

ANIMAL ABUSE, ANIMAL RIGHTS AND SPECIES JUSTICE¹

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In this paper I want to introduce criminologists to who are unfamiliar with green criminology to the topic of animal abuse and speciesism. I will give an overview of its history and contributions I regard as important in this particular field, provide empirical examples and point to theoretical discussions which are central in the analysis of animal abuse, whether legal or illegal. Finally I will suggest where the field could be heading in the future. With his important article “For a nonspeciesist criminology: Animal abuse as an object of study”, published in 1999 in *Criminology*, Piers Beirne established that animal abuse should be positioned within criminology. Beirne emphasises here that animal abuse should be studied because it is a signifier of actual or potential interhuman conflict, (2) an existing object of criminal law, (3) an item in the utilitarian calculus on the avoidance of pain and suffering, (4) a violation of rights, and (5) one of several oppressions identified by feminism as an interconnected whole. The first point may have been made partly to justify the study of

animal abuse to the referees of the journal. This article, was not the first written by a criminologist about animal abuse, although I believe I can state that this had the most impact. For me, the discovery of Beirne's works, as well as the others I will mention in the following, filled me with enthusiasm, as well as pride of being a criminologist. In 2003, when I decided to write about animal abuse in my lecture of own choice, which is one of two to be presented in connection to the dr.polit. dissertation in Norway, I was met with lifted eyebrows and unconcealed giggling. Animal abuse was not regarded as relevant and of course, unimportant, and it was definitely not anything a serious social scientist should spend her time writing about. I can safely say that Beirne set out a direction for my work as a criminologist and researcher, so that in the last few years I have concentrated my research interests in green criminology and animal abuse, particularly on animal trafficking, or more precisely the trafficking and killing of so called "wild"-life.

Before I proceed, I will clarify my attitude to some central concepts. Though I regard humans as animals, when I use the term animal in the following, I refer to individuals of non-human animal species. There are several reasons for being critical of the term "animal"; it contrasts the human species to other animal species as though they were different in aspects which are important in attributing rights or capacities such as intelligence, sentience and morals and the ability to feel pain and pleasure; it constructs non-human species as though they were equal, despite the huge variety of inter-species (and individual) differences. The term animal is also often used with a derogatory meaning.² In the absence of alternative good options and for simplicity I regretfully retain the term animal throughout this paper.³ I have further reservations against the term "wildlife" because it is alienating and contrasts humans, as civilised, to animals as uncivilised. I disagree with this because many animal species have both culture and social organisation. The term further contrasts certain animals, those living as

free individuals, with those living under human control, who thereby often are referred to as domesticated, a truth with certain limitations within modern factory farming. It is also a mass term which conceals that animals are individuals with intrinsic value. In my view, such concepts conceal the forced subordination of animals and they form a basis for false dichotomies. To catch or kill animals in nature is very often in the literature referred to as “poaching”. This concept implies that animals are property, and what is wrong is to kill them or abduct them without permission, rather than recognizing the harm these acts themselves constitute against the animal victim. Since I object to such views, I choose to refer to these acts in ways that do not disguise their true nature, which are violence and often death caused by human’s abuse of power.

To return to Beirne, he had already written in 1995 that animal abuse should be firmly positioned within sociology, and one must assume criminology, and he followed this up in 1997 with an article discussing inter-species assault. These works were followed by Robert Agnew who examined causes for animal abuse in *Theoretical Criminology* in 1998, and by Ted Benton (1998) who also discussed animal abuse from the perspective of rights and justice. Geertrui Cazaux (1998, 1999) discussed animal abuse on the basis of feminist perspectives such as those advocated by Carol Adams and Josephine Donovan (1996) and from the perspective of utilitarianism and rights advanced by philosophers Peter Singer (1975) and Tom Regan (1983), which is also part of Benton’s discussion.

These early works have indeed also borrowed support from *other* disciplines such as sociology (e.g. Nibert, 2002) and social anthropology, (e.g. Noske, 1997) where human-animal studies have longer traditions. Still it must be added that Beirne discovered in 1997, and I quote:

“[that] animals already provide a surprising amount of material for such diverse problems as, *inter alia*, the configuration of rural class relations in 18th century England, the alleged links between crime and human nature, and the behavioral manifestations of children who are likely to be violent as adults” (1997: 5).

It is particularly the last point, which as mentioned also was part of Beirne’s argument in *Criminology* in 1999, that has received a lot of attention, and this, which is often referred to as the *progression hypothesis* (Beirne, 2004) or the *graduation hypothesis*, has been thoroughly examined also by Clifton Flynn (2012). As Flynn (2011) shows, many of these studies can be criticised for a number of methodological reasons.

Today animal abuse has increasingly become a legitimate field in itself, at least within green criminology, and not only as a signifier of inter-human violence. The works by Beirne, Cazaux, Flynn, Benton and Agnew have been followed by a large number of articles and books which include the topic of animal abuse. Again Piers Beirne must be mentioned for his 2009 book, *Confronting animal abuse*. A number of other green criminology anthologies have been published in the last years with chapters focusing specifically on different aspects of animal abuse. It is impossible to mention all these publications but some deserve special attention, for example *Green criminology*, an anthology of reprints including the articles I have mentioned by Beirne, Benton, Agnew and Cazaux (South and Beirne, 2006); *Issues in green criminology* (Beirne and South, 2007); *Global Harms* (Sollund 2008); *Routledge handbook in green criminology* (South and Brisman 2013), *Emerging issues in green criminology* (Walters, Westerhuis and Wyatt 2013), *Transnational environmental crime*, (White 2011), and also *Eco global crimes, contemporary problems and future challenges* (Ellefsen, Sollund and Larsen, 2012) in the Ashgate Green criminology series edited by Paul Stretesky and Michael Lynch with *Animal Harms* (Nurse 2013) published in the same series.

Further, Rob White addresses animal abuse and species justice in many of his works (e.g. 2007, 2008, 2011), not the least his latest: *Environmental harm, an ecojustice perspective* (2013).

A special issue of *Crime, Law and Social Change* about animal abuse edited by Piers Beirne and Jennifer Maher which was published in 2011 also deserves mentioning as this was the first special issue covering this topic of a criminology journal.

As these publications prove it may seem unnecessary today to make the detour around the graduation hypotheses. The works mentioned have broken ground in converting animal abuse from a non-criminological topic in the past, into a legitimate field of study today, and many thanks should go to Beirne and the others mentioned.

I can now proceed to the topic of this paper, animal abuse. The reason for this focus is the pain, suffering and death it causes billions of sentient beings every year. To further argue for this, new research within biology (Hessen, 2013) firmly states that humans and other animals are equal in all important aspects when it comes to their attempts to avoid pain. Humans' normative morals stem from the same ability to feel mutuality and empathy that is found among other social animals (e.g. Bekoff, 2010). Language, abstraction ability, culture and morality are human features, but far from unique for humans (Hessen 2013: 58).

Consequently, excluding other animals from our moral universe is *not* justified by any moral criteria.

SPECIESISM

One concept which is central in analysing animal abuse is *speciesism*. The concept was first launched by Richard Ryder in 1970, in a privately printed leaflet by the same name, which he

distributed in Oxford in protest against animal experimentation. The concept gained world fame when Peter Singer (1985) used it in his book *Animal liberation*, which was first published in 1975. The concept requires some reflection: When Beirne and Cazaux (2006:11) on basis of Singer, in *The Sage dictionary of criminology* define “speciesism [thus] as a *prejudice or biased attitude* favoring the interests of *one’s own* species against those of members of other species”, they seem to overlook that it is constantly *humans* who discriminate against individuals of non-human species, rather than nonhuman species discriminating against other species, humans included. This definition does not distinguish between the systemic and systematic abuse humans inflict on animals, versus the treatment individuals of other animal species may subject individuals of other animal species to. The definition appears *neutral*, thereby concealing the point that what *humans* do to other animal species cannot be compared to the violence and suffering animals are subjected to when they are chased and eaten by other non-human animals. In this regard, it is precisely the idea of *prejudice* that is important. Other species, although they eat each other, cannot meaningfully be accused of *speciesism*, if we follow Beirne and Cazaux’ definition, because animals’ thoughts behind these kinds of actions are unlikely to be based on thoughts of *superiority* or *inferiority* which are basic ideas in speciesist argumentation. However, of this I cannot be certain as I do not know the mind, e.g. of a lion who decides to kill an antelope to eat. Still I believe that although the lion can be sure of his strength compared to the antelope, this does not necessarily have to imply that the lion has reflected upon any possible inferiority of the antelope, as humans are more likely to do in their exploitation of non human animals.

When speciesism is defined as a “prejudice or biased attitude” only, it loses a central element. A prejudice may, or may not, be turned into practice. As a parallel: racism may not translate into racist acts if individuals find themselves in a social environment where such acts are

perceived as unacceptable. In that case their racist prejudices will not have much significance because informal and/or formal social control will prohibit them from being displayed (Sollund, 2012).

A prejudice may be conscious or unconscious (Gadamer 1975), passive or active. One can *rethink* a prejudice and reflect upon whether its basis is legitimate or illegitimate. If one considers that it is illegitimately founded, one can decide to abstain from converting the prejudice into practical acts of discrimination, including exploitation. On an individual level such change may be witnessed when people for ethical reasons decide to become vegans. Alternatively, this may imply that they are not abstaining from action following prejudices, but make a shift to veganism precisely because they are no longer prejudiced against other animals.

On the other hand, people may abstain from speciesist *practices* without considering the non-human victims, for example for their own health reasons. Consequently vegans/vegetarians may still be speciesist, and furthermore people who do not wish to define themselves as speciesist may still partake in speciesist, discriminatory practices, e.g. for social reasons and out of need. To not eat meat may on occasions and in certain social contexts be more difficult than eating it, habits may be hard to turn, and people who starve may be left with no other option if meat is the only available nutrition source (although that is unlikely). Therefore the most important in my view, is what one *does to*, more than what one *thinks about* non-human animals. The concept of speciesism, which I consequently prefer to reserve for *humans*” *prejudices against, oppression, discrimination and thereby exploitation of, non human animals*, has been refined by the sociologist David Nibert (2002). He states in relation to speciesism that *ideology* legitimates and upholds prejudice, thus more easily *converting* prejudice into abusive acts and exploitative practice (Nibert 2002). Consequently, *prejudices*,

practices, actions and ideology have mutually reinforcing effects, and for this reason prejudice is important. In this regard the concept has much in common with sexism and racism (Donovan and Adams, 1996). To change the ways in which prejudices guide actions on a societal level, one can assume some kind of overall agreement must be reached. Examples might be when racism became forbidden by law and slavery was abolished in the United States, and when women were no longer formally discriminated against but won the right to vote in most countries. Important here of course, are the ways in which legislation forced such changes through. ⁴

As said elsewhere (Sollund 2012), and to borrow Pierre Bourdieu's (1995) concept of doxa, speciesism is still doxic. By this I mean that speciesism represents taken-for-granted attitudes and practices through which humans on a general level base much of their lives and existence upon the exploitation of other animals. However, the growing strength of the animal rights movement and the ways in which the study of animal abuse has also (as mentioned) made its way into criminology may be a signal of a growing heterodoxa. One explanation for animal abuse is linked to a sister phenomenon of speciesism, namely anthropocentrism. It stands for human centeredness, whereby humans disregard the idea that that other animals have intrinsic value and have their own interests; animals and nature are perceived purely as resources available for human exploitation. Rather than presenting religious and philosophical arguments which have underpinned this position (see Sollund 2008), I will turn to various forms of animal abuse.

VARIOUS FORMS OF ANIMAL ABUSE

Robert Agnew (1998) and Piers Beirne (1999) both define animal abuse as *acts which contribute to the pain or death of an animal or otherwise threaten the welfare of an animal.*

Such abuse may be physical (including sexual) or mental, may involve active maltreatment or passive neglect, may be socially approved or condemned. Abuse may also be necessary or unnecessary (Agnew, 1998: 179); however one must assume that what is defined as necessary is what *humans* consider necessary. Whether e.g. massive meat consumption or fur fashion is necessary is for example debatable. Nonetheless, with this broad definition there are few areas in which animals are exploited that are exempt from being defined as abuse, and I will mention some of these areas. This overview, however, cannot be totally complete as humans' ways and creativity in exploiting other animals seem limitless. Intentional animal abuse from one person directed at one animal represents very little of the total abuse of animals.

Animals in Factory Farming and Other Animals Killed for Food

How many animals are killed for meat every year is uncertain; the organisation *Adapt*⁵, which bases its number on the animal slaughter statistics culled from the *Food and Agriculture Organization of the United Nations* for the year 2003, estimates however, that more than 150 billion animals are slaughtered every year. As meat consumption is steadily increasing, the numbers are likely much higher today. Ninety billion marine animals are killed each year (how many die because they get entangled into old fishing nets is unknown). The United States consumes roughly 20 per cent of the animals who are slaughtered. Most of these animals are suffering under very restricted possibility for movement (e.g. to turn around), receive stimulation, deprived of daylight, proper food, and social company, including with their offspring, as well as suffering from diseases produced by the conditions under which they are held. This is systemic animal abuse, where the animals are a means to an end – to be transformed to meat⁶, or when they are deprived of eggs and milk which they produce as part of their reproduction.

Animals in experiments

Regarding animals killed in experiments it is also hard to estimate the numbers because so-called surplus animals who are bred for experiments but not used, are usually not included in statistics (Sollund 2008). Many countries do not have any relevant statistics. To give some indication: According to the European coalition to end animal experiments, 12 million animals are used by EU researchers every year.⁷ In the United States, it is even harder to make estimates, as rodents are not counted in the statistics. Rough estimates indicate that 18.5 million animals are used per year, which would be 50,700 per day. Behind each of these deaths is hidden the fear, the pain and, to be honest, normally outright torture of each individual victim. Often the purpose of the experiment is to establish precisely how animals react to torture treatment, like repeated infliction of electric shocks. These experiments are often categorized as basic research (Sollund 2008). Many experiments conducted on animals in order to develop medicines for humans have insecure and even counterproductive effects because humans and non-human animals are too physically different for results from animal experiments to be transferable to humans (Regan 2007). Also in this systemic, direct animal abuse, the animal is a means to an end, e.g. to establish toxicity or develop medicines or to satisfy the researcher's curiosity.

Animals as Clothing

As in the food industry and animal experiment laboratories, it is impossible to say how many animals are used to provide fur coats, leather jackets, shoes, and belts. In addition sheep are used to produce wool clothing and birds are used to produce geese feather bedding products and content for winter jackets. According to the World Society for the Protection of Animals, WSPA⁸, it is estimated that fur farms produce 85 per cent of fur in the world. Every year, an estimated 50 million animals are killed on fur farms alone. When rabbits are included, the number of animals killed every year solely for their fur may far exceed one billion. Not only

minks, rabbits, and foxes are bred for fur, so are dogs, cats and chinchillas. Fifteen percent of animals who are used for fur are killed in their habitats by the use of traps which usually cause them long time torture, or by use of other weapons. Whether the animal used for clothing has been trapped, shot or has been forced to live her short life in a wire cage before she is electrocuted, one can be certain that suffering and death are unavoidable parts of the process. Again, this is a case of system(atic), direct abuse where the animal is used as a means to an end, for example to produce fashion clothing. As an example of the pointlessness of the suffering these animals are exposed to, in Oslo, Norway, approximately every third person you see in the street will wear a jacket with a fur collar, or even a tassel of fur on their wool hats, for no other reason than to follow fashion.

Animals used for Entertainment

Humans have very long traditions for finding entertainment in killing animals, naming such activity as "sports", like hunting and fishing, and they also take interest in locking animals up, merely to look at them in aqua parks and zoological gardens, or as dead and stuffed "specimens" in natural history museums. Humans enjoy putting animals into fighting contests, whether the fighters are birds taken from the forest (e.g. Brazil⁹), cocks, bull against human, dog against dog or by using dogs bred for hunting, e.g. dog against bird, dog against fox, and so on. Hunters themselves may defend their killing as being not an end in itself, they do not chase or kill the animal just to kill it, but because the animal provides a food source. However; the thrills of hunting down and killing the animals are usually described more in line with Jack Katz' (1988) analysis of thrills of doing evil, the difference being that the victims in the homicides and other crimes Katz describes are human, while the victims of the thrill-giving hunt are non-human. As stated on one web site for hunters:

*“We hunt for the thrill of the chase, and the ecstatic peace that comes with being out there trying to beat a wild animal at his own game. When the chance finally comes, there is no doubt; we will kill”.*¹⁰ (See also Nurse, 2013: 67).

As a parallel to what Katz refers to as *righteous slaughter* when humans kill humans, Agnew (1998) points out that the animal abuser somehow may think that the animal *deserves* to be maltreated (Agnew, 1998: 188).

Other entertainment practices worth mentioning are rodeos, racing of horses and dogs, and of course, to keep animals as slaves and force them to do tricks in circuses, parrot – and dolphin shows. One further odd and extremely cruel practice which seems to have no other purpose than the entertainment humans strangely find in it, has arisen in the past few years. Sea turtle babies, fish and amphibians are kept as key rings in small containers with crystallized oxygen and nutrients. The animal which is locked in the key chain holder can live for up to two months in this condition before she will suffocate. This brings me into the private sphere where numerous animals are kept for company, as so called pets or companion animals but also as part of collections, or for status.

Companion Animals Abuse

Both in Europe and in the US keeping companion animals is a widespread practice. Statistics from the American veterinary association show that 37.2% of households have a dog, 32.4 % have a cat, 3.9 % keep a bird, and 1.8 % of households have a horse. According to Spencer (et al. 2006) there are as many companion animals as there are grown-up humans, 60 million dogs and 70 million cats. In Europe there are 64 million cats, 60 million dogs, 39 million cage birds¹¹, and 24 million small mammals kept as companion animals.¹²

This must be the area in which animals are accorded most respect and intrinsic value. However, just as children are vulnerable, so are the animals that are kept, supposedly, to provide social value. The direct maltreatment and neglect of companion animals is a kind of abuse which is different from the other abuse listed above and may rightly be characterised not only as harm but also as crime, and be defined as illegal animal abuse in most countries with animal welfare legislation. These animals have *some* protection in law, in contrast to most other animals. This may be the situation because they are not regarded as a means to an end, e.g. producing food or entertainment but as a means in themselves, they are at least ideally, regarded as *someone*¹³. They have social value and therefore, usually, names, not numbers. Still, even these animals are objectified and millions of cats and dogs are brought to shelters where they are killed when their owners no longer wish to keep them (Stephenson 2008). Cats, rabbits and pet rodents are dumped in thousands when their families go on vacation because it is inconvenient to keep them at such times or they suffer from neglect. Even these animals only have limited protection in law because of their property status (Bryant, 2008; Francione, 2004).

When companion animals are abused, the abuse and death itself may be the goal, as in Norway where a serial cat killer terrorised cat owners in 2013/14, and torturing the cats to death. This kind of violence against animals has other explanations than the systemic abuse in which the animal is used as an instrument to produce a commodity, through the exploitation of his/her body. Following the Luke and Arluke (2009) study Flynn (2011) discusses their description of the progression thesis, noting that:

“[...] the common denominator for serial killers who abused animals is the desire to inflict pain and suffering for pleasure. Thus, for these individuals, the violence in both cases—animals and humans—is about the sadistic exercise of power and control over others.

Consequently, it is not just harming animals but torturing them; it is not just inflicting suffering, but doing so literally in a hands-on manner; and it is not just victimizing any animal, but those, like cats and dogs, who are the most anthropomorphized in our culture. In these cases, [they argue], often the methods of violence employed are similar for both human and animal victims (Flynn 2011: 463).

It can be discussed whether the abuse in such cases can also be defined as instrumental, as the abuser seeks to *experience the thrill* of tormenting a defenceless victim, which is accomplished *through* using the animal as an instrument. Animals in private households are abused as a means to an end when violent men damage an animal to harm or control a partner (Ascione 1998, Flynn 2000). In this instrumental abuse one cannot rule out that the abuser in addition may find satisfaction in harming both companion animal and partner directly. The abuse of the animal can both give him power over his partner, while at the same time giving him satisfaction through causing pain and damage. The abuse may thus have a double function.

“Wild”-life Trafficking

My own field of study, the legal and illegal trade in animals belonging to endangered species, is one in which motives parallel many of the intentions behind the abuse previously described, as animals are caught and killed for a large number of reasons. This area also fits well with elaborate central discussions within green criminology, and helps to further develop existing analytical tools to understand these forms of abuse. It is a particularly relevant field within green criminology because it concerns both harms to natural environments and ecosystems, and harms and death of billions of animals. Central concepts are thus harm, ecological justice, animal rights and species justice, which are concepts I will return to.

What determines whether trade in an animal is legal or illegal is whether the species s/he belongs to is endangered, and trade in the species consequently is regulated under the CITES convention and in different laws of the countries where the abduction or killing takes place. From 2005 - 2009, CITES had records of an *annual* average trade of more than 317 000 live birds, just over 2 million live reptiles, 2.5 million crocodylian skins, 1.5 million lizard skins, 2.1 million snake skins, 73 tonnes of caviar and 20,000 hunting trophies. Between 2005 and 2009 EU enforcement authorities made over 12,000 seizures of illegal wildlife products in the EU. In the early 1990s, TRAFFIC estimated the value of legal wildlife products imported globally was around 160 billion USD. In 2009, the estimated value of global imports was over 323 billion USD. It is almost impossible to obtain reliable figures for the value of *illegal* wildlife trade, but according to TRAFFIC the figure must run into hundreds of millions of dollars. ¹⁴

Animals are killed in their habitats for meat (so-called bush meat) or may be captured to produce medicinal ingredients, like black bears who are kept in small cages with a tube into their gall bladder through which their bile is regularly drained. Tigers and rhinos are also threatened with extinction because of their supposed medicinal value in Asian traditional medicine (Ellis, 2005; Minnaar, in press), and tigers are also farmed for this reason. Reptiles are used for medicinal purposes, e.g. in China, Vietnam (Schlaeper, et al. 2005) and in various parts of Latin America. According to Alves (et al. 2008) at least 165 reptile species belonging to 104 genera and 30 families are used in traditional folk medicine around the world, and reptiles are the most used species for medicinal purposes. Some species are also used as sources of drugs for modern medical science. Of the reptiles recorded, 53% are included on lists of endangered species. The groups with the largest numbers of species used were snakes (60 species), followed by lizards (51), turtles and tortoises (43), and crocodylians (11).

Reptiles are also used for cultural-religious purposes in South America, including Brazil (op. Cite, Alves et al. 2008: 2039-2042).

Animals are further abducted (Sollund 2011) to become companion animals, or to be part of collections, whether dead or alive. Species which are frequently trafficked and traded for this purpose are the parrot species, of which many are critically endangered and already extinct in some places. The mortality rates are extremely high and an estimated 77% of the birds die before reaching the consumer (Guzman, et al. 2007). Keeping a “mascot”, a parrot or a monkey, is for example a part of the culture in Colombia¹⁵, and to rob the nests and trade the parrots has been perceived as a way of gaining extra income (See also Gonzales, 2003 in the case of Peru). The largest markets are the internal markets or neighbouring countries. Parrots have been traded and kept as pets for thousands of years (Weston and Menon, 2009). Most parrots in Latin America which are abducted from their habitats nowadays are sold in local markets (Weston and Menon, 2009; Gonzales 2003; Guzman et al., 2007). This goes on continually even though it is common knowledge that this is illegal. High mortality rates are also the situation for raptor birds which are trafficked and traded, not the least for falconry (Wyatt, 2009; 2011).

The trade in so-called “wild”-life has been addressed by persons who do their studies from the perspective of conventional criminology, focusing on the legality or illegality of the harm, thus studying these acts as *crime*, and how they may be prevented, therefore seeing the crimes principally as a conservation issue (Warchol et al 2003; Wellsmith 2010; Schneider 2012; Pires and Clark, 2011, A;B; Pires and Moreto, 2011). The abduction and killing of animals of endangered species is preponderantly an *environmental* problem caused by criminal acts. So-called poaching is seen as problematic because it entails loss in biodiversity and thereby loss for humans, not the least because they lose the opportunity to trade the animals as

commodities for income. Although some (e.g. Wyatt, 2011, 2013) emphasise that the trafficking also entails abuse, the violence and death which are implicit in these crimes/harms are usually given far less concern and often conventional criminology theories are applied in the analysis (Wellsmith, 2010; Pires and Clark, 2011; Pires and Moreto, 2011). Some criminologists may define themselves (or are defined by others) as working within green criminology because of the *topics* of their research, e.g. crimes harming the environment in which they include “wildlife” crimes. Yet they may maintain an anthropocentric basis for analysis, for example within conservation criminology (White, 2013: 78), while others, and here I include myself, will define themselves as part of this field both because of the *topics* of their research, and because of the *perspectives* they employ in the analyses.

I believe it is important that the trade and trafficking in animals is often illegal, however, I find it more important to study this because of the harm, violence and deaths which are inextricable parts of the trade, and indeed a prerequisite in the cases in which animals are turned into products. Whether the abduction or killing is in agreement with or against regulation is irrelevant for the animal victim. The focus of conventional criminology only on what is criminalized is inadequate for discussing the harms related to such practices. A common feature of animal exploitation practices is the uneven distribution of power which makes it very difficult for the animal victim to escape. In fact; it is as though for humans having the power to abuse animals seems to be generally interpreted as though power gives *right*. But this would never be a valid argument when humans abuse other humans, for example in human trafficking.

In line with this argument, I apply a *harm* perspective and thus a green criminology perspective, advocated by for example: Lynch and Stretesky (2003), Beirne and South

(2007, see also South 1998, 2008), and White (e.g. 2008, 2011, 2013) in a number of publications.

A RIGHTS, HARM, SPECIES – AND ECOLOGICAL JUSTICE APPROACH TO ANIMAL TRAFFICKING

As Nigel South and Rob White elaborate on the various concepts of justice in their paper; *The future of Green criminology: Horizon scanning and Climate change*, in the panel in which the present paper was presented, I will only briefly discuss here how perspectives as animal rights, species justice, ecological justice, harm and finally Piers Beirne's concept *theriocide*, may contribute to the analysis of animal abuse, and the abuse related to the abduction, killing and trafficking of animals from their habitats particularly.

When applying concepts like ecological justice and species justice it is understood that the victim does not necessarily have to be human, it can be an individual non-human animal, the ecosystem and species to which the animal pertains (White 2013: 79).

To date animal rights is only a hypothetical issue –animals do not have rights, they are, as mentioned, regarded as property whether of a state or a person. Worthy of discussion is if and what limits there may be to animal rights? Can animals be accorded rights only to the extent that this right does not conflict with humans' interests in exploiting them, which seems to be the case today? Are animal rights thereby only relative to human's interests? Another question is; how do the rights of an individual animal stand in relation to species justice, which, one must assume, would logically follow rights?

That animals should be accorded rights seems, based on the limited examples of animal abuse presented in this paper, far from realistic, yet desirable. Benton (1998) seems similarly in

doubt whether this is realistic when we see how many humans who suffer despite the existence of the UN Declaration of Human Rights. Establishing a platform for animal rights could, however, significantly reduce the abuse we witness today and have an impact on the normative climate governing humans' relations to non-human species. As Benton says:

“[the] hope might be that linking the radicalization of the discourse of rights and justice with a democratic project of social transformation would create a more favorable social setting for the institutionalizing of rights, as well as of other forms of normative regulations of our relations with non-human nature” (Benton, 1998: 173).

This is far from today's reality. According to the CITES convention and laws regulating the killing or abduction of animals, like the Wildlife law¹⁶ and the Law of biodiversity¹⁷ in Norway, animals are foremost regarded as *part of nature*, rather than individuals living in and by nature. As part of nature, they must be protected for the human good, and this is where their value is and therefore concern lies. From the animals' perspective, the species s/he belongs to is of less concern, as stated by Svård (2008) *species* is merely a category, and independent of species belonging, s/he will – like any human – have the capacity to feel joy and pain and thereby loss and suffering when abducted. This act in itself represents violence, imprisonment and slavery and also separation from fellow individuals like partners, flock or offspring. In the CITES convention, these issues are unimportant, as animals foremost are regarded as important *for* biodiversity, as resources *for* humans, whether of aesthetical, recreational or monetary value. From the perspectives of species justice and ecological justice, this is to put it simply, morally unjust. CITES does not acknowledge what Martha Nussbaum (2006) refers to as “dignified existence” when discussing justice for animals, which include; “adequate opportunities for nutrition and physical activity; freedom from pain, squalor and cruelty; freedom to act in ways which are characteristic of the species; [...]

freedom from fear and opportunities for rewarding interactions with other creatures of the same species, and of different species; a chance to enjoy the light and air in tranquility” (Nussbaum 2006: 326). To have a dignified existence is a necessary requisite for being justly treated. As it is, animals are foremost and usually regarded as having indirect and extrinsic, rather than intrinsic value (White 2013: 35). For those advocating for, and enforcing the CITES convention; (as well as biodiversity and wildlife laws) justice for animals seems however not to be an aim that is ever considered, the thought itself appears to be beyond recognition.

Following the anthropocentric CITES logic, one could claim that sufficiently care is taken to an animal species if the *species* survives. As a contrast to this, Tom Regan (1999: 327-329) states in his argument for moral rights in comparing the rights of one of the few last individuals of an endangered species, to the rights of individuals belonging to species which are not threatened, that the first category should have no more rights than the other. Moral rights imply only individual rights and consequently shall not depend on whether the species is endangered or not, threat to a species shall not engender more rights; Animals shall be protected from trafficking, *not* because of their species but because of their rights not to be exploited by humans or for any human interest. If people are led to believe that animals shall have protection only if their species is close to extinction, then a consequence is that all other exploitation of animals from unthreatened species is morally acceptable (Regan 1999: 329).

In light of the above; the benefit of a *harm* rather than a *crime* perspective is obvious. It emphasizes the importance of the *consequences* of an act. By adopting a harm perspective, it is literally stated that *someone* (and/or ecosystems) suffers as a consequence of an act or omission whether this is criminalized or not. It highlights that most harms are actually *not* illegal but still may have vast and damaging effects (Hillyard. et al. 2004). Focus is turned to

the victim(s). Further; and foremost it extends the foci of research to acts and areas of equal importance but which for different reasons are not *currently* criminalized. This is important, because what was legal *yesterday* may be criminalized today and what is legal *today* may be criminalized tomorrow and we may *now* deplore acts which were encouraged before. For example from 1845 in Norway official policy was to exterminate all wolves and hunters were rewarded for each animal they killed. Wolves were protected first in 1973; the hunt had then brought wolves to extinction in Scandinavia. The current stock of 30 wolves (in 2013, Rovdata.no) comes from a pair who wandered into Norway, thus entailing genetic homogeneity (Grønli, 2005). Today, only the state is allowed to kill the predators, a right which unfortunately is often used. This has many implications which I cannot enter into here and now. One important consequence of this should be mentioned, though: when the state kills it also gives a strong legitimacy of such acts to those who may desire to do the same, and it may appear to such individuals to be unfair that those the state appoints to do the killing are allowed a “pleasure” which they themselves are denied.

Green criminology follows the logic of ecological justice and species justice in which each individual counts. Ecological justice implies that attention and care is taken for the wellbeing of the environment, and as animals are necessary for the survival of ecosystems, species justice and ecological justice are interdependent. One can rightly speak of species justice only if each individual of that species does not suffer from human inflicted abuse and is allowed to live her life in freedom in a habitat which is not destroyed by humans, thus allowed to have a dignified existence. These are particularly relevant issues in the field of the so called “wild”-life trade. An anthropocentric view is that as long as harm is not done to an ecosystem, because sufficient individuals of a species are left to secure biodiversity, then no harm is done and the trade can go on. However; such a view stands very much in contrast to the individual

animal's rights to not suffer from abuse by humans. At the same time; I would argue that the harm entailed by killing the last individuals of a species is larger than killing one individual of a non threatened species because the first breach in individual rights *also* entails destruction of ecosystems and it prevents new individuals of that (and possibly other) species from ever coming to existence and enjoying a life¹⁸.

THERIOCID

Piers Beirne's concept of theriocide is relevant to this discussion. In a recent paper Beirne (forthcoming) defines theriocide as a concept analogous to homicide. Beirne's definition of theriocide is in line with his definition of animal abuse, from where I took my point of departure in this paper. Beirne says:

"Like the killing of one human by another, a theriocide may be socially acceptable or unacceptable, legal or illegal. It may be intentional or unintentional. It may involve active maltreatment or passive neglect. Theriocides may occur one-on-one, in small groups or in large-scale social institutions. The numerous and sometimes intersecting sites of theriocide include intensive rearing regimes; hunting; trafficking; vivisection; militarism; pollution; and climate change".

Before I discuss the applicability of this term, I need again to return to Norway. Here the *illegal* killing of wolves, bears, wolverines and lynx¹⁹ are in Norwegian verdicts²⁰ referred to with the word *drap*. The noun is *å drepe* which means to kill. The illegal killing of wolves is therefore referred to as *wolf killing*, *ulvedrap*. The word kill is also used when someone kills another human. The recent serial killing of cats in Haugesund and Oslo in Norway is similarly referred to as *kattedrap*, *cat killing*. However, this word is *never* used about the extensive, industrial mass killings of pigs, sheep and chickens, unless as in the case when sheep go

unherded, a predator *animal* is behind the killing. The predators in Norway are now accorded value only from a biodiversity viewpoint and are protected according to the Wildlife law and the Berne and CITES conventions. The cats have *social* value, as human's property, while the pigs and the chickens have value as *meat* only. Consequently: the term *drap – killing* is used to emphasise that a killing is morally objectionable, while the word *slaughter* is a socially acceptable term for killing animals in order to transform their bodies to meat, thus objectifying them as *slakt* (which means one slaughtered animal body).

When a wolf kills s/he is transformed from being subject to protection and valuable, to a killer, who will therefore be *taken out*, rather than *killed*, as the hunt will now be licensed by the state. Homicide is, as the term *drap* in Norwegian suggests, a word which emphasises that an act is morally objectionable. Beirne claims that by naming the act of killing an animal *theriocide*, it will be emphasised that there is a victim animal and that some sort of remedy should be made for that harm. This could possibly put human and non-human animal victims on an equal level, based on the fact that the suffering is the same for the victim, whether the victim is human or non human. The question is whether the opposite effect may be achieved; rather than enhancing the *similarity* and thus equal concern for the victims by constructing a parallel term to homicide – theriocide – this may serve to *enhance* the idea that humans are *different* from non-human animals, with all these other non human animal species remaining in one category, rather than in thousands of categories in which each and every one is as different from each other as they are from the human species. I do not in any way claim that human and all the other animal species are the same, but maybe for this purpose, to emphasise the *harm* involved in killing, it would be better to have one concept which covers us all. This could illustrate that violence and death, whether inflicted on a human or a non human animal by a human, in character is the same. But maybe again, this still remains too far ahead.

Perhaps a temporary strategy is better; to first introduce new concepts which distinguish between yet highlight the equal interests human and non human animals have in living unharmed, and then to eventually proceed to *common* concepts if there comes a time when non human animals are also accorded individual rights.

CONCLUSION AND THE WAY FORWARD

Green criminology is a bold endeavour and a necessary field of criminology because it adopts a holistic perspective which encompasses not only crimes but also harms, and not only harms against humans but also harms against the environment, and against non human animals and other species. It permits and encourages broader perspectives and therefore provides a better fit to the analysis of complex problems of the kind we now confront, e.g. massive animal exploitation, loss in biodiversity, destruction of ecosystems and species extinction. The perspectives in green criminology emphasise that humans are not alone on earth and that we have a responsibility which goes beyond our own interests and which includes those of other species. In recognising this, we are enriched and the chances for non human species' and ecosystems' survival are increased. However, as stated by South (2007) in paraphrasing Ted Benton (1998):

“Whatever the merits of rights-based arguments as applied to environments or animals, they are unlikely to be successful unless accompanied by fundamental economic, social, political and cultural changes between humans (South 2007: 235).

In order to achieve these changes which today may appear utopian, the perspectives of green criminology are a necessity as they challenge power structures and the forces behind exploitation, and highlight why some damage to nature and non human animals is criminalised, while other equally harmful acts are condoned. Likewise green criminology

also invites empirical studies on topics which include abuse and harm but which are not limited to *criminalised* abuse – studies which are a necessity in order to move forward. Social scientists like criminologists are needed in the studies of environmental and animal harm, because these harms are caused by social practices. Thereby attention can be drawn to the (often unfair) motivations and consequences of our acts towards nature and other species, the accurate naming, blaming and punishment of these acts (for example, in the different areas of animal abuse mentioned in this paper), as well as other and new solutions, and – hopefully – as a consequence, a focus will develop concerned with how we can avoid and abstain from harmful acts, whether the victims are humans or non humans. This, I hope, is the inevitable consequence of what knowledge is revealed by other scientific disciplines, showing how animals *are*, their needs and capacities, rather than how we look upon them thereby recognizing them as agents and victims rather than as objects available for human exploitation.

¹ I am grateful to Piers Beirne for valuable comments to this paper and to Nigel South for editing.

² This phenomenon is of course a product of speciesism which again has cultural and religious roots (e.g. Beirne 1999, Sollund 2008).

³ Authors arguing for non speciesist language have solved the difficulty related to the word and the meaning of “animal” in different ways, for example by using the term “non-human animal” and “animals other than humans” (e.g. Nibert 2003:23, Beirne 1999: 118). These still leave us with the othering of non human species and does not free us from the contrast between humans and “the rest”, so I am not happy with either of these solutions.

⁴ Both slavery and sexism are still phenomena existing in many places, though of varying degrees and character, and in accordance with and in breach of legislation, depending on definitions. This may illustrate the failure of legislation in protecting the weak, and the persistence and strength of prejudices.

⁵ <http://www.adaptt.org/killcounter.html>

⁶ For discussion about the consumption of meat and how this can be debated from a feminist standpoint and be perceived as androcentrism see Gålmark (2008) and Adams (1990).

⁷ <http://www.eceae.org/it/category/latest-news/299/eceae-welcomes-more-information-about-animal-experiments-under-new-eu-directive>

⁸ <http://www.wspa-international.org/helping/animalfriendlyliving/investigation-global-fur-trade.aspx>

⁹ Information revealed by David Rodríguez Goyes through interview with environmental experts in Brazil in 2013 for my research project about the trade in endangered species.

¹⁰ <http://hunting.about.com/od/hunting/a/aa122299.htm>

¹¹ The combination and meaning of “cage bird” clearly indicate the purpose of keeping the bird, birds kept in captivity in private homes are per se to live in cages, the cage gives meaning to bird which in my view symbolises abuse, while in others’ normality .

¹² <http://www.fediaf.org/facts-figures/> The European pet food industry.

¹³ Still, the word “pet” may also be the indicator of an instrumentalist relationship: the animal is meant for human’s to “pet” them, thus covering some kind of human need for physical proximity, or they are kept merely to provide status. Often keeping a pet is also part of a child’s upbringing, supposedly teaching the child to care.

¹⁴ <http://www.traffic.org/trade/>

¹⁵ According to interview data from Colombia in relation to a research project about the illegal trade in endangered species. Interviews were done by David Rodríguez Goyes and included interviewees from public authorities and NGOs, including Traffic with special knowledge about the wildlife trade there.

¹⁶ <http://www.lovdatab.no/dokument/NL/lov/1981-05-29-38> *Lov om jakt og fangst av vilt*

http://www.lovdatab.no/dokument/NL/lov/2009-06-19-100/KAPITTEL_1#KAPITTEL_1 *Naturmangfoldsloven*

¹⁸ To go further into this philosophical debate would require a lot of room; one issue is for example whether a non-existent being can be deprived of anything, and furthermore; when one becomes a being.

¹⁹ At the moment of writing (January 30th 2014) lynx are legally killed, thus referred to as *hunt*.

²⁰ Verdicts made available through *Lovdata*, a Norwegian data base: <http://lovdatab.no/register/dommer>

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