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## **Don't put all your speech-acts in one basket: situating animal activism in the deliberative system**

### **Abstract**

In this article I offer deliberative systems as a normative and evaluative approach through which to appraise typically 'non-deliberative' animal activism. Although such actions can contribute to inclusive deliberation through the political representation of animals, I caution against an over-reliance on such tactics and interrogate the claim that non-deliberative tactics are essential ingredients for prompting the reflection and reconsideration that animal rights philosophy demands. Instead, non-deliberative activism may serve not only to undermine further deliberation but to actually jeopardise animal protection goals.

**Keywords:** deliberative democracy, deliberative system, animal rights, activism

### **Introduction**

Recent contributions to the debate on animal rights and deliberative democracy have primarily illuminated incompatibilities between the two.<sup>1</sup> Thus far however, scholars have failed to consider deliberative systems as a normative and evaluative framework through which to assess animal activism. I argue that deliberative systems offers valuable insight into the role of non-deliberative approaches that animal activists frequently adopt. It offers an attractive normative justification for the use of non-deliberative acts on the basis of their contribution to inclusive deliberation and the representation of animals. The strength of the systemic approach also evaluative. I conclude by suggesting that although non-deliberative actions can enhance inclusive deliberation, an over-reliance on them may serve to undermine both deliberative and animal protection goals. This is particularly relevant when it comes to transmitting animal activists' messages to decision-makers.

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<sup>1</sup> Eg. Humphrey and Stears 2006; Hadley 2015a, 2015b.

The role of activism in deliberative democracy has been subject to debate amongst deliberative theorists for some time. A number of scholars have sought to demonstrate how non-deliberative politics including social movements, protest and disruption and everyday talk can harbour deliberative potential.<sup>2</sup> Such potential has taken varying forms: from deliberative organisation within movements themselves, to the impact of activism on public deliberation itself. The systemic turn in deliberative democracy provides theorists with a conceptual framework to situate and evaluate non-deliberative acts. However as John Hadley points out, the precise implications of admitting non-deliberative actions are somewhat opaque and vague<sup>3</sup> - which actions should be ‘allowed’? How exactly do they contribute to further deliberation? Hadley’s concern is taken further by Owen and Smith who caution deliberative systems scholars not to get too carried away in their endorsement of non-deliberative actions. In particular, they warn against admitting non-deliberative practices simply in virtue of their contribution to systemic quality. Instead, they suggest that

Any such account should indicate how to evaluate the trade-off between the deliberative quality of the parts and of the system as a whole, and do so by reference to the deliberative democratic ideal. It should suggest ways of assessing both the value of non-deliberative practices and any deliberative wrongs they may involve.<sup>4</sup>

In other words, although non-deliberative acts may enhance overall systemic deliberation, this does not justify deliberative wrongs. Although there are compelling reasons to support the deployment of disruptive animal activism, latent deliberative potential is not realised uniformly across the deliberative system. Instead, the benefits or otherwise of non-

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<sup>2</sup> Eg. Della Porta 2005; Mendonça and Ercan 2015; Mansbridge 1999; Smith 2015.

<sup>3</sup> Hadley 2015a. An exception to this is Jennifer Dodge 2009; an excellent analysis of an environmental justice campaign’s use of non-confrontational coercion.

<sup>4</sup> Owen and Smith 2015: 226; see also Bächtiger et al 2010.

deliberative tactics will vary in different communicative sites, and may not provide a clear balance sheet.

The article is divided into three sections. I first outline the deliberative systems approach and Dryzek's account of the deliberative system as a framework through which to evaluate the role of animal activism, as well as a normative justification for the use of non-deliberative actions.<sup>5</sup> I go on to outline Humphrey and Stears' critique of deliberative democracy's apparent incompatibility with animal rights activism. In particular, I refute their claim that deliberative democracy restricts animal activism and instead argue that inclusive, authentic and consequential deliberation is conducive to animal protection goals.<sup>6</sup> In the second section, I consider the role of 'cost-levying' in the deliberative system, following Humphrey and Stears' own definition of cost-levying as political action 'premised on the assumption that the incentive structures for particular courses of action can be directly altered by a politically engaged group of citizens if those citizens target their behaviours in the right sort of way'.<sup>7</sup> In the third section I discuss the exaggeration of moral disagreement – when activists use moral shock tactics to distance themselves from their adversaries and deliberately polarise debate. Humphrey and Stears suggest that this shock is necessary to induce reflection and change behaviour. Whilst I agree with the premise that the exaggeration of moral disagreement is intended to persuade, it does not follow that it is necessarily effective. From a systemic perspective, the risks of alienating or desensitising certain audiences must be considered in any appraisal of animal activism and deliberative democracy.

## **Deliberative Systems**

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<sup>5</sup> Eg. Dryzek 2009; with Stevenson 2014.

<sup>6</sup> See also Parry forthcoming

<sup>7</sup> Humphrey and Stears 2006: 405.

Deliberative Democratic theory has undergone a number of well-known ‘turns’ since its inception.<sup>8</sup> Nonetheless the core of deliberative democracy remains a theory of democracy whereby deliberation – a particular type of communication – is the central tenet of democratic decision-making. Political decisions should be made through a process of deliberation. Legitimacy is derived from the extent to which affected interests have been able to participate in this deliberative process.<sup>9</sup> Authentic deliberation is communication defined by truthfulness, mutual respect, non-coercive persuasion, efforts to be constructive in finding acceptable outcomes, prioritisation of generalizable interests and reflexivity.<sup>10</sup> In addition to the core features of authentic deliberation, all those affected by a collective decision must be included in some way. The most recent development in the field is the systemic turn, conceptualised by Mansbridge as a set of communicative sites interacting and having some effect on each other and an overall outcome:

Through talk among formal and informal representatives in designated public forums, talk back and forth between constituents and elected representatives or other representatives in politically oriented organizations, talk in the media, talk amongst political activists, and everyday talk in formally private spaces about things the public ought to discuss...the full deliberative system encompasses all these strands.<sup>11</sup>

Once evaluation of deliberative quality moves to a systemic level, it is no longer necessary to achieve the highest procedural quality in a single deliberative moment or forum, because overall deliberative capacity is also evaluated.<sup>12</sup> This is not to suggest that evaluation of different components is done away with altogether, as Owen and Smith fear. It simply

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<sup>8</sup> Mansbridge et al. 2012: 25–6; Dryzek 2010: 6–9.

<sup>9</sup> Ibid: 22.

<sup>10</sup> Stevenson and Dryzek 2014: 25.

<sup>11</sup> Mansbridge 1999: 211.

<sup>12</sup> Dryzek 2009.

provides a cohesive framework through which to assess communication across public and private, formal and informal settings. As Mansbridge et al point out:

Even if a legislature has a high quality and well informed debate...the deliberation looks less adequate in the context of a system that permits highly unequal campaign contributions or enables the media to frame the issue...A systemic approach allows us to see more clearly where a system might be improved, and recommend institutions or other innovations that could supplement the system in areas of weakness.<sup>13</sup>

John Dryzek has provided the most empirically feasible conception of the deliberative system in the emerging literature, and it is this model that I use to consider the role of animal activism. Dryzek's system describes the settings in which different deliberative features are sought:

- Private Sphere: informal conversations usually be inaccessible as they take place between friends, family or colleagues in private locations.<sup>14</sup>
- Public Space: where communication is openly accessible. Separate from formal decision-making arenas, public space can include communication between and amongst members of the public, activists or the media.
- Empowered Space: settings where collective decisions are made - including governments, networks, or actors such as advisory groups, experts, cross party groups and committees.

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<sup>13</sup> Mansbridge et al 2012: 3-4, emphasis added.

<sup>14</sup> Mansbridge 1999 emphasises the importance of 'everyday talk' in private conversations for its role in preference-forming.

- Transmission: the mechanisms by which messages are transmitted across different sites; including campaigns by activist groups, media reporting or even voting behaviour.
- Accountability: the ways in which decision-makers provide an explanation of their actions to the public.
- Meta-deliberation: the ability of the entire system to reflect on itself and self-rectify.
- Decisiveness: the extent to which deliberation or communication in the rest of the system actually impacts on substantive outcomes.<sup>15</sup>

The deliberative system is evaluated against the criteria of inclusivity, authenticity and consequentiality.<sup>16</sup> In a healthy deliberative system, authenticity is sought in all settings. Authenticity refers to the standard features of deliberative communication already outlined. Inclusivity – the inclusion of affected interests – should be present in some sense in all settings but is primarily sought in public space, since this is where communication is unconstrained and ideally anyone can participate. A growing number of deliberative scholars suggest that it is the distillation and contestation of different viewpoints that constitutes a healthy deliberative public space.<sup>17</sup> This position emphasises the importance of challenging dominant narratives and crystallising new and emerging discourses – as opposed to the stifling effect that Humphrey and Stears imagine.<sup>18</sup> Overall system health remains contingent on whether the inclusive constellation of discourses is successfully transmitted through to decision-making arenas in empowered space.

Here I emphasise three sites: public space, empowered space and transmission. These are the primary spaces in which animal activism is prominent; much of the movement has focussed

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<sup>15</sup> Dryzek 2009: 1385-6; Stevenson and Dryzek 2014: 27-9.

<sup>16</sup> Ibid: 32.

<sup>17</sup> Eg. Curato, Niemeyer and Dryzek 2013; Dryzek esp. 1990; Parkinson 2006; Stevenson and Dryzek 2014.

<sup>18</sup> Humphrey and Stears 2006: 419.

on raising public awareness of animal abuse and trying to persuade members of the public to adjust their behaviour accordingly. Animal protection organisations also lobby government and push for policy and legislative changes to tip the scales in favour of animals – therefore many of their tactics are transmission mechanisms, transmitting their messages directly to decision-makers in empowered space. These spaces also see a myriad of communication flowing through. Animal protectionists transmit their claims in several different directions: toward the public, to decision-makers and animal industries. The flow does not stop there; messages may be filtered by media outlets, countered by industry lobbyists, rejected, accepted or transformed by publics and politicians. It is only from a systemic vantage point that we can appreciate the discrete ways in which animal advocates' messages are interpreted or received in different communicative sites.

There remains the question Hadley raises in relation to animal activism – does this imply an 'anything goes' approach whereby all non-deliberative acts should be permitted if they contribute to further deliberative capacity further down the line?<sup>19</sup> This is at least partly addressed in the system by considering the final criterion, consequentiality. Consequentiality is ultimately seen in the decisions that emerge from empowered space, and is seen in the extent to which deliberation in various parts of the system has an effect on those decisions. Any evaluation of animal activism in the deliberative system must therefore consider not only its contribution to inclusivity and authentic deliberation, but also whether that ultimately has any discernible impact on concomitant decisions. However, that is not say that violence, threats and property damage are acceptable from a consequentialist perspective either – we also have to take into account the negative impact of such activities on, for example, public perception of animal activism and reputational damage to the movement as a whole. Here activists themselves need to be reflexive and able to reflect on their own actions and tactics

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<sup>19</sup> Hadley 2015a: 701; Owen and Smith 2015.



and weigh up the purported benefits or otherwise.<sup>20</sup> However, we can only weigh up such deliberative potentials from a systemic rather than linear viewpoint. Rather than focussing on the effect on individual actions ‘further down the line’, activists need to consider the multifarious and discrete impacts that their actions have in different parts of the deliberative system.

### **Animal Activism and Deliberative Democracy**

Humphrey and Stears’ argue that the behavioural and procedural restrictions of orthodox deliberative democracy serve to undermine the political equality of animal activists and stifle the radical innovation needed to awaken people to the animal rights position. I fundamentally disagree with them: inclusive, authentic and consequential deliberation can facilitate animal protection goals.

Humphrey and Stears sketch out two categories of non-deliberation action employed by animal rights activists. Cost-levying broadly refers to any action where an activist seeks to impose some cost on those who participate in or support animal abuse. Cost-levying ranges from the relatively benign (public boycotting of a company involved in animal testing) to beyond the boundaries of legal and ethical acceptability (vandalism, breaking and entering, intimidation). As Humphrey and Stears justifiably point out, such activities are classed as non-deliberative since they involve coercion and force, rather than discursive engagement or persuasion. So far, so good. Cost-levying is not deliberative. This is not to say that cost-levying does not have a place in the deliberative system – but nonetheless such actions stand alone as non-deliberative.

Humphrey and Stears go on to argue that any reasonable theory of democracy ought to make space for cost-levying tactics on the basis that they enhance the political equality of activists.

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<sup>20</sup> Brown and Quinn-Allan 2015: 16.

They suggest that activists are a small, marginalised group, Davids in comparison to the Goliaths of the animal industries they are fighting – huge agribusinesses, pharmaceutical companies and so on. The use of cost-levying tactics is acceptable under some circumstances because

...small, or relatively unpopular, groups of political activists must find ways of placing their issues on the political agenda; they must somehow find leverage out of their otherwise uninfluential political position.<sup>21</sup>

Again: so far, so good. In the deliberative system, cost-levying tactics may be justified on the basis that they enable animal activists to shoulder their way into the public eye and highlight issues that would otherwise remain hidden. It's fairly easy to see how they contribute to inclusivity in public space in this way. However, Humphrey and Stears go beyond this in their implications, stating that activists employ cost-levying tactics in order to 'lead others at least to think seriously about their concerns, on this model by getting in the way of the normal day-to-day behaviour of a range of other citizens, unsettling their practices and thus waking them up to the protestors' existence and their demands'.<sup>22</sup> This suggests something much more substantial than simply getting onto the agenda; Humphrey and Stears suggest that cost-levying is employed in order to 'kick-start the process of reconsideration'.<sup>23</sup> Despite the fact that they purport to be arguing against deliberative theory here, Humphrey and Stears' 'process of reconsideration' is remarkably similar to the deliberative ideal of reflexivity, where people are prepared to reflect on their own positions and reconsider them in light of new information and alternative perspectives.<sup>24</sup> The problem is that Humphrey and Stears elevate the capacity of cost-levying to meet the demands of inclusive and authentic

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<sup>21</sup> Humphrey and Stears 2006: 406.

<sup>22</sup> Ibid: 407.

<sup>23</sup> Ibid: 407.

<sup>24</sup> Eckersley 2004: 119

deliberation when they suggest that cost-levying is a persuasive device. In suggesting that cost-levying aims to persuade, they fail to appreciate the differentiated motivations of animal activists. Hadley points out that some animal activists take part in disruptive cost-levying activities with the relatively straightforward aim of saving animals.<sup>25</sup> In cases such as these, it is far from clear whether the disruptive activity has the ultimate aim of dissuading protagonists to reconsider their behaviour in the way that Humphrey and Stears suggest. To be sure, direct action may result in such a level of disruption that the targeted activity is abandoned, but it does not necessarily follow that the costs imposed are sufficient or conducive to actually persuading people to reconsider future participation in the activity.

### **Representing Animals in the Deliberative System**

If cost-levying is sometimes carried out without any intending to persuade, what is its deliberative potential? Hadley is somewhat dismissive, describing this kind of activism as ‘extremist’ and focusing his discussion on ‘moderate’ activists.<sup>26</sup> I argue here that although the latter part of Humphrey and Stears’ claim is questionable – that cost-levying aims to persuade – the initial statement that cost-levying helps get issues onto the agenda is worth exploring in further depth.

Humphrey and Stears raise a valid point about the potential contribution that non-deliberative actions can make in providing a corrective to pre-existing structural inequality.<sup>27</sup> Conversely, Hadley argues that animal advocates do not have their political equality undermined as Humphrey and Stears suggest, pointing out that ‘it is not as if animal rights advocates are being physically harmed or killed or denied a chance to vote in elections’.<sup>28</sup> Consequently, he goes on, the plight of animal advocates does not satisfy the gravity of injustice condition that

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<sup>25</sup> Hadley 2015b: 14.

<sup>26</sup> Ibid: 14.

<sup>27</sup> Eg. Young 2001.

<sup>28</sup> Hadley 2015a: 705.

would justify the use of direct action tactics<sup>29</sup>. However, neither Humphrey and Stears nor Hadley take into account the democratic credentials of animals themselves.

Both recognise the moral justifications for non-deliberative action: Humphrey and Stears put forward the ‘moral urgency’ and animal advocates’ impatience with existing political processes; the scale and suffering of animal abuse is too morally pressing to wait.<sup>30</sup> Similarly, Hadley recognises that that state of injustice may be grave for animals but denies that this in itself is justification for the use of violence, threats and property damage in the name of political equality of activists.<sup>31</sup> But neither article considers animals in a truly democratic sense.

If we take the all-affected principle of democracy seriously – and many deliberative scholars do – then all those who are affected by a political decision ought to be able to participate or be represented in the decision-making process. It is of course the endorsement of the all-affected principle that makes deliberative democracy appear so promising to environmental and animal advocates. Under the all-affected rubric, it is easy to cede that animals should be included somehow in any deliberative process. From a democratic point of view, that animals are unable to participate renders them perhaps the ultimate marginalised group in our societies. But there is no theoretical barrier to including animals in democratic processes<sup>32</sup>. The all-affected principle offers a deliberative democratic justification for inclusivity. Furthermore, the premise of authentic deliberation is ‘that all the views of participants are taken seriously and that everyone tries to empathise with the views of others’.<sup>33</sup> In other

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<sup>29</sup> It’s important to note that Hadley’s focus here is on the justification of violent actions in particular. However, his point that animal advocates are not having their political equality undermined remains a valid point of contention regardless of the type of actions they undertake.

<sup>30</sup> Humphrey and Stears 2006: 416.

<sup>31</sup> Hadley 2015a: 706.

<sup>32</sup> Parry forthcoming.

<sup>33</sup> Garner 2016: 6.

words, animal perspectives should, according to deliberative procedure, be given serious consideration.

Rather than Humphrey and Stears' concern about the political equality of activists, I shift focus to the political equality of animals themselves. This is not to claim that animals ought to be acknowledged as political equals to humans; whether animals can vote or not is clearly trivial. It is not trivial however, to talk of giving animals equal consideration to humans in the relevant forums. If we take seriously the democratic credentials of animals then in many cases it is clear that they are not given equal consideration in decision-making processes, meaning that their political equality is considerably undermined. This arguably does meet the gravity of injustice condition outlined by Hadley: they are 'physically harmed or killed'. Whereas Hadley argues that 'unlike the case of Rosa Parks, the law does not require animal rights advocates to give up their seats at the front of a bus simply in virtue of having animal rights convictions', it is the case that animals are not given due legal, moral or political representation and consideration simply in virtue of them being nonhuman animals.<sup>34</sup>

Authentic deliberation offers promising conditions for the inclusion of animals: the 'enlarged thinking'<sup>35</sup> that is required to enable the consideration of generalizable and common interests is conducive to considering seriously the plight of nonhuman animals. The potential offered by deliberative democracy provides a compelling reason for animal protectionists to pursue this approach: deliberative democracy offers a justification for representing animals in decision-making that does not rely on first principles as a foundation. As Cochrane et al point out, this enables us to 'rethink what we owe to animals on the basis of principles and

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<sup>34</sup> Hadley 2015a: 705

<sup>35</sup> Eckersley 2004: 116

institutional arrangements that we already accept, rather than on the basis of controversial claims about animals' moral worth'.<sup>36</sup>

How exactly we might include animals in a meaningful political way is beyond the scope of this paper, but it is worth noting that I do consider human representation to be a necessary corollary. I imagine animal advocates and activists as something akin to Dobson's vision of proxy representation for animals.<sup>37</sup> In the deliberative system however, activist proxies do not sit in parliament but are self-appointed substantive representatives acting in every setting of the system and in particular in public space and transmission. This assumption is sensible; many animal protection organisations make representative claims on behalf of animals. A glance at the websites of some prominent animal protection organisations illustrates this: UK anti-hunting organisation Save Me Trust states on its home page that it 'gives wild animals a voice'. Australian institute Voiceless recently introduced their 'Voice for Animals Bill' as a method of 'giving a legitimate political voice to animals'.<sup>38</sup> Furthermore, I start from the somewhat cynical position that Humphrey and Stears also occupy: in a political system so skewed by an unequal distribution of power and the dominance of the animal use paradigm and industry, we need animal activists to act as proxy representatives. Animals need human representation in current political conditions. If animal activists can internalise and incorporate the interests of animals,<sup>39</sup> then they may be, at this point in time, the most effective political representatives of animals that we have.

If we accept that activists act as representatives of animals, we must take into consideration the marginalised space that animals themselves occupy as a further democratic justification for the acceptance of non-deliberative actions. One glaring example of animal representation

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<sup>36</sup> Cochrane et al forthcoming: 15

<sup>37</sup> Dobson 1996

<sup>38</sup> Save Me Trust 2015; Voiceless 2015

<sup>39</sup> Cf. Goodin 1996

is the use of graphic imagery of animal suffering. The use of such images is non-deliberative in the sense that does not involve the deployment of reasoned argument, but instead relies on invoking a more visceral reaction in the audience of revulsion or horror. Images of animal suffering are a form of cost-levying because they imposes a kind of psychological cost on the viewer in an attempt to instigate behaviour change. As one anti-hunting campaign video asks of its audience, following some disturbing footage: 'Can't stomach this cruelty? Then don't vote for it!'<sup>40</sup> According to Humphrey and Stears, this is justified on the basis that it gives activists the grist they need to claw their way onto the political agenda. But graphic imagery can also be seen as enabling animals to get onto the agenda as well. Without representation, they may otherwise remain invisible. In the deliberative system, graphic images of animal suffering can contribute to inclusivity through the representation of animals. However, Humphrey and Stears also claim that exerting this psychological cost is essential in jolting people out of their 'sticky' cognitive frames of reference, and are thus vital elements in democratic debate.<sup>41</sup>

Previous analyses of animal rights activism and deliberative democracy remain tied to the idea that in order to be considered deliberative, an action - deliberative or otherwise - is directly tied to its intended outcome: Humphrey and Stears define cost-levying activity as intending to instigate a change in behaviour; D'Arcy suggests that non-deliberative means can provide an impetus for future reason-based discussion.<sup>42</sup> Conversely, Hadley questions how extreme forms of direct action such as threats and property damage could ever be justifiable and constitute 'deliberativeness' further down the line.<sup>43</sup> Empirically, it would be necessary to follow the impact of a single graphic image from T1 to T2 to evaluate whether it had in fact had the desired effect of getting people to change their behaviour. It is a mistake

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<sup>40</sup> League Against Cruel Sports 2015

<sup>41</sup> Humphrey and Stears 2006: 415.

<sup>42</sup> D'Arcy 2007: 13.

<sup>43</sup> Hadley 2015a.

to conceptualise the deliberative potential of non-deliberative actions in such a linear way. In reality, there is no ‘further down the line’ because the impact of even a single action is much more dispersed and nuanced than this. In the deliberative system, non-deliberative actions can be evaluated in a more holistic manner by asking not only if an action has the desired effect, but also considering ‘how, and under what conditions’.<sup>44</sup>

Cost-levying can contribute to inclusivity by making animal suffering visible. However, it does not necessarily follow that non-deliberative actions contribute significantly to the reflexivity needed for people to re-assess their behaviour regarding animals. Instead, non-deliberative actions may have the undesirable effect of alienating an audience or reinforcing their original perspective and undermining reflexive capacity. However, such actions will have varying effects in different sites in the deliberative system: the boycotting of a company that tests on animals may resonate well with consumers and ignite public interest, for example, but may not make a persuasive in empowered space. In the ideal situation, an incensed public reaction ensures that decision-makers receive and respond to their concerns. But this situation does not really exist; it is an assumption that has underpinned the movement for almost 50 years and it has quite simply ‘failed to deliver meaningful animal protection’.<sup>45</sup> Thus whilst non-deliberative actions make an important contribution to inclusive deliberation, animal activists would do well to avoid an over-reliance on such tactics at the expense of more deliberative approaches and to deploy them judiciously.

The ‘exaggeration of moral disagreement’ as Humphrey and Stears define it<sup>46</sup> is a form of polarising rhetoric employed by animal activists that seeks to emphasise the moral distance

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<sup>44</sup> Boswell et al forthcoming: 6.

<sup>45</sup> Roberts 2015.

<sup>46</sup> This phrase is Humphrey and Stears’ own; the question of whether animal activists are in fact exaggerating moral disagreement is not discussed here.



between their position and purported adversary.<sup>47</sup> This is juxtaposed to communicating their arguments in terms that interlocutors can agree with as in Guttman and Thompson's 'economy of moral disagreement'.<sup>48</sup>

[animal activists] tend to employ a range of rhetorical strategies that would not endear them to deliberative democrats. Most notably, they are often to be found dramatically maximizing the differences between their position and the position of their rivals. They do not seek compromise or agreement nor do they even often outline criteria for evaluation that could be shared with their opponents; they aim, instead, to demonize what they see as unacceptable practices.<sup>49</sup>

Humphrey and Stears consider various explanations for the employment of the exaggeration of moral disagreement, but the most compelling is that polarising rhetoric is used primarily for the entailing shock factor. They point out that comparisons between the Holocaust and factory farming 'forces people to think about livestock farming in a way they never would have before if they had not been presented with this image'.<sup>50</sup> Polarising rhetoric like this is also similar to cost-levying; a sort of 'conscience-levying' in its implication of audience complicity: are you one of us, or one of them? In responding to footage of horrific conditions in factory farms for example, the audience becomes either the potential saviour of animals (if they accept the message and stop buying factory farmed products) or the demonised abuser (if they ignore the message and continue to buy factory farmed products). The onus is on the viewer as to which side they wish to take; there is no in-between.

The exaggeration of moral disagreement certainly appears to be more overtly persuasive in nature than some cost-levying activities. It still falls far short of deliberative ideals since it

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<sup>47</sup> Humphrey and Stears 2006: 411; D'Arcy 2007: 8.

<sup>48</sup> Guttman and Thompson 2006.

<sup>49</sup> Humphrey and Stears 2006: 408.

<sup>50</sup> Ibid: 411.

does not seek to engage in meaningful argument with interlocutors, but to demonise and antagonise adversaries. The use of controversial comparisons does not constitute reason-based argument, but a stark moral position presented for an audience to identify with or otherwise. Nonetheless Humphrey and Stears remain adamant that exaggeration of moral disagreement is still carried out with the intention of ‘jolting’ people out of their ‘cognitive stickiness’ – the frames of reference within which the status quo sit, outside of which lies radical animal rights philosophy.<sup>51</sup> Hadley questions this intention when he points out that some animal activists participate in non-deliberative actions directly to save animals.

In what follows, I suggest that the exaggeration of moral disagreement – considering video activism as an example – may not have the reflexive clout that Humphrey and Stears claim but that it can have finite deliberative potential in the deliberative system.

### **Reflexivity and risk: graphic imagery and moral shocks in the deliberative system**

Images of animal suffering have long been a stalwart of activists but in recent years social media, video sharing sites and digital activism have given rise to a proliferation of photos and video activism – from shaky amateur undercover footage to slick, sculpted campaigns produced by major animal protection organisations. Such videos often fall into one or both of two categories: graphic imagery of animal abuse and suffering, or moral shock videos. Moral shock videos often draw analogies between animal and human suffering and rely on ‘emotion work’ as Adam Brown and Deirdre Quinn-Allan describe it: the weaving of an affective story that is designed to elicit an emotional shock to the audience and subsequently initiate a behavioural change.<sup>52</sup>

From both a deliberative and animal protection perspective, we need to ask whether moral shock or graphic videos have the desired effect. In the language of deliberative systems, are

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<sup>51</sup> Ibid: 411.

<sup>52</sup> Brown and Quinn-Allan 2015: 2.

they consequential – do they prompt reflection, and consequently impact on behaviour or decisions? Brown and Quinn-Allan question the potential benefits of graphic footage, contending that ‘the overuse of graphic footage of animal cruelty might distance broad publics from debates on animal welfare rather than inspire support and action’.<sup>53</sup> They base their contention primarily on two strands of argument that are (albeit unintentionally) close to the deliberative democratic position: firstly, that demonising people who do bad things to animals excludes important stakeholders from any meaningful dialogue. Such demonisation risks further alienating those whom animal advocates ultimately need to persuade if a substantive structural change in animal industries is to occur.

The propagation of moral distance between activists and people who do bad things to animals is indicative of the broader manner in which much of the animal protection movement operates: generally the intended audience is the public, based on the assumption that the public are reasonable and amenable to animal protection messages.<sup>54</sup> Animal industries are more often than not the target of disruptive cost-levying activities - they are seen as unreasonable and unresponsive to reasoned argument. Interestingly, Brown and Quinn-Allan suggest evidence of contrary; that ‘audiences involved in animal farming and allied industries may be persuaded through a more prominent use of rational message appeals’.<sup>55</sup> It is possible that an over-reliance on the exaggeration of moral disagreement and cost-levying without recourse to sufficient reason-based arguments actually undermines the persuasive potential of animal activists. Through demonising and antagonising their adversaries, animal activists give those in power more of an excuse not to take their demands seriously. Moreover, these

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<sup>53</sup> Ibid: 6.

<sup>54</sup> There is a deeper structural objection to this approach that deserves further attention than is possible here; Aiming to primarily persuade the broader public implicitly places responsibility for animal protection on the individual and essentially allows policymakers and animal industries to get away scot-free. Placing emphasis on individual responsibility neglects the structures that facilitate the continuation of animal exploitation.

<sup>55</sup> Brown and Quinn-Allan 2015: 4.

tactics draw attention away from the substantive argument and ‘rationalistic basis of animal rights philosophy’.<sup>56</sup>

Even if the broader public are the best target audience for animal activists, Brown and Quinn-Allan’s second caution against the overuse of graphic imagery lies in its potential to alienate the public. In their analysis of YouTube video activism on puppy farming they argue that a proliferation of ‘moral shock’ footage runs the risk of desensitising broader publics to images of suffering and lessens the impact of emotive intent.<sup>57</sup> However, a study of the animal rights movement in Sweden, notes that ‘activists try to mitigate the possible negative effects of using moral shocks, by combining them with providing positive information about what can be done concretely to achieve change’.<sup>58</sup> The positive action of reaching out to the audience could be seen as harbouring some deliberative potential. Although hardly an economy of moral disagreement, it could be construed an attempt to reach a mutually acceptable outcome. The caveat is that the desired outcome is only mutually acceptable if the audience chooses to join the activist, with no such commitment on the part of the activist to modify their own position. Furthermore, the exaggeration of moral disagreement remains implicit in the call to action: asking an audience to ‘join us’ implies the existence of ‘them’ who are not with ‘us’, reinforcing the moral binary.

If the exaggeration of moral disagreement is possibly ineffective in providing the cognitive jolt that Humphrey and Stears argue for, does it have any deliberative potential from a systemic viewpoint? As with cost-levying, the exaggeration of moral disagreement or polarising rhetoric may contribute to inclusivity through bringing animal suffering into public consciousness; such videos are likely to spark debate in public space due to their

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<sup>56</sup> Garner 2016: 1

<sup>57</sup> Brown and Quinn-Allan 2015: 1–7.

<sup>58</sup> Hansson and Jacobsson 2014: 272.

controversial nature. Beyond inclusivity however, I suggest that exaggeration of moral disagreement may harbour further, but finite, deliberative potential

### **Exaggeration of moral disagreement in the Deliberative System**

The use of rhetoric, according to Humphrey and Stears, is excluded by strict deliberative ideals as it falls outside the realm of purely rational argument. However, deliberative theorists have argued for its inclusion on the basis that marginalised groups may rely on rhetoric to communicate their messages but it is only when deliberation is analysed on a systemic level that we can see how polarising rhetoric contributes to overall deliberative capacity.

The polarising rhetoric symptomatic of enclave deliberation is often fostered in communication between activists. Mansbridge has argued that this sort of communication – in crude terms, ‘vegans talking to vegans’ – is vital for marginalised activist groups to develop and sharpen their messages:

Working and talking together in an atmosphere of sustained commitment and sometimes quite unrealistic hope, organized activists dream up a cornucopia of new ideas, words, songs, symbols and other cultural products.<sup>59</sup>

Creative potency is further enhanced by the fact that typically, activists in an organised movement interact primarily with each other in ‘free spaces’ where particular discourses can develop in a protected space.<sup>60</sup> The deliberative democratic benefits of enclave deliberation are necessarily finite because at some point ideas and discourses must be exposed to contestation and broader debate. However, the generation of discourses in protected enclaves gives marginalised groups a chance to refine their arguments before they are exposed to the wider world. Sunstein warns against the dangers of enclave deliberation, arguing that that

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<sup>59</sup> Mansbridge 2010: 17.

<sup>60</sup> Ibid: 16.

communication between like-minded activists can lead to the adoption of extreme polarising positions that are far away from the deliberative ideal of attempting to accommodate opposing views in argument.<sup>61</sup> This is particularly apparent in online spaces where ‘individuals gravitate to enclaves where their views can be reinforced and driven to extremes’.<sup>62</sup> Such polarised expressions may contribute to alienation of broader publics; this danger is particularly pertinent for animal activists in a climate where animal rights activism is securitised and construed as a terrorist-like activity.<sup>63</sup>

The benefits of enclave deliberation are most potent in helping to strengthen a marginal discourse like animal rights philosophy. Once exposed to contestation in public space or transmitting messages to policymakers, the exaggeration of moral disagreement could serve to undermine and jeopardise the desired outcome through its demonisation of antagonists and alienation of audiences. Chambers has argued that dramatising rhetoric is deliberately admissible if it provokes an audience to reflect on their own position and encourages them to see things from a different perspective as Humphrey and Stears suggest that exaggeration of moral disagreement does.<sup>64</sup> However, although the substantive claims of animal rights rhetoric may fulfil Chambers’ criterion, activists ought to be reflexive in considering the way in which they present their arguments. How claims and ideas are presented matters as much as the substantive content of the claim itself, and this should matter to animal activists as much as it matters to deliberative democrats - if they want to influence decision-makers. An over-reliance on polarising rhetoric may result in alienation that outweighs any reflective benefits. Activists should take this into consideration in constructing campaigns aimed at either the broader public or policymakers.

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<sup>61</sup> Sunstein 2009.

<sup>62</sup> Ercan, Hendriks and Dryzek 2015: 7.

<sup>63</sup> Humphrey and Stears 2006: 401; Sorenson 2009.

<sup>64</sup> Chambers 2009.

Cost-levying must be approached with the same caution: using graphic images of animal suffering may impose too great a psychological cost for the viewer to handle; Brown and Quinn-Allan suggest that some animal activist videos have a high attrition rate for this very reason. Moreover, the nature of online media means that an audience can very easily choose to stop watching something that they don't like. Therefore as Ercan, Hendriks and Dryzek point out,

Simply including more voices and meanings into the system does little if there are blockages in the deliberative system, or if the system has a kind of 'attention deficit' that precludes the interaction (and transmission) across different sites and thus hinders the rearrangement of democratic possibilities.<sup>65</sup>

In other words, the quantifiable reach of video activism is not necessarily a catalyst for authentic deliberation or the cognitive jolt necessary to persuade an audience of the animal activist's way of thinking. Activists should consider utilising more deliberative approaches that may be more conducive to their aims when transmitting messages to persuade broader publics and decision-makers.

## **Conclusion**

Here I have outlined a systemic approach to deliberative democracy with the aim of lending some evaluative clarity to the implications of admitting non-deliberative actions. Deliberative Systems is a valuable evaluative framework for empirical analysis, and provides a cohesive normative account of deliberative democracy that permits non-deliberative actions in response to initially non-deliberative conditions. As the deliberative system demands the disaggregation of various sites of communication, so we must disaggregate the

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<sup>65</sup> Ercan, Hendriks and Dryzek 2015: 12.

interdependent criteria of inclusivity, authenticity and consequentiality to evaluate animal activism through this prism.

I agreed with Humphrey and Stears that cost-levying activities can enhance political equality through helping marginalised groups attract attention in public and political agendas. Instead of considering just activists though, we ought to consider the democratic credentials of animals themselves under the all-affected principle. Animals are the ultimate marginalised group in society and therefore, high-profile cost-levying activities contribute to inclusivity in the deliberative system through the representation of animal suffering.

Caution is needed with regards the use of non-deliberative tactics for the simple reasons that they may not always contribute to deliberative capacity but most importantly, that such tactics may not help animal activists get any closer to their own goals. Though graphic imagery enhances the political representation of animals, its reflexive potential is limited by the possibility of alienating broader publics and ‘may not necessarily deepen the quality of these conversations’.<sup>66</sup> In other words, whilst disruptive activities contribute to inclusive deliberation in public space, authentic deliberation requires substantively more than cost-levying or moral exaggeration to persuade broader publics and decision-makers of the claims of animal rights philosophy. Cost-levying and moral exaggeration may be necessary ingredients, but are not sufficient for prompting the authentic deliberation needed to give serious consideration to the demands of animal rights. Both tactics can contribute to a more inclusive public debate, but the visceral reactions that they tend to produce are not conducive to the ‘slow thinking’ that is necessary for reflection in a deliberative sense.<sup>67</sup> Furthermore, there is empirical evidence to suggest that the coercive activities employed some animal activists are ineffective. One study found that those involved in animal use and disinterested

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<sup>66</sup> Ibid: 20.

<sup>67</sup> Kahneman 2013, cited in Ercan, Hendriks and Dryzek 2015: 14.



members of the public were less sensitive to the visceral disgust reaction that graphic imagery of animal suffering is often intended to invoke. Conversely, animal activists were found to be more sensitive to visceral disgust.<sup>68</sup> The reasons for this are not clear, but it does indicate that such tactics may be ineffective in persuading. Even some animal activists themselves recognise that disruptive cost-levying activities, though morally justifiable, are politically ineffective.<sup>69</sup> What is now required is empirical analysis from a deliberative perspective.

Humphrey and Stears quite rightly point out that animal activists are primarily committed to their cause, and not to deliberative democratic ideals.<sup>70</sup> They go astray when they imply that the two are mutually exclusive. Instead, standard recourses like cost-levying and moral exaggeration may actually be counterproductive in instigating the authentic deliberation that animal rights philosophy demands – the reflexivity, the equal consideration of alternative perspectives and embodiment of the all-affected principle. A more deliberative approach encompassing reasoned argument and non-coercive persuasion may be more conducive to achieving animal activists' aims. This is not to say that the likes of graphic imagery or moral shocks should be done away with altogether. Instead, activists should adopt a more nuanced, reflexive approach in deciding how they transmit their messages, and to whom. A successful transmission mechanism in the deliberative system is one which successfully conducts and relays a public discourse to decision-makers in empowered space. Successful transmission of an animal rights discourse enhances the possibility of it having any impact on actual policy. Without successful connective tissue, animal rights activism runs the risk of remaining marginalised, prolific in public space and highly visible, but ultimately powerless.

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<sup>68</sup> Herzog and Golden 2009.

<sup>69</sup> Jacobsson and Lindblom 2012: 48.

<sup>70</sup> Hadley 2015b takes up this line of argument when he considers the democratic implications of animal rights as a functional religion – which makes for a more compelling objection to deliberative democracy.

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