuse. It also seeks to conceptualize the different types of masculinities behaviour that influences animal harm and leads to animal abuse committed by male offenders.

### **Defining Animal Harm**

Legal systems generally distinguish between the protection of domestic animals and wild animals (Schaffner, 2011). Non-human domestic or companion animals frequently receive higher levels of protection due to their reliance on humans and the perceived duty of care that humans owe to them after having accepted them into their homes. For example, the UK's Animal Welfare Act 2006 (and its associated devolved legislation)<sup>1</sup> imposes a duty of animal welfare on those who choose to have animals in their homes. The duty includes ensuring that companion animals have their individual needs cared for and are provided with

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<sup>1</sup> The Animal Welfare Act 2006 covers England and Wales. Different legislation exists in Scotland and Northern Ireland, although this is broadly comparable with the provisions of the Animal Welfare Act 2006.

a suitable diet (Nurse & Ryland, 2014). No such obligation exists in respect of wild animals and wildlife law is largely couched in negative rather than positive terms, specifying prohibited actions in respect of wildlife (i.e. those activities that when committed constitute an offence) rather than identifying the positive steps that need to be taken to protect companion animals and provide for their welfare.<sup>2</sup> Wild animals by contrast tend to be protected only in so far as their interests coincide with human interests such that there is benefit to humans in providing for wild animal protection. Thus, an anthropocentric notion of wildlife exists where animals living in a wild state are frequently seen primarily as a resource for human use rather than as sentient beings having intrinsic value and requiring protection from harmful human interests. This is reflected in the reality of much wildlife protection legislation broadly being conservation management legislation that allows for animals' continued use and exploitation, sanctioned within legislative systems via exemptions that allow certain harmful activities to continue while explicitly prohibiting others deemed to be cruel or unnecessary. Such laws often also contain legal defences that negate certain offences where accused individuals are providing with a means of justifying their activities (Nurse, 2012, 2013a, 2015a). Those offences which exist in wildlife legislation primarily reflect animals' property status and their value to humans (Nurse, 2012, 2013a; Schaffner, 2011) rather than a determined attempt to achieve effective animal protection. Accordingly, wild animals are arguably only protected up to a point. However, most jurisdictions have animal protection laws codifying what constitutes animal abuse and specifying the legal safeguards

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<sup>2</sup> These are encapsulated into the 'Five Freedoms': **1. Freedom from Hunger and Thirst** - by ready access to fresh water and a diet to maintain full health and vigour. **2. Freedom from Discomfort** - by providing an appropriate environment including shelter and a comfortable resting area. **3. Freedom from Pain, Injury or Disease** - by prevention or rapid diagnosis and treatment. **4. Freedom to Express Normal Behaviour** - by providing sufficient space, proper facilities and company of the animal's own kind. **5. Freedom from Fear and Distress** - by ensuring conditions and treatment which avoid mental suffering. The Five Freedoms have broadly been written into the UK's Animal Welfare Act 2006 and its associated Codes of Animal Welfare issued by the Government for different species of companion animal.

granted to companion animals (Nurse, 2013a; Schaffner, 2011). Yet the scope of these laws and their integration into criminal justice systems varies between jurisdictions, reflecting culture-specific attitudes towards animals (Nurse, 2013a). Western legal systems generally attempt to provide for effective levels of animal protection by incorporating animal welfare and wildlife crime laws into civil and criminal justice systems, but such laws are often poorly enforced reflecting a societal approach to animal harm that generally sees it as less important than other crimes (Nurse, 2012, 2013a).

Animal abuse and wildlife crime concerns risk remaining at the fringes of green criminology and socio-legal studies which are often dominated by debates about the case for legal animal rights rather than embracing species justice principles into an integrated justice approach. White (2007) identifies a main concern of species justice as being “the rights of other species (particularly animals) to live free from torture, abuse and destruction of habitat” (2007, p. 38). Thus, animal abuse and wildlife crime can arguably be considered jointly in the context of green criminology's theoretical and practical investigation into criminology's examination of threats and harms that impact beyond the narrow confines of interpersonal violence and property. The following definition of animal harm is offered as a means of implementing a species justice perspective:

Animal harm is any unauthorized act or omission that violates national or international animal law whether anti-cruelty, conservation, animal protection, wildlife or general law that contains animal protection provisions (including the protection of animals as property) and is subject to either criminal prosecution and criminal sanctions, including cautioning or disposal by means other than a criminal trial or which provides for civil sanctions to redress the harm caused to the animal whether directly or indirectly. Animal harm may



involve injury to or killing of animals, removal from the wild, possession or reducing into captivity, or the sale or exploitation of animals or products derived from animals. Animal harm also includes the causing of either physical or psychological distress . . . (Nurse, 2013a, p. 57)

This definition reflects the wide-ranging nature of animal harm activities incorporating both direct and indirect harms and as affecting both non-human companions and wild animals. It also reflects the varied nature of 'criminality' associated with animal harm and incorporates the notion that animal harm is defined as much by its behavioural traits as it is by whether animal abuse, cruelty or other specific forms of exploitation are involved. Crucially, animal harm is concerned with wrongdoing against non-human animals irrespective of whether the behaviour is defined as crime or as a civil or administrative wrong. That the act or its effects are prohibited and carry some form of sanction is the point at issue, not whether a particular legal system is used to address it. Thus, for criminological examination of green harms to be comprehensive, both environmental harms and animal harms should be considered.

Beirne (1999) suggests that animal cruelty is an important issue needing to be incorporated within criminological inquiry because of its importance on the following levels:

1. animal cruelty may signify other actual or potential interpersonal violence;
2. animal cruelty is, in many forms, prohibited by criminal law;
3. violence against animals is part of the utilitarian calculus on the minimization of pain and suffering (the public good);
4. animal cruelty is a violation of rights; and
5. violence against animals is one among several forms of oppression that contribute, as a whole, to a violent society.

Harms inflicted on animals are also important concerns for criminology and criminological understanding of offenders on a number of levels: legal attempts to protect animals indicate societal attitudes; the connection between harm to animals and inter-human violence indicates that animal harm issues should not be considered in isolation (Beirne, 2007; Linzey, 2009); and challenges to mainstream criminological debate and anthropocentrism around what constitutes crime and the nature of victimization are important to a contemporary notion of crime and justice (Nurse, 2013a). Considering biocentric and ecocentric (as opposed to anthropocentric) perspectives (e.g. Halsey & White, 1998; White, 2008), and thinking in terms of species justice and ecological justice (rather than simple criminal justice, social justice or even environmental justice), green criminology discusses ways in which threats to the rights of non-human animals and humans can be rectified.

### **The Causes of Crime and Deviance**

Understanding the psychology of offenders, the economic pressures that affect them and the sociological and cultural issues that impact on offending behaviour greatly aids understanding of what needs to be done to address behaviours and conditions that lead to animal harm. Some offences are motivated by purely financial considerations, some by economic or employment constraints (Roberts et al. 2001, p. 27) and others by predisposition towards some elements of the activity such as collecting; or exercising power over animals or by controlling others via the threat of harm to animals. The reality of animal harm is that it includes a range of different offending; the cruelty offences inherent in animal abuse and unnecessary suffering and the varied offending of wildlife crime. Wildlife offences involve different elements, some incorporating the taking and exploitation of wildlife for profit (wildlife trade) others involving the killing or taking or trapping of wildlife either in

connection with employment (for example, bird of prey persecution) or for purposes linked to fieldsports such as hunting with dogs (Nurse, 2013a).

Animal abuse is significantly influenced by masculinities, often involving the exercise of male power (frequently patriarchal) over other less powerful members of a family or community. The cruelty inflicted on animals, whether physical or psychological illustrates stereotypical male behaviour such as the exercise of control through physical force, intimidation and coercion employed in other areas such as domestic abuse, spousal control or the disciplining of children (Arkow, 1996; Browne, 1993). Many wildlife crimes involve appropriate male behaviours such as aggression, thrill-seeking or having an adventurous nature (Nurse, 2015a). In the context of dangerous activities involving wildlife (for example trophy hunting) recklessness, assertiveness and enjoyment in overcoming adversity are conducive to committing wildlife crime in sometimes difficult and dangerous outdoor conditions. Such activities may, for example, include a requirement to negotiate wildlife (e.g. dangerous species and adult wildlife protecting its young) and the attentions of law-enforcement and NGOs. In the contemporary context where law enforcement and game wardens are armed and use sophisticated surveillance techniques (Ellis, 2018; Vaughan, 2013) there is added danger and challenge involved in engaging with animals in the wild. In addition, the outlet for aggression allowed by such crimes as badger-baiting and badger digging, and hare coursing, and the opportunities for gambling related to these offences (and others such as cock-fighting) are likely to appeal to young men seeking to establish their identity and assert their masculinity and power over others. Such crimes by their very nature provide opportunities for men to engage in and observe violence, and to train animals (fighting cocks, dogs) that represent an extension of themselves and reinforce elements of male pride, strength, endurance and the ability to endure pain.

## **The Masculinities Offender**

Previous research (Nurse, 2011, 2013a) identified that within animal harm a distinct type of offender exists: the Masculinities Offender who is primarily motivated by power and notions of masculinity. In contrast to offenders who commit crimes purely for financial gain, masculinities offenders commit offences involving harm to animals and which involve exercising a stereotypical masculine nature both in terms of the power dynamic between human and vulnerable animal and the links to sport and gambling (Nurse, 2013a). There is often some link between these offences and low level organised crime. Considerations of why men commit the majority of crime, and certainly more crime than women, have taken into account biological explanations of crime and whether there are physiological reasons for men committing crime (Lombroso & Ferrero, 1895; Worrall 2001). They have also considered whether the socialisation of young men and the extent to which routes to manhood leave young men confused or anxious about what it means to be a man and whether this might cause young men to turn to crime (Kimmel, Hearn & Connell, 2005; Harland et al., 2005). Restrictive notions of masculinity dictate that many men are forced into roles as defenders and protectors of their communities (Harland et al., 2005) and are also encouraged to comply with the image of the “fearless male” (Goodey, 1997) and to achieve the ideal of hegemonic masculinity (Connell, 1995; Harland et al., 2005). Thus, men are encouraged to reject any behaviour construed as being feminine or un-masculine or which does not conform to traditional masculine stereotypes and engage in behaviour (such as the ‘policing’ of other men) which reinforces hegemonic masculinity (Beattie, 2004). Accordingly in animal harm discourse (Nurse, 2013a) evidence exists that the masculinities offender, directly engaged in harming animals as a primary form of societal non-compliance that asserts his masculinity is likely to derive some pleasure from his offence and this is a primary motivator.

Evidence from interviews, documentary analysis and that of court cases identifies that masculinities offences, particularly those linked to direct exploitation of animals, are seldom committed by lone individuals. In some of these crimes (e.g. pit-based dog-fighting, and hare coursing), the main motivation is the exercise of power allied to sport or entertainment; a link might also be made with organised crime and gambling (Harding & Nurse, 2015). Such crimes, classed as crimes of masculinities, also include elements of cruelty or animal abuse and perceptions by the offender of their actions being part of their culture where toughness, masculinity and smartness combine with a love of excitement. Examples include badger digging and badger baiting, and cock-fighting, as well as some crimes that involve the ‘sporting’ killing or taking of wildlife. Anti-fieldsports NGOs conclude that offences such as dog-fighting and hare coursing attract a particular type of offender attracted by the harm to animals, the excitement and enthusiasm of causing such harm and engagement in the illegal activity (League against Cruel Sports, 1997, p. 20).

American research on wildlife-oriented crimes of the masculine, including cock-fighting and cock-fighting gangs, explains that: “cock-fighting can be said to have a mythos centered on the purported behaviour and character of the gamecock itself. Cocks are seen as emblems of bravery and resistance in the face of insurmountable odds” (Hawley, 1993, p. 2). The fighting involved is “an affirmation of masculine identity in an increasingly complex and diverse era” (1993, p. 1) and the fighting spirit of the birds has great symbolic significance to participants as does the ability of fighting and hunting dogs to take punishment in UK wildlife crime. Thus, such activities arguably speak to distinctly male characteristics and provide a means through which masculine stereotypes can be reinforced and developed through offending behaviour (Goodey, 1997) and are important factors in addressing offending behaviour which may sometimes be overlooked (Groombridge, 1998). Wildlife offenders in the UK are almost exclusively male and in the case of the more violent forms of wildlife

offender exhibit distinctly masculine characteristics. The literature in the UK and public policy response is some way behind that of the US in identifying a group of mostly young males involved in crimes of violence (albeit towards animals) that could turn to more serious forms of crime or expand their violent activities beyond animals and towards humans (Ascione, 1993; Clawson, 2009; Flynn, 2002). Analysis of dog-fighting prosecutions in the UK, for example, identifies the majority of those prosecuted as being young males (20 to 40) although limited data and inconsistency in recording mechanisms makes it difficult to profile offenders further in terms of such things as race, class and occupation. Hare coursing, cock-fighting and badger digging all involve gambling, with wagers being placed on individual animals, the outcome of a fight and other factors (including the power or strength of an animal). For some, the associated gambling is as important as the exercise of power, and significant sums are waged on fights, attracting the attention of organised crime.

For example, evidence from the RSPCA (2006, 2007) suggests that badger digging is a group activity and case report evidence also confirms that group relationships replicate informal criminal networks. Maguire (2000) described some loose criminal networks as being like an “old boy network” of ex-public-school pupils, individuals would be able to call upon others for collaboration, help or services when they needed them, and would be able to verify their ‘bona fides’ to those they did not know” (Maguire as cited in King & Wincup, 2000, p. 131). There is also a ‘secret society’ element to these wildlife crimes and here the community can actually encourage crime. The male-bonding element identified by Hawley is significant, as is the banding together of men from the margins of society and for whom issues of belonging, male pride and achievement are important. In discussing cock-fighting in America, Hawley (1993) explains that “young men are taken under the wing of an older male relative or father, and taught all aspects of chicken care and lore pertaining to the sport. Females are generally not significant players in this macho milieu” although special events for women

“powder puff” derbies are sometimes arranged (Hawley, 1993, p. 5). Forsyth and Evans (2001) reached similar findings in researching dog-fighting in the United States, concluding that an appeal to higher loyalties and an attachment to smaller groups took precedence over attachment to society for the dogmen, with dog-fighting having great cultural significance and wider social importance for the dogmen and other masculinities offenders. Harding and Nurse’s research into UK dog-fighting (2015, 2016) also identified the importance of a masculine group dynamic and in an analysis of dog-fighting activity and prosecutions in the UK also noted the extent to which dog-fighting had become a masculinities-based group activity.

### **Animal Harm as Masculine Control**

Animal harm can also be deployed together with domestic violence and exercise of patriarchal power within the home as a means to dominate other family members. Analysis of the literature on the links between animal abuse and human violence illustrates how children or spouses can be manipulated into remaining with an abuser by means of the control exercised over companion animals (Arkow, 1996; Browne, 1993) while older family members can be intimidated into remaining silent about any abuse. In this respect, domestic animal harm is less a criminological species justice issue relating to the specific issue of animal rights (Rollin, 2006; White, 2008) than it is one relating to how the animal harm imposed is a means to an end, where masculinities are an important factor. The nature of the animal harm committed and its link to wider abuse and control issues within the home is determined in part by the vulnerability of animals as powerless family members rather than their lack of any protective rights regime. Arguably, abuse of companion animals within a domestic setting can also be an indicator of other antisocial behaviour and a possible predictor

of future offending. In reality the mistreatment of domestic animals can occur for many reasons and can be either active or passive. *Passive* mistreatment can include neglect caused by “failure to act” such that companion animals are not properly cared for and harm is caused either as a result of misunderstanding an animal’s needs or through deliberate neglect. Frasch (2000) identifies that beliefs play an important part in the treatment of animals and understanding of their needs and neglect of animals can be an indicator of other problems within the family. But it is important to distinguish between *accidental* and *deliberate* neglect. Academic and policy discussions of animal abuse tend to concentrate either on *active* mistreatment or deliberate neglect where intent to cause animal harm is a significant factor and an indicator of either anti-social personality disorder, mental illness or some form of abuse within the family. However, accidental neglect, although receiving less attention in studies, can also be a potent indicator of domestic problems. First it is worth pointing out that although some accidental neglect may still be serious for the companion animal, it occurs naturally through misunderstanding of appropriate care needs or the simple process of companion animals being bought for children who are either unable to care for them adequately or who simply grow out of the relationship with a companion animal and move on to other things (Nurse, 2013a).

Animal harm is sometimes associated with power, especially patriarchal power. Weber (1964) identified the hierarchical nature of power within the family and its association with distinct family roles, primarily based around the father as the central power conduit with power circulating down to lesser family members. While Weber’s theory was based around less varied forms of the family than exist today, male power and masculinities remain significant factors in domestic violence and animal abuse. Feminist perspectives argue that patriarchy is a means through which dominant males use violence as an expression of power to control less powerful individuals within their immediate sphere of influence. Companion



animals have the least power within a family dynamic, partly through being unable to speak and exercise their 'rights' but also by virtue of their status as 'property' (Francione, 2007; Shaffner, 2011). It should perhaps be noted that contemporary animal welfare law such as the UK's Animal Welfare Act 2006 (and its associated devolved legislation) provide for a form of animal rights by virtue of imposing a duty of animal welfare on those owning or being responsible for animals (Nurse & Ryland, 2014). Yet despite this legal protection, animal abuse continues and is often linked to other forms of offending (Linzey, 2009). As Adams argues, abuse of animals is part of the wider dominance and exploitation of less powerful individuals by males (1994) through which a dominant male is able to control his immediate environment and increase both acceptance of his will and reliance on his authority.

A number of studies have identified a causal link between animal abuse and domestic abuse concluding that in homes where domestic abuse takes place, animal abuse is also often present (Ascione, 1993; Ascione & Weber, 1995; Lewchanin & Zimmerman, 2000). The relationship is a complex one; while not as straightforward as saying that an individual who abuses a spouse must also be abusing animals in the home it can however be said that where an individual in a position of power within the family (i.e. the dominant male) is abusing animals, other forms of abuse such as spousal or child abuse are also *likely* to be occurring. Active or passive animal harm in the form of animal cruelty can be part of a cycle of abuse within the family, or even a consequence of domestic abuse. Definitions of domestic abuse are themselves not straightforward. The term "domestic violence" is frequently used as shorthand to describe the most prevalent form of domestic abuse dealt with by criminal justice agencies, usually that of violence towards women by a male spouse or partner (Morley & Mullender, 1994). However, several criminologists and psychologists have examined domestic abuse in detail, concluding that domestic abuse is not confined to physical abuse that occurs solely within a domestic setting but can include a range of abusive behaviours that

occur either within the home or within the wider domestic environment and family (including extended family) relationships (Ascione, 2000; Petersen & Farrington, 2009). Domestic abuse can thus incorporate physical, psychological or sexual abuse, and while policy and law enforcement attention is often concentrated on physical or sexual abuse directed either at female partners or children, psychological abuse is equally important (O’Leary, 1999) and particularly relevant where animal abuse is concerned. Threats made against a companion animal can cause extreme emotional distress in both children and adult partners and can be an effective tool for an offender to both control other family members and those dependent on them or to influence control over a family dynamic. This control is particularly damaging for those vulnerable family members who have intense emotional attachments to companion animals. Morley and Mullender identified that “domestic violence is almost always a multiple victimisation crime” (1994, p. 5) as attacks (whether verbal or physical) by the same perpetrator are almost always repeated, although the frequency with which this occurs is dependent on the motivation of the offender (Farrell et al., 2005). Animal harm aimed at companion animals can thus be part of an overall pattern not just of persistent animal harm but of other antisocial behaviour and violence within the home. As a result, animal harm directed at companion animals is significant in terms of influencing subsequent animal harm caused by children and adolescents, and the escalation of animal harm either as control or punishment carried out during a deteriorating (or escalating) cycle of partner abuse.

### **Rationalizing Animal Harm**

Sykes and Matza’s neutralisation theory (1957) is a useful model for identifying the justifications used by offenders that gives them the freedom to act (and a post-act

rationalisation for doing so) while other theories explain why animal harm offenders are motivated to commit specific crimes. Animal offenders exist within communities of like-minded individuals, although there may not be a geographically distinct community about where the crimes take place or neighbours to exert essential controls on offending (especially in respect of wildlife offences which often take place in remote areas). Offenders may also live within a community or subculture of their own which accepts their offences, as many animal harm offences carry only fines or lower level prison terms which reinforce the notion of animal harm as ‘minor’ offences unworthy of official activity within mainstream criminal justice (Nurse, 2013b; Schaffner, 2011). In addition, Sutherland’s (1973 [1939]) differential association theory helps to explain the situation that occurs when potential animal abusers and wildlife offenders learn their activities from others in their community or social group (Sutherland, 1973). For example, mature egg collectors, identified as falling within a category of ‘hobby’ offender (Nurse, 2011; 2013a) argue that there is no harm in continuing an activity that they commenced legitimately as schoolboys. Examination of case files and newspaper reports on egg collecting confirm that new collectors continue to be attracted to the ‘hobby’ and learn its ways through interaction with more established collectors. Similarly, junior gamekeepers on shooting estates are alleged to have learned techniques of poisoning and trapping from established staff as a means of ensuring healthy populations of game birds for shooting and dog-fighters gain acceptance into their sport and learn the techniques of becoming successful, from others who are active in their activity (Hawley, 1993). Awareness of the illegal nature of their actions leads to the justifications outlined by Sykes and Matza (1957) but the association with other offenders, the economic (and employment related) pressures to commit offences and the personal consequences for them should they fail are strong motivations to commit offences (Merton, 1968).

Elsewhere, communities encourage the main learning process for criminal behaviour within intimate groups and association with others. In fox-hunting, for example, youngsters are encouraged to hunt by their parents or other adult hunt members and at the conclusion of a successful hunt may be 'blooded' (smeared with the blood of the fox) as a sign of acceptance into the fox-hunting fraternity. This, in part, ensures that the traditional sport of fox-hunting will continue as new enthusiasts are taught the ways of the sport from a relatively early age (notwithstanding any legal restrictions that may change the status of the sport). Many rural communities have strong traditions of hunting or fieldsports which persist despite legislative attempts to control such practices, and within indigenous communities traditional hunting and animal harvesting practices survive legislative efforts (John et al., 1985), although exemptions contained within legislation sometimes allow traditional subsistence hunting to continue.

As a causation of animal harm, the denial of injury is an important factor indicating not only that individuals do not see any harm in their activity but also confirming the view of animals as a commodity rather than as sentient beings suffering as a result of the individual's actions. Wise (2000) argues that the concept of inequality between humans and non-humans is central not just to the legal status of animals but also to how individuals treat animals. The perception that certain animals do not feel pain (or that any pain can be minimised) allows offenders to commit their offences without considering the impact of their actions or feeling any guilt over them. In mainstream criminology, there is evidence that burglars and other offenders when confronted by their victims in restorative justice conferencing often express surprise that their victims have strong feelings about the crime and the actions of the offender (Shapland et al., 2007; Sherman & Strang, 2007). As such, they do not readily see themselves either as criminals or causing harm by their criminality.

An appeal to higher loyalties, such as the traditional nature of an activity like dog-fighting and association with a community of like-minded males are also factors and provide

a strong incentive for new members to join already established networks of masculinities offenders. Hawley (1993) observed that cock-fighters often resort to argument ‘based on pseudo-psychological notions: the birds feel no pain’ and employ sophisticated arguments in denial of the pain caused. For the dogmen engaged in dog-fighting, the ability of a dog to endure punishment is seen as evidence of its 'gameness' and masculinity and is directly associated with that of its owner. In that sense its masculinity is prized and is seen as a reflection of its owners’ masculinity. Fighting is seen as 'natural' to some dogs. Thus, those engaged in these forms of animal fighting are especially aggressive towards NGOs like People for the Ethical Treatment of Animals (PETA) and other advocacy groups whom they demonise as ‘effete intellectuals and kooks’ who lack understanding of their activity (Hawley, 1993, p. 5).

Similar arguments occur in the UK concerning hunting with dogs and fishing. The conflicting arguments of the pro-ban and pro-hunt lobbies have been characterised as “town versus country.” Resistance to legislation which bans hunting with dogs in England and Wales (introduced in 2004) employed arguments that emphasise the traditional nature of hunting and dismissed legislation to ban hunting with dogs as Whitehall interference in the countryside.<sup>3</sup> Hunting supporters also deny that hunted animals feel pain and stress hunting as necessary and effective predator control. Even after the introduction of the *Hunting Act 2004* its proponents continue to challenge its legitimacy (Nurse, 2017). The Act was challenged on the grounds that it was incompatible with the European Convention on Human Rights (*R (Countryside Alliance and Others) v Attorney-General and Another Regina (Derwin and Others) v Same*, 2007). An earlier, separate challenge in *Jackson v Attorney General [2005] UKHL 56* represented an unsuccessful attempt to challenge the Act’s validity on constitutional grounds. The arguments pursued by hunt supporters are similar to those

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<sup>3</sup> Such arguments have been revisited in recent years as proposals to repeal the ban on hunting with dogs made its way into the UK Conservative Party's election manifesto (Nurse, 2015b).

employed by cock-fighters, badger baiters and badger diggers. While this is not to suggest that the activities are the same in any legal sense, the rationalizations given are those of denial, unwarranted intervention by legislators and allegations of a lack of understanding on the part of those that seek to ban the activity.

The public policy response to masculinities crimes reflects acceptance of the propensity towards violence of offenders and is similar to that employed for organised crime. Techniques employed by enforcers include infiltration of gangs, surveillance activities and undercover operations. Masculinities offences are considered to be more dangerous than other wildlife criminals and are treated accordingly (Nurse, 2013b, 2015a).

### **Preliminary Conclusions on Animal Harm and Masculinities**

This paper argues that a distinct masculinities offender exists in respect of animal harm. An examination of the primary motivations and offending behaviour in animal harm shows that rather than there being one 'rational' wildlife offender committing crime for profit there are several offender types (Nurse, 2013a). While the nature of the offences may be different, there is inevitably some overlap in the behaviours of different types of offenders, although the weight attached to various determining factors varies. Egg collectors, badger diggers and gamekeepers are all, for example, keeping a traditional activity alive but in different ways and for different reasons. The egg collector is pursuing his 'traditional' hobby, whereas the gamekeeper is perpetuating a learned traditional behaviour in the form of a type of predator control that has been handed down from gamekeeper to gamekeeper irrespective of changes in the law. The masculinities criminal may derive some financial gain from gambling but it is not a *primary* motivating factor whereas money is for the traditional criminal. What all offender types share in common is the likely knowledge that their activities

may be illegal (although there may be denial as to whether this should be the case) and that the likelihood of detection, apprehension and prosecution remains low.

For the masculinities offender, the effectiveness of prison or high fines is also questionable. Much like gang members in the inner-city US, those involved in organised crime, or youths who see ASBOs as a badge of honour (Youth Justice Board and BBC News, November 2006), masculinities offenders may come to see prison as simply an occupational hazard as well as reinforcing their male identity and confirmation of society's lack of understanding of their needs and culture. For these types of offender, situational crime prevention should be attempted and a real effort at rehabilitation made alongside the traditional law enforcement approach of detection and prosecution. Consideration may also need to be given to the circumstances in which groups of young men turn to crime with a violent element and whether the type of social work intervention combined with law enforcement activity that now takes place in parts of the US with animal abusers (Brantley, 2009; Clawson, 2009) could be applied in the UK.

Within families, domestic animal harm, particularly abuse that involves inflicting physical harm on animals, is an indicator not only of domestic abuse perpetrated on partners and children typically by the adult male in the family, but also of psychological disorders that may show a propensity towards other forms of violence and antisocial behaviour. Animal harm thus needs to be recognized not just as a factor in domestic abuse but as a form of abuse in its own right and as an indicator of antisocial behaviour or violent tendencies in both adults and children that may be associated with other forms of offending. If recognized early in children, assessing the precise nature of childhood animal abuse may be an important factor in diverting children away from future offending (Hutton, 1998) or determining the correct approach to deal with abusive relationships within the family. In adults, animal harm can indicate the existence of other masculinities driven offending such as spousal or child abuse.

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