CRIMINOLOGICAL APPROACHES TO ANIMAL CRUELTY

Doctoral thesis

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Neither things nor property, but living beings.

To Tea, Dina, Bubimir, Olga, Boris, Rajka, Štef, Grga, Rita, Zorica...
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IZVLEČEK

Živali so neločljivi del našega življenja, gospodinjstva, navad, dobrih dejanj in zločinov, našega pravnega sistema in naše kulture. Zdi se, da zloraba živali, krutost do živali in nasilje nad njimi danes bolj kot kadar koli motijo naša moralna čustva in sprožajo družbeni in politični odziv. Strokovnjaki, aktivisti, mediji in oblikovalci politike se strinjajo, da je zloraba živali nevarna in da potrebno ustrezno kriminalizirati in sankcionirati. Po drugi strani se večina živalskih vrst v zakonih in našem vsakdanjem življenju ne obravnava drugače kot predmeti, lastnine ali del narave in okolja. Zgodovinsko in kulturno je zločin nad živalmi dvoumen koncept. Zloraba živali se je v najboljšem primeru obravnavala kot kršitev zdravstvene varnosti ali neracionalne uporabe zalog hrane, medtem ko je trenutno točka zblizjevanja tista, v kateri se moralni občutki velikega gnusa do storilcev zločinu nad živalmi v javnem diskurzu soočajo z rednim ekonomskim izkoriščanjem živalskih življenj in zakonitim obravnavanjem živali kot lastnine, ki je prisotna v našem vsakdanjem življenju. Kako je zloraba živali postala kaznivo dejanje in kakšna je vloga strokovnjakov, medijev in zakonodajalcev v njej?

Kriminološki vidiki krutosti do živali v pomembnih psiholoških raziskavah kažejo na dejstvo, da je krutost do živali pri otrocih in odraslih povezana z drugimi oblikami nasilnih kaznivih dejanj. Čeprav se pojavlja v številnih različnih in zapletenih situacijah, nasilje nad živalmi skoraj vedno kaže na zaskrbljujoče vedenje ali povezavo z medosebnim nasiljem ali travmo. Psihološke in novejše kriminološke raziskave upravičeno kažejo na krutost do živali kot "rdečo zastavo" za različne vedenjske motnje ali povezane oblike nasilja. Ta povezava je bila pomembna za družbeno gibanja veliko prej, kakor so jo začeli izpostavljati strokovnjaki 20. stoletja. Pravice živali so številna zgodovinska družbena gibanja postavila v središče ali kot zelo pomemben poudarek svojega boja veliko pred gibanji za pravice živali v 60. letih. Drugi primeri družbenega gibanja ali združenj, ki delujejo na področju zaščite otrok, dodatno izpostavljajo povezavo, ki jo te družbene skupine zaznavajo med potrebo po izboljšanju zaščite otrok, žensk, žrtev nasilja v družini in domačih živali.
Pričujoča doktorska disertacija ponuja pregled strokovnih del o aktivni krutosti kot namenu škodovati živali ter povzročiti bolečino in trpljenje ter izhodišču za nadaljnje pravne ali kriminološke razprave o tem pojavu. Številna strokovna dela nam pomagajo razumeti pomembnost obravnave večenja, ki vključuje zlorabo živali. Ne glede na to, ali se zloraba živali obravnava kot kaznivo dejanje ali prekršek ali če ni prisotna v pravnem okviru, predstavlja zapleten pojav, ki je prisoten tako pri otrocih kot pri odraslih. Takšna zloraba, z izjemo živali, prizadene družine, skupnost in širok spekter družbenih institucij, kar kaže na različne medosebné vrste nasilja in vešenske motnje ter izhodišča za nadaljnje pravne ali kriminološke razprave o tem pojavu.

Številna strokovna dela nam pomagajo razumeti pomembnost obravnave vedenja, ki vključuje zlorabo živali. Ne glede na to, ali se zloraba živali obravnava kot kaznivo dejanje ali prekršek ali če ni prisotna v pravnem okviru, predstavlja zapleten pojav, ki je prisoten tako pri otrocih kot pri odraslih. Takšna zloraba, z izjemo živali, prizadene družine, skupnost in širok spekter družbenih institucij, kar kaže na različne medosebné vrste nasilja in vešenske motnje ter izhodišča za nadaljnje pravne ali kriminološke razprave o tem pojavu. V doktorski disertaciji preučujemo intersekcije analize in interdisciplinarne raziskave o zlorabah živali z namenom vzpostavitve povezav (e) in odnosa s poznejšim nasiljem odraslih ali sočasnim nasiljem v družini in zlorabo otrok. Obravnjavamo pomembna strokovna dela, da bi poleg tega, kako škodljiva je zloraba živali ali kako je povezana z nasilnimi medčloveškimi odnosi, razumeli tudi, kaj le-ta je in kateri so prispevajoči dejavniki, kot so obrambni mehanizmi ter vlogi empatije in obžalovanja. Razumevanje krutosti do živali kot dela človeškega nasilja in kot znak resne skrbi za blaginjo živali in ljudi je prvi korak k oblikovanju trajnostnih kaznovalnih politik, ki so vključujejo, vendar ne ostajajo le pri kriminalizaciji zlorabe živali.


Pregled in preučevanje psiholoških raziskav v prvem poglavju disertacije sta nedvoumno vzpostavila povezavo med družbenim in kulturnim položajem živali in ranljivimi skupinami oseb, kot so ženske, otroci in drugi, zaradi njihovega položaja nezaščitenih in razpoložljivih domačih žrtev, zlasti v študijah o antisocialnem vedenju, obrambnih mehanizmih in empatiji. Številne študije o antisocialnem vedenju in njegovi povezavi s krutostjo do živali pri otrocih in odraslih raziskujejo večplastno naravo nasilnega vedenja, ki povezuje nasilje v družini in partnerjih ter nasilje nad otroki z zlorabo živali. Druge študije raziskujejo travmatizirane otroke, vpletene v dejanja zlorabe živali, v katerih živali predstavljajo predmet za sproščanje stresa (obrambni mehanizmi). Raziskave obrambnih mehanizmov in mehanizmov obvladovanja, ki lahko vključujejo zlorabo živali pri otrocih in odraslih, vzpostavljajo povezavo s šibkim položajem živali in s tem zmanjšano empatijo. Posledično je zloraba živali mnogo bolj zapleten pojav, kot občasno namiguje popularna kultura, ki nakazuje na morebitno psihološko abnormalnost bodočega serijskega morilca.

Več raziskav o kriminoloških vidikih krutosti do živali, ki izhajajo iz temeljnih psiholoških raziskav o krutosti do živali pri otrocih, in povezave krutosti do živali z drugimi oblikami nasilnih kaznivih dejanj, poudarja pomen tematike za strokovnjake, ki obravnavajo vzroke in značilnosti kaznivih dejanj in družbeno škodljivega vedenja. Glavni kriminološki interes je namreč dobrobit ljudi in razumevanje vzrokov kaznivih dejanj, ki jih prizadenejo. Posledično krutost do živali predstavlja eno izmed osrednjih točk zanimanja za razumevanje možnega nasilja nad ljudmi, kakor tudi drugih vedenjskih
značilnosti zločinca. Kljub temu raziskovanje kriminalizacije zlorabe živali odpira prostor za razpravo, ali naj kriminologija ali zakon ostaneta antropocentrična in utilitaristična, ali pa je krutost do živali tema, ki lahko razširi kriminološki fokus izven področja zločina nad ljudmi. Po pregledu literature, ki vzpostavlja povezavo in odkriva podobnost predmetov zločina, živali in drugih človeških žrtev, se lahko vprašamo, ali so živali, ki so v zločine vpletene kot tarče človeškega nasilja, več kot le predmeti ali lastnina za storilce in za širšo družbo, za katere so moteč dejavnik.

V skladu s tem argumentom disertacija preučuje nadaljnji kulturni pomen živali v človeških družbah. Te razprave nam pomagajo razumeti viktimologijo zlorabe živali in njeno povezanost z drugimi oblikami nasilja, čeprav preučujemo položaj živali v zakonih in družbi na simbolični in semiotični ravni. Z vidika zlorabe živali kot kaznivega dejanja v drugem poglavju disertacije predstavimo teoretično raziskovanje, kaj je zločin, kako je povezan z družbenimi pojmovanji normalnosti, reda in hierarhije stvari ter kako jezik (popularne kulture ali zakona) slednje omogoči, pri čemer izhajamo iz primera zlorabe živali. Kaj živali pomenijo ljudem, se kaže v jeziku, prevladujoči ideologiji in posledično zakon opredeljuje kazniva dejanja, ki vključujejo živali kot žrteve. Marginalizirane skupine so pogosto nevidne ali premalo zastopane v zakonu kot predmeti in prav zaradi te podrejene značilnosti je njihova viktimizacija označena kot normalna. Posledično zatiranje žensk, ranljivih družbeno-ekonomskih skupin, etničnih manjšin in drugih marginaliziranih skupin ali živali v jeziku ali zakonu izhaja iz podobnih mehanizmov moči. Adamsova (2010) med drugimi feminističnimi znanstvenicami razpravlja o povezavi med diskurzivnim zatiranjem žensk in živali. To zatiranje se pojavlja ne le zaradi fizičnega ali pravnega zatiranja, ampak tudi zaradi njihovega položaja v simbolnem zaporedju. Metafore in diskurzivne prakse, ki enačijo ženske z živalmi in naravo ter moške z znanostjo in kulturo, kulturne navade uživanja hrane (meso je za moške, medtem ko je zelenjava za ženske), »konzumiranje« žensk in živali ter spolno nasilje nad ženkami in živalmi, so nekateri primeri te semiotične povezave in hierarhije. Kot najmočnejše orodje za gradnjo te resničnosti in reda vsakdanji jezik razkriva povezavo z našim vsakdanjim življenjem. Zdi se, da je prevlada nad živalmi, ki vključuje krutost, temelj same družbene prevlade. Zlorabo živali v jeziku zaznamujejo preprostost in normalnost. Živali kot živa bitja so odsotne in nevidne, saj so v resnici izginile iz našega pogleda na
realnost ter so zadržane v obratih in tovarnah. Ti odločilni dejavniki v našem dojemanju normalnosti in zločina, tj. normalnosti zlorabe živali, se soočajo z nedavnimi družbenimi gibanji za pravice živali kot tudi medijskimi prikazi krutosti do živali kot družbene škode. Kljub temu se vedno ostaja v našem pravnem diskurzu protislovje, ki zlorabo živali in ubijanje opredeljuje kot zločin, medtem pa odobrava druge vrste množičnega uničevanja živalskega življenja.

Medtem ko se danes zločin nad živalmi in krutost do živali obravnava kot posebej odklonsko in ogrožajoče vedenje, zločin nad samo družbo, je bila njuna obravnava pred desetletjem ali dvema v večini svetovnih držav drugačna. Zločin nad živalmi je izval veliko močnejši strah in moralno paniko v primeri z drugimi zločini nad ljudmi, vendar ta zločin še pred kratkim ni bil obravnavan niti kot prekrižek ali tema za razpravo. Poleg tega so bile živali v preteklosti zaokrožena nezaščiteni, in čeprav bi se jih ljudje morda bali, se še nikoli niso bali tistih, ki so jih ubijali, mučili in obravnavali kot nežive predmete. Položaj živali v zakonu je tesno povezan s tem, kako se nasilno dejanje do živali dojema kulturno. Vprašanje statusa živali kot pridobival tudi teh pravicem zasnovanih v zakonu kot predmetov (lastnine ali zaščitene dobrine) ali subjektov z zakonsko določenimi pravicami je ključno za razumevanje razvoja njihove zaščite v kazenskem zakoniku in njihovega statusa v današnji zakonodaji. Vprašanje, kako nekatera človeška dejanja postanejo kazniva, nujno vključuje tudi preučevanje pravne teorije in zgodovine ter javnih diskurzov, ki opisujejo takšna dejanja in zločine. V tretjem poglavju doktorske disertacije razpravljamo o tem, kako je prišlo do zgodovinske spremembe, v kateri krutost do živali postane kaznivo dejanje. V tem poglavju disertacije analiziramo tudi pravno zgodovino živali in njihov položaj pravnih objektov in subjektov. Nadalje preučujemo stališča pravnih strokovnjakov o položaju vlogi živali v zakonu s teoretičnega in zgodovinskega vidika, da bi zagotovili kontekst sodobnemu pravnemu okviru, ki obravnava krutost do živali in blaginjo živali.

Nazadnje, v četrtem in petem poglavju disertacije predstavimo najnovejši razvoj pravne zaščite živali v kazenskem zakoniku, pri čemer kot študijo primera obravnavamo kriminalizacijo zlorabe živali na Hrvaškem in kako se le-ta odraža v razvoju zakonskih določb, statistiki o živalih in poročanju v medijih. V skladu z globalnimi trendi je Hrvaška sprejela določbe, ki sankcionirajo dejanja mučenja in zanemarjanja živali, najprej kot

Uvedba kazenske opredelitve zlorabe živali, trendi in značilnosti policijskih poročil, obtožnic in obsodb zlorabe živali kot kaznivega dejanja so podrobno obravnavani v četrtem poglavju. To poglavje še posebej analizira nedavne spremembe pri zaostrovanju kriminalizacije krutosti do živali v novem kazenskem zakoniku iz leta 2011 v luči teoretičnih razprav o značilnostih in zavračanju nerazumne širitev kriminalizacije in poosrtevte zapornih kazni, ki ju vodita medijska blaznost ali populistična politika. Ta trend, znan kot pretirana kazen, ki ga običajno povzročita ogorčenje medijev in moralna panika, najpogosteje ne temelji na dejanskem obsegu kaznivih dejanj in ne ustreza nobenim preventivnim, rehabilitacijskim ali intervencijskim ukrepom.

Mediji so pozdravili raširitev kriminalizacije in strožje sankcije zlorabe živali, tema zlorabe živali pa se je po letu 2011 izkazala za pomembno javno zadevo. O njej so obširno poročale predvsem spletne novice, pri čemer so temo živali in zlorabe živali sprejeli kot svojo "domačo temo". Nekateri ponudniki novic so na svoji glavni spletne strani, namenjeni živalim, celo predstavili ločene kategorije. Večina spletnih novic je zaradi svoje vizualne medijske narave ponujala eksplicitna vizualna gradiva. Poleg glavne vsebine in uredniških sporočil (naslovi in podnapisi) so informacije o obiskih in komentarji bralcev prispevale k medijski predstavitvi zgodbe o zlorabi živali kot kaznivem dejanju. Kot je razvidno iz petega poglavja disertacije, se v obdobju med leti 2011 in 2013, ki sovpadajo z uvedbo novega kazenskega zakonika, zloraba živali tako rekoč pridružuje družbi najbolj iskanih kriminalcev. Tudi pri poročanju o drugih vrstah kaznivih dejanj so le-te mediji pogosto povezovali s krutostjo do živali, čeprav dejanske povezave ni bilo. Navedene so bile tudi podrobne upodobitve osebnosti storilca. V nekaterih primerih so vzbudili moralno paniko in skupine vigilantov upodobili kot junake. Disertacija zato predstavlja analize, ki temeljijo na utemeljenem teoretičnem pristopu, o medijskem poročanju o zlorabi živali v teoretičnih okvirih medijskih študij in medijske kriminologije. Poleg tega v disertaciji preučujemo vlogo medijev pri oblikovanju javnega dojemanja kazenskega in pravnega sistema ter posledično pri oblikovanju dojemanja kaj je zločin, kaj je normalno in kaj zakonito.

Nekatere ugotovitve analize medijskega poročanja so sledeče. Središče poročanja o zlorabi živali v obdobju uvedbe novega kazenskega zakonika med letoma 2011 in 2013 zaznamujejo kriminalizacija, patologizacija in demonizacija storilcev, naklonjenost in empatija do žrtv ter strah pred hkratnim ali prihodnjim človeškim nasiljem s strani storilcev. Drugič, analiza kaže na ugotovitev, da so poročila polna dezinformacij v smislu pravnih informacij in senzacionalizma, zlasti pri naslovih. Dinamika javnega ogorčenja je vidna s pozivom k vse večji kriminalizaciji in strožjem kaznok, ki vključujejo daljše zaporne kazni. Ta senzacionalistična razlaga pravnega okvira je bila za medije najpomembnejša zadeva. Drugi pomemben zaključek analize je, da so medijsko poročanje zaznamovali kulturno pogojeni prikazi kriminala, v katerih so mediji uporabili že uveljavljeno pripoved kriminalnega žanra. Bombastični naslovi, ki so jim sledile grozljive fotografije, so ustvarili prostor "moteče vsebine", ki jo naseljujejo pošasti in

Končno, raziskava, predstavljena v tej disertaciji, trdi, da je bilo oblikovanje zlorabe živali kot kaznivega dejanja (ter trendi razširjene definicije in strožjih sankcij) posledica zgodovinskih in pravnih trendov širših v pravic človeka in živalskih bitij na eni strani in dvoumnega položaja živali v zakonu na drugi, naraščajoče strokovnega znanja in družbenih gibanj o tej zadevi in politične (oblikovanja zakonodaje) ter širših ozaveščenost
javnosti, ki jo oblikujejo in posredujejo mediji. Diskurzivna kriminološka resničnost zlorabe živali, predstavljena v pričujoči disertaciji s študijo primera, ki vključuje pravno in medijsko analizo, predstavlja le en pogled na to vprašanje, s pomočjo katerega bi lahko razumeli, kako zloraba živali postane kaznivo dejanje, in morda je prispevala k našemu razumevanju, kako vsako vedenje postane kaznivo dejanje, vendar to ni edini vidik ali pristop. Tako uradni podatki iz kazenskega pravosodja kot prikazovanje krutosti do živali v medijih so posredovane informacije, na eni strani zaradi nepopolnega terenskega zbiranja podatkov, ki nam pogosto pove več o tem, kaj je prikrito (sive številke), na drugi strani pa s pripovedno logiko pripovedovanja zgodb z vsemi njenimi arhetipi in poznan no dinamiko. Razlika med njimi je v tem, da so medijske zgodbe o zločinu veliko bolj dostopne kot znanje o tem, kaj je zločin, zato danes mediji in kulturne študije bistveno prispevajo h kriminologiji. Čeprav v doktorski disertaciji ne preučujemo vseh kriminoloških vidikov krutosti do živali, kot so pravna opredelitev, institucionalno varstvo, njegovo preprečevanje in obravnavanje ter intervencijske politike, si prizadevamo prispevati k informiranemu, vzajemnemu in interdisciplinarnemu pristopu h krutosti do živali kot resni družbeni škodi tako za živali kot za ljudi.

Ključne besede: kriminologija, zloraba živali, nasilje v družini, kultura, mediji, zločin in pripoved.
ABSTRACT

The thesis investigates the criminological aspects of animal abuse as cruelty towards animals and its social and legal response. Expert findings, social movements, the media and more recently policy-makers agree that animal abuse is a dangerous and concerning behavior that should be sanctioned. On the other hand, most of the animal species are treated in law no differently from objects, property or a part of nature. Historically, crime against an animal and its legal status is an ambiguous concept. The purpose of this thesis is to analyze within such ambiguous and paradoxical legal and cultural context the way in which animal abuse became perceived as criminal and socially harmful. The thesis reviews findings on the links of animal abuse to other forms of violence, psychological mechanisms and discussions of cultural and legal meanings of the animal – human relationship with the purpose of building a working definition of animal abuse for critical-criminological purposes. Based on these, the main study about the processes of contemporary construction of animal abuse as a crime relies on a case study of Croatia’s legal and media treatment of animal abuse. Looking at the period of 2004 - 2018, two aspects of animal abuse were analyzed: the development and implementation of the legal framework and the media depictions. Some of the main findings are as follows. Although criminalization of animal abuse and its sanction by imprisonment in Croatia took place in earlier criminal provisions, it was the 2011 (enacted in 2013) Criminal Code’s animal abuse sections that drew particular media attention and instigated significant public interest in the topic. Although the provisions were reported on with a high level of inaccuracy, particularly in terms of criminalization and imprisonment, closer analysis of the criminal justice statistics (from reports to probation data) reveals that, regardless of legal changes, criminalization rarely included imprisonment, the efficiency of identifying and indicting reported individuals was very low and convictions rarely included any or sustainable probation measures. The media content analyzed shows that animal abuse was strongly shaped as a socially endangering and deviant act. The narrative used by journalist and editors was marked by features of the crime genre fiction and literary depictions of psychopathology of the offenders, the police (shortly) and self-organizing citizens were applauded, and harsher retribution was
called for. The findings point to the necessity of understanding complexity of animal abuse as grounds for sustainable prevention, treatment and sanction, an aspect which should be led by experts and not the media. On the other hand, and due to its overwhelming influence on the perception of crime and social control, popular culture and the media need to be equally important objects of study for the contemporary criminology as they not only influence the formation and implementation of laws but also their meaning for members of the society who practice it.

Keywords: criminology, animal abuse, domestic violence, culture, media, crime and narrative.
1. INTRODUCTION

Animals have become increasingly prevalent in our modern media. They are endlessly discussed on social networks and talked about in newspapers. On television we see dog trainers at work and vets tending to rare species living in the remotest corners of the planet. In these kinds of texts man is depicted in various ways: as one who looks after the animal, who defends it, who stands by it as faithful life companion, who feeds it and who abuses it. Animals in turn are portrayed as the objects of harassment, but equally as beings that enjoy human affection and with the ability to influence choices. They can even hold rights (Giannitrapani & Mangiapane, 2018, p. 401).

Animal rights are also rights formed from habits, unwritten norms, attitudes and behaviours that are each negotiated in various situations between the two different species; species endowed both with their strategic rationality, their pathemic moods, their aesthetic re-adjustments or perhaps, in other words, their ‘humanity’ (p. 403).

Animals are an intrinsic part of our lives, our households, our habits, good deeds and crimes, our legal systems, and our cultures. The legal formation of animal rights is tightly connected to the criminalization of animal abuse. Besides being mutually interdependent, both are equally formed and shaped by history, the media, and our interpersonal and inter-species relations. Taking into account many possible approaches to the issue of animal cruelty, this research will focus on how active cruelty against animals, i.e. acts of commission with the intention to harm an animal and inflict pain and suffering (marginally outlining the phenomena of passive cruelty, or acts of omission, as well as harm inflicted via deliberate neglect that creates prolonged suffering, such as animal hoarding, willful neglect, etc.) has become a crime.

The criminological aspects of animal cruelty that are discussed in the current psychological research point to the fact that animal cruelty in children and adults is connected to other forms of violent offences. Although appearing in many different and complex situations, violence against animals almost always points to concerning behavior or links to interpersonal violence or trauma. Psychological and more recently criminological research rightly points to animal cruelty as a red flag for a variety of
behavioral disorders or connected forms of violence. Parallel to that, many historic social movements placed animal rights at the center or as a highly important focus of their struggle, long before animal rights movements in the 60s. Many early feminist and suffragist movements were also vegetarian, deeming violence against animals and women as connected. Other examples of poverty-focused social movements further point to the link that these social groups perceived to exist between the need to improve the protection of children and pets.

As some of the seminal research on animal abuse show (Hellman & Blackman, 1966; Tapia, 1971; DeViney, Dickert & Lockwood, 1983; Ascione & Webber, 1995; Ascione, Weber & Wood, 1997; Arluke, Levin, Carter & Ascione, 1999; Arkow, 1999; Ascione, 2005), animal cruelty is essentially connected to the wider social perception of who victims are. Animals, children, women, non-citizens, and minority groups have all historically had weak or no protection by the law. The legal, social, and cultural context of animal abuse is central to how animal abuse is defined, which methods are used, and what criminological links are established. The victimology of domestic violence, which should include animal abuse, is marked by the fact that “women, children and animals have historical status under the law as property” (Lacroix, 1999, p. 63). Recognition of violence against children, women, and animals as a part of a similar victimology, that of a “crime behind closed doors,” is in fact historically intertwined at its core; and the recognition of one has always been tied to the awareness of the other. In the 19th century, American animal protection societies took on cases of abused children and successfully prosecuted the first case of child abuse (Arkow, 1999, p. 19). Some of the first successful prosecutions of child abuse was facilitated by animal protection activists, and it created an incentive for cooperation amongst the foundational child protection societies and joint child and animal protection associations (Ascione, 2005, p. 8-9). Similar collaborations between animal, children, and women’s rights efforts appeared throughout the years that followed. The much later recognition of the battered child syndrome (Kempe, Silverman, Steele, Droegemuller & Silver, 1962) was the product of a long struggle for legal recognition of child abuse that was in many ways led by animal activists (as historically, battered children in the U.S. were routinely labeled as “accident-prone”). This later
influenced women’s struggles for the recognition of the battered woman syndrome (Walker, 1979), as well as the recognition of what Munro (1996) first called battered pets.

There is an obvious link between the legal position of animals and many other disprivileged groups of humans. Both legal and other social science scholars have pointed out this link as it not only contributed to our understanding of the legal development of animal rights but further explains the victimology of animal abuse and other forms of interpersonal abuse and domestic violence. Still, the ambiguous legal position of animals in the history of law as well as in present legal and cultural contexts raises numerous questions that are important to scholarship dedicated to understanding harmful and violent acts against animals and their social and legal construction as crimes. Namely, animals today are still not subjects of the law, nor are they in a majority of socio-cultural contexts considered to be eligible victims, or more than inanimate objects. Therefore, how can animal cruelty then be perceived by society and the law as a crime?

The general hypothesis of this research is that the global trends present in a variety of public discourses (legal, political, and social spaces) that depict animal cruelty as dangerous and criminal social behavior do not stem from expert findings or social movements alone, but far more so from the media, or more specifically popular culture and the news media. Appropriating expert findings on animal cruelty as dangerous and concerning behavior, popular culture today, through its numerous depictions of animal cruelty in the crime genre as a monstrous and demonic evil is highly influential for both media and the wider public, including lawmakers. It is important to note here that unlike animal rights social movements or legal scholars who aim to improve the status of animals (or for the achievement of their liberation), the media appropriates the ambiguous legal and criminological position of animals and pushes it to the limits of a paradox. Crimes against some animals, pets or favorable wild animals, are deemed to be the most scandalous and deviant, while other animal lives and livelihoods remain fair game for exploitation by humans. Often sensationalism is measured by how “cute” or “horrific,” but nevertheless newsworthy, animal content is, while the overall legal position of animals remains unquestioned.
Researching how certain human acts have become criminal, necessarily involves inquiry that surpasses the legal domain, expanding the view towards other public discourses that shape the perception and discursively create situated criminological landscapes. Especially narrative criminology developed an approach to discourse on crime as central to studies of criminology. According to Presser and Sandberg (2019, p. 131) “[n]arrative criminology is a theoretical paradigm centered on the view that stories influence human actions and arrangements, including those that harm.” Today’s cultural, critical and narrative criminology points to the importance of public discourse in shaping and reshaping criminological reality, including the very concrete legal and criminal justice system. Therefore, this thesis’ research questions ask about how socio-legal changes, in which cruelty to animals have become perceived as a serious crime against society itself, were influenced by experts and social movements (Chapter 1); historical, cultural, and legal discourses (Chapters 2, 3, and 4); and, particularly, media discourses (Chapter 5). Using the case study of the legal development of the criminalization of animal abuse in Croatia during its accession to EU (Chapters 4 and 5), the thesis investigates how animal abuse has become a new form of criminal behavior by analyzing legal provisions and criminal justice statistics on the one hand and media discourses on the other.

Before contemporary popular crime culture began portraying disturbed children and psychopaths torturing children, the complexity of animal cruelty was primarily the focus of psychological and criminological research. Although human societies sporadically expressed fear from those among them who without any particular economic, agricultural, or other reason tortured animals or enjoyed contributing to their suffering, of which a popular example is the series of printed engravings by William Hogarth in 1751 The Four Stages of Cruelty, it was more recent medical and social sciences that systemically approached the issue from both developmental, psychological, and criminogenic perspectives. The first chapter focuses on reviewing the most relevant research findings on active cruelty as acts of commission as a starting point for further inquiry into the development of legal or public discourses on this phenomenon, as expert findings without a doubt influenced both the criminalization and sanctioning of animal abuse behavior (unfortunately, not so much the treatment) and popular culture depictions.
of animal abuse. Chapter 1 aims to elaborate in more detail what animal abuse is, its phenomenology, criminogenesis, its link to other proceedings, co-occurring or following acts of violence, psychological mechanisms triggering it, the role of empathy and remorse, and its connection to behavioral and personality disorders. Regardless of whether animal abuse is treated as a criminal offence or a misdemeanour or if it is absent from the legal framework altogether, Chapter 1 helps us understand that it represents a complex phenomenon present in both children and adults that calls for an unbiased and constructive approach to prevention, sanctioning, and treatment. As any form of violence and abuse, animal cruelty affects animals, families, communities, and offenders. Chapter 1, therefore, explores the benefits of intersectional and interdisciplinary approaches to research on animal abuse in order to understand animal cruelty beyond our fears from progression to potential interpersonal violence (from animals towards “us”) for the sake of building sustainable criminal policies that would apply professional and comprehensive approaches to the welfare of both animals and humans.

The psychological research discussed in Chapter 1 establishes the interdependence of the socio-legal position of animals (as well as other groups of humans) and their position as victims. Numerous studies on behavioral disorders, aggression, unappropriated defense mechanisms, lack of empathy, and remorse inquire about the multi-fold nature of violent behavior, connecting domestic and partner violence, violence against children, bullying, and animal abuse. Other studies explore how children who are exposed to some external or internal trauma or decreased empathy engage in animal abuse or bully animals or weaker children, which are viewed as weak objects and available “victims” for the release of stress. Substantial research on defense and coping mechanisms reveals that animal abuse in both children and adults is connected to the weaker position of animals. Therefore, animal abuse is by far a more complex phenomenon than, as popular culture sometimes insinuates, the inherit psychological abnormalities of a future serial killer. It seems to stem from the victimology of the unprotected, unrepresented, invisible, or subaltern. The second chapter, therefore, elaborates further and reviews discussions on the symbolic and cultural meaning of what the animal is to the human and on the discursive power to determine the place and value in the (criminological) order of things. These discussions not only help us understand the
psychology and profile of the perpetrator or the victimology of animal abuse crimes, but also the position of the animal in law and society in general. This is important when talking about how animal abuse becomes a crime, particularly if we are interested in a broader theoretical inquiry on how any act or behavior becomes a crime, on how social conceptions of normality and legality are constructed first through language then through law, and on the role of language and culture.

Crimes against animals and animal cruelty as a criminal offence today are seen as particularly deviant and endangering behavior - that is a crime against society itself, but this was not historically so. Provoking fear and moral panic perhaps stronger than many other crimes against humans, this crime was until recently considered merely a misdemeanor or absent from the legal and social sphere altogether. Besides exceptional provisions protecting them as human property, a community food reserve, or potential public health risk, animals, as we well know, have been historically unprotected by the law; and although people might have feared them, they have never before feared others who killed, tortured or mistreated animals. What animals were and are to humans legally speaking, the source of their subaltern position in the law, their inability to represent themselves and to be equal legal subjects that share their rights with responsibilities, and how these issues have been dealt with legally in the past are some of the questions that are discussed further in Chapter 3.

Western or European legal history and theory of animals in the law, often described as founded on the Roman legal tradition, is one view on the history and theory of animals in society in general. Namely, it provides a context to contemporary Western, European, and Croatian legal frameworks and their treatment of animal cruelty and animal welfare issues. A vast majority of the contemporary legal debates on the status and protection of animals in the law stems from this history and without such context it would be illegible. The mainstream legal theories on the status of animals in the law can be grouped around three general standpoints: those that consider that animals cannot have legal rights due to the fact that have no legal duties, those that support and propose the idea of animals as specially protected legal objects, and those proposing the idea of animals as legal subjects and call for the abolition of ownership over animals and, instead, the introduction of
custody and legal representation of animals in legal matters. The status of animals as objects or subjects of the law is central to this grouping and how they differ from each other. These axes of division stem from the ambiguous position of animals in the law in general. Depending on whether it is in a constitution, the criminal code, or a specific law, in legal reality further complicated by case laws, animals are often treated differently by the same legal system. Sometimes they are objects of highest social value (similar to cultural heritage or natural resources), sometimes they are protected or represented (similar to legally incapacitated individuals), and sometimes they are treated with special care, but nevertheless as private property and otherwise as inanimate objects. Although aiming to improve the status of animals in the law, these contemporary debates on the status of animals in the law have, in fact, already taken place in many historical times and places, in which animals were legally treated as invisible and by the law, as inanimate objects, part of wildlife and nature, as property and a resource, as divine creatures deserving of protection, or, more recently, as subjects of criminal precedents no different than humans (animal trials). Chapter 3 gives an overview of the most relevant historical examples, concluding with the contemporary legal landscape of animal protection.

Chapters 4 and 5 present the recent development of the legal protection of animals in the Croatian criminal code. As in most European countries, Croatia also passed provisions that sanction acts such as torture, neglect, and the killing of animals, first as misdemeanor and finally in the Criminal Code of 1997 as a crime, sanctioned by fines and a prison sentence. The subsequent Criminal Code of 2011, in effect since 2013, further expanded the definition (to include death of an animal and neglect), provisionally eliminated fines (as imprisonment punishment of up to three years can be substituted with a fine as the main punishment), harshened the maximum prison sentences, and included some animal protection measures (such as confiscation). These particular legal changes in the period 2011-2013 were intensively covered by the media, although they were a significantly smaller step (nevertheless, important step) in the development of animal cruelty prevention and sanctioning than the criminalization in the Criminal Code of 1997. The introduction of the criminal definition of animal abuse, the trends and features of the police reports, and indictments and convictions of animal abuse as a criminal offense are discussed in detail in Chapter 4. Particularly, the chapter analyzes the recent changes in
harshening the criminalization of animal cruelty by the new Criminal Code of 2011 in light of theoretical discussions on the features and determents of the unreasonable expansion of criminalization and harshening of prison penalties. This trend known as penal excess, usually caused by the media-instigated outrage and moral panic, is most often not founded on actual crime statistics and falls short of any prevention or rehabilitation content. The development of the criminalization of animal abuse in 2011, which expanded the definition of animal abuse, proscribed harsher imprisonment penalties for killing and torturing animals and seemingly removed fines (only de jure), is further discussed in Chapter 4 within the set theoretical framework. Namely, when looking in more detail at the number and type of reports (e.g. the rate of the unknown perpetrators), successful indictments, convictions and prison sentences, probation measures, and other traits of the criminal justice system, these and other aspects of the new criminal code, overwhelmingly reported on by the media as the biggest improvement in the protection of animals, may look as a straightforward progress as the media spectacularly reported.

The media welcomed the expansion of criminalization and penalization of animal abuse overwhelmingly and the topic of animal abuse has proven to be an important public issue since 2011. In particular, internet news providers reported on it extensively, taking the topic of animals and animal abuse as its “pet topic.” Some of the news providers even introduced separate categories on their main webpages dedicated to animals. A majority of internet news providers, due to their visual media nature, provided explicit visual material. Along with the main content and editorial messages (titles and subtitles), information on visits and comments of readers contributed to the media representation of the story of animal abuse as a crime. As Chapter 5 will show, in the period preceding and during the introduction of the new Criminal Code of 2011, the animal abuser joins, so to speak, the company of the most wanted criminals. Even when reporting on other types of crime, the media often connected them to animal cruelty, although there might not have been any factual connection. Detailed depictions of the offenders’ personalities were provided and, above all, moral panic was inflamed. Chapter 5, therefore, inquires about theoretical frameworks of media studies and media criminology that help us understand the findings of the media texts analyses. It explores particularly the role of the media in
shaping the public perception of the criminal and legal system, and consequently in shaping what crime, normality, and legality are.

Finally, the outlined research questions require combined and mixed methodological approaches with strong qualitative methods in focus. Qualitative analysis, such as historic, legal, and media discourse analyses are used in analyzing historical and contemporary texts, while media text analysis is also done using a software-assisted (NVivo coding) grounded theory approach. Chapter 4 and the analysis of crime and court reports rests on basic descriptive data analysis, but the central methodological approach remains qualitative. In that sense, the research presented in this thesis was conducted dominantly based on a qualitative methodological approach of cultural criminology, which will be discussed further in the methodological and conclusion sections.
2. METHODOLOGICAL APPROACH AND TOOLS

The main research questions inquire into the legal and cultural changes that enable the appearance of animal abuse as a crime and are investigated by using combined research methodology in this case study model. Methods include descriptive statistical analysis of the data reported by criminal justice institutions (law enforcement, courts, and other institutions) and a grounded theory approach to media text analysis (software-assisted Nvivo coding). The introductory chapter presents an interdisciplinary literature review and theoretical framework that is relevant for a criminological examination of animal abuse as a crime. It also provides a historical, cultural, semantic, and critical theoretical context for the discussion on the status of animals in law and society as it is relevant to our contemporary conception of crime against animals. Furthermore, the analysis of statistical data is put into theoretical and methodological context, which explains the benefits and downfalls of reporting and its relation to general trends in criminal policies globally on the one hand and the case study context on the other.

Methodological and disciplinary limitations proved to be a critical issue in this early research, as DeGrue and DiLillo (2009) point out, arguing how the limitations of methods used (mostly surveys with limited scope) and the groups that were targeted excluded some of the relevant findings. For instance, research on domestic violence and its connection to animal abuse often exclude the involvement of children as animal abusers or connections between animal and child abuse committed by perpetrators of domestic violence who use animals as proxies. Other research on adults (e.g. on prison populations, criminals, or persons with behavior disorders) often exclude the multiplicity of violence experienced in childhood and concentrate only on the appearance of animal cruelty and its connection to later criminal behavior or personality disorders. Without a doubt, quantitative research done on larger population samples, especially surveys, contribute greatly to the visibility of animal cruelty as a serious and overwhelmingly present issue, but their limitations lie within their inability to explain the historic, cultural, or social context of criminological phenomena.
As Alasuutari, Bickman & Branner (2008, p. 1) state, “[f]rom the 1930s onward survey research and statistical methods have assumed a dominant position whereas qualitative methods have gained ground more recently.” Both social sciences and other fields of research have experienced a resurgence of interest in qualitative methods, mixing different methods and using statistics in innovative ways. The authors state that social sciences seem to be intrinsically leaning towards mixed methodology, especially combining quantitative methods based on “logics” rather than statistical probability or using case studies and comparative approaches (p. 2). Using case studies and different types of text analysis in combination with statistical data seems to have become more usual in social sciences, although historically case-studies and statistics seemed to raise conflict. The authors point to the fact that social science researchers who use quantitative methods were always innovative and pragmatic in applying different approaches, as much as qualitative methods always tend to be amended with one or more types of quantitative methodologies (p. 9-10). Finally, the authors conclude that we should not dismiss the fact that differences between these camps are so big that their division is often blurred altogether (p. 9).

Methodological pluralism has gained even more attention with recent media studies trends and awareness that we overwhelmingly live in a media-shaped context - a global phenomenon that frames our reality, both legal and societal, requires that media and textual/discourse analysis become more scientifically based and included in general social science methods. Aside from researchers and medical and social work professionals, the issue of animal cruelty and its significance to our social and legal relations has been strongly pushed to the forefront by the media and activist groups who act in public spaces as deserving of serious attention from law enforcement, courts, and other professionals. While psychologists and psychiatrists may have been convinced for quite some time that animal cruelty should be taken seriously by lawmakers, social workers, and police forces, it has been the media outrage that has played an especially influential role in bringing about legal changes, such as introducing criminal provisions for punishing animal cruelty. Therefore, this more or less global trend of criminalization of animal cruelty should not be investigated only through traditional legal methodology, comparative or other, but also by using more interdisciplinary and integrative approach, such as various qualitative
methods. It was the critical discourse analysis that was first used in the media content analysis (Foucault, 1977; Hall, Critcher, Jefferson & Roberts, 1978; Hall, 1997; van Dijk, 2008; Jewkes, 2004) for carefully uncovering the discursive practices or ideological frameworks of different discourses, situating the socio-political message that every text, including a legal one, creates.

It was the media that most efficiently exploited the sites of animal cruelty in medical experiments, the meat industry, and animal cruelty crimes and triggered more significant public attention and consequently the legal changes. Social movements and scholars have contributed greatly to this development as well, but it was the influence of media and popular culture that sparked a general trend of sanctioning cruelty against animals as social violence, i.e. a crime against society. Consequently, legal change cannot be seen outside the media analysis which points out that legal discourse, like any discourse, is both causally related to culture, local and global developments, and produces consequences of their own. As Niemi-Kiesiläinen and colleagues state, legal scholarship and discourse analysis have much in common, “[t]hey both concern reading and interpreting texts, both are preoccupied with the meaning of texts, and both seem to assume that texts have a life of their own” (Niemi-Kiesiläinen, Honkatukia & Ruuskanen, 2007, p. 73). This approach sees discourse, including legal discourse, as constructing the social world both factually and conceptually. Using the example of analyzing legal discourse from the angle of women's rights, the authors write, “everyday concepts of violence against women may influence the legal analysis of the cases. Legal language also constructs reality and everyday understanding of what violence against women is” (p. 80). Grounded theory was also used in analyzing media texts, allowing an approach to texts that is “uncontaminated” by prior theory or discipline knowledge (Charmaz, 2008, p. 472) as well as the analysis of the text through repeated mapping and coding (the significant appearances or repetitions) (p. 465).

The analysis of the media content on the topic of animal abuse and criminal legal frameworks contains media material from Croatia’s most read news portals. The focus of the analysis is to map messages repeated by the journalists and editors on animal abuse as a crime and describe their depictions of criminal acts, perpetrators, and victims. The
grounded theory approach is used in order to provide an informed and contextualized analysis without preconceived conclusions. Therefore, the analysis of the media focuses on answering main research question, i.e. how legal and cultural changes came about in shaping the course of our understanding of animal abuse crimes by using qualitative research methods, namely NVivo coding and a grounded theory approach. Cultural and narrative criminology as a broader theoretical framework additionally supports the grounded theory approach as tools for analyzing texts about the crime as messages that in certain contexts influence and shape our understanding of the crime. Narrative criminology in that respect “concretizes the discursive focus of constitutive criminology, asking, among other things, which particular (narrative) discourses construct crime and how” (Presser & Sandberg, 2019, p. 133).

Finally, taking Croatia as a case study allows for the use of multiple methodological tools for different aspects of animal cruelty as a criminological topic of research, enabling the research to be focused and applicable in a broader context. The choice of the country is methodologically supported in as much as Croatia is (still) considered to be a transitional country that only recently joined the EU, which drastically influenced development of its legal framework, expansion of criminal policies, and the improvement of animal protection in its legal provisions. Secondly, and perhaps less importantly, there is almost no research conducted on the topic of the criminological aspects of animal abuse in Croatia, such as the analysis of the legal framework, institutional policies including their connection to other forms of criminal or harmful behavior, prevention, sanctioning, or treatment. Non-methodological but equally important reasons for taking Croatia as a case study comprise of my own epistemological, cultural, and linguistic proximity, which is crucial for the qualitative research methods used, such as contextual and semantic analysis of the media material.
3. PSYCHOLOGICAL RESEARCH ON THE CRIMINOLOGY OF ANIMAL ABUSE

3.1 Introduction

Taking into consideration the complexity of animal cruelty, problems with its varying definitions which depend on legal frameworks, social norms, cultural and public perceptions and many possible approaches to the issue of animal cruelty, this paper will focus only on active cruelty (acts of commission), i.e. the intention to harm an animal and cause pain and suffering. It will study the phenomenon as a multi-indicator for violence.

Regardless of whether animal abuse is treated as a criminal offence or a misdemeanor or if it is absent from the legal framework altogether, it represents a complex phenomenon present in both children and adults. This abuse affects families and a wide range of social institutions, not only harming animals but also indicating various inter-personal types of violence and individual behavioral disorders. This chapter explores intersectional and interdisciplinary research on animal abuse, its connection to subsequent adult or concurrent domestic violence and child abuse, contributing factors such as defense mechanisms and the roles of empathy and remorse. Understanding animal cruelty as a part of human violence and as a sign of serious concern for the welfare of both animals and humans is a first step towards building sustainable social policies.

For at least half a century, social and behavioral science research on animal cruelty has been highlighting the act of animal cruelty as a multi-indicator for violence. Although American animal protection societies had linked animal abuse and child abuse in the domestic domain back in the 19th century (Arkow, 1999; Ascione, 2005), it was not until the late 1960s that experts started conducting systematic research of this link (Hellman & Blackman, 1966; Tapia, 1971; DeViney, Dickert & Lockwood, 1983; Ascione & Webber, 1995, Ascione, Weber & Wood, 1997; Arluke, Levin, Carter & Ascione, 1999). The Diagnostic and Statistical Manual of Mental Disorders first included animal cruelty as a diagnostic criterion for Conduct Disorder in 1987. While behavioral sciences and
criminology have considered animal cruelty both as an indicator and a predictor of crime for some time now, animal abuse is still rarely identified as a criminal offence or even a misdemeanor.

Legal, social, and cultural significance of animal abuse is central to animal abuse research. Any studies or policy findings depend on how animal abuse is defined, which methods are used and what criminological links are established. For instance, one of the pioneers of animal abuse research, Ascione (1993, p. 228), defines animal abuse as “socially unacceptable behavior that intentionally causes unnecessary pain, suffering, or distress to and/or death of an animal”. As any definition, this one initiates discussions and critique. Pagani, Robustelli & Ascione (2010) address some of these problems that scholars face when dealing with the meaning and definition of animal abuse. They notice how two similar studies on young people in Italy yielded significantly different results with regard to the prevalence of animal abuse, ranging from 18% to 55.8%, depending on how animal abuse was defined. They hypothesized that even a small difference in age of the two sampled groups can make a difference in results (for instance, being motivated to answer, being sincere, or remembering) (Pagani, Robustelli & Ascione, 2010, p. 269). Therefore, everything is significant - from the definition of abuse (e.g. whether it includes only acts of commission and/or also omission, what counts as “socially unacceptable”, or which animals count), to sampling, and even methods.

Although methodological issues remain, numerous studies from different disciplines are consistent in discussing its growing prevalence and its dependence on social context and links to other forms of violence, and thus point to a need for a systematic scholarly and institutional approach to this serious issue. The aim of this paper is to provide a review study or a red thread cutting through a complex body of research on animal abuse in such a way that it outlines 1) the importance of social context of animal abuse as a crime and its links to other types of violence; 2) psychological mechanisms in animal abuse; and 3) personality traits and disorders (such as lack of empathy, antisocial and aggressive behavior) in order to better understand its meaning and phenomenology.
3.2 Establishing the connection between animal cruelty and interpersonal violence

The bulk of multi-disciplinary and interdisciplinary research points to animal abuse as a serious social, legal, ethical, criminological and psychological problem which needs to be studied more extensively, especially its connection to other related previous, simultaneous or forthcoming acts of violence. Earlier studies of the connection between animal cruelty and interpersonal violent behavior had focused on human violence in adults and its connection to animal cruelty in childhood. Hellman and Blackman’s (1966) pivotal research on prison inmates who were charged with violent crime and sent to psychiatric evaluations by courts, jails, or parole officers found that three fourths of them also exhibited what is often called the triad or part of the triad of violence; cruelty to animals, fire-setting, and bed-wetting as children. The study also showed that individuals usually experienced neglect or abuse within their family circle. This seminal work became a starting point for not only an academic, but also increasing public interest in the topic and created a diachronic link between past animal cruelty and future danger for the society.

Further research followed the outlined path. Tapia (1971) conducted research on eighteen cases of children in which reasons for concern were detected because of their cruelty to animals and antisocial behavior. He found that they were all boys, usually young, of normal intelligence, exhibiting numerous aggressive symptoms such as destructiveness, bullying, fighting, stealing, and fire-setting (Tapia, 1971, p. 70-77). DeViney, Dickert and Lockwood’s research (1983) found that abused or neglected children in 60% of the analyzed cases exhibited abusive behavior towards animals. These and other similar research findings established a co-occurrence or synchronicity of human to animal and simultaneous human to human violence, most commonly domestic violence.

Most of the recent research on animal cruelty investigates one aspect of animal abuse and its connection to specific types of co-occurring violence, such as domestic violence, child abuse, bullying, etc. Some studies were conducted after several theoretical works first created the foundations and established the links. For instance, Lacroix (1999,
p. 63) argued that “shared characteristics of women and children as victims of family violence can easily be extended to family pets” as/since victims of family violence share common traits. Victimology of domestic violence is marked by the fact that “women, children, and animals have historical status under the law as property” (p. 63). Recognition of violence against children, women, and animals as a part of a similar victimology, that of a ‘crime behind closed doors’, is in fact historically intertwined at its core, and the recognition of one has always been tied to the awareness of the other. In the 19th century, American animal protection societies had taken on cases of abused children and had successfully prosecuted the first case of child abuse (Arkow, 1999, p. 19). The case of Little Mary Ellen¹ in 1874 was not only the first successful prosecution of child abuse which was facilitated by animal protection activists, but it created an incentive for the foundation of child protection societies and joint child and animal protection associations (Ascione, 2005, p. 8-9). Similar collaborations between animal, children, and women’s rights efforts appeared throughout the years that followed. One example is the animal control officer training program of the American Humane Association (primarily working on animal protection) in the 1990s which included skills on how to recognize child abuse (Arkow, 1999, p. 24). A much later recognition of the battered child syndrome (Kempe, Silverman, Steele, Droegemuller & Silver, 1962) was a product of a long struggle for legal recognition of child abuse that was in many ways led by animal activists (as historically, battered children in the U.S. were routinely labelled as “accident-prone”). This later influenced women’s struggles for the recognition of the battered woman syndrome (Walker, 1979), as well as the recognition of what Munro (1996) first called battered pets.

Scholarly attention to animal cruelty as a form of human violence has helped the society to recognize for the first time that animal abuse is often related to a history of domestic violence (Lookwood, 1999, p. 6). With studies that were conducted in order to collect information on different violent offenders who engaged in animal abuse in childhood, more focus was put on researching child development and family conditions in which animal abuse often occurs. Ascione and colleagues (1997) conducted a pivotal

¹ In 1874, Mary Ellen was a victim of family abuse in a case that was the first successful example of prosecution of the perpetrators and the protection of the victim in the U.S. - a case that was brought to light by animal protection society activists (an American society for the prevention of animal cruelty, APCA).
research on this connection. The results of their study together with women’s shelter networks in 48 U.S. states showed that 85.4% of shelters responded affirmatively when questioned if women in the shelters talked about incidents of pet abuse, 63% responded affirmatively to whether children in the shelter talked about pet abuse and, finally, 40 out of 48 shelters reported that they believed these forms of violence were connected (Ascione et al., 1997, p. 211). A follow up study was conducted with battered women directly, confirming some of the previous results on the co-occurrence of animal abuse and domestic violence (Ascione, 1998). Namely, 32% of battered women with children stated that their children (both girls and boys) were cruel to animals as well, either hurting them or killing them (p. 125). Ascione and colleagues (2007, p. 357) continued their research on the connection between battered women and children and animal abuse, showing that information can be collected in a comparable manner world-wide and that the percentage of the occurrence of animal abuse in different studies is roughly between 40% and 60%, or even higher when threats are included. Moreover, comparative data showed that households affected by domestic violence owned pets more frequently than the average statistics for U.S. families (p. 366). Due to the fact that pets are more present in families with small children, pets were not only direct victims of violence, but were also utilized to amplify threats to human victims.

Policy-oriented studies on the connection between animal cruelty and domestic violence showed that abuse of family pets is commonly used to facilitate domestic violence against women and children and that it discourages women to leave and desensitizes children to violence and animal cruelty (Faver & Strand, 2003; Becker & French, 2004; Upadhya, 2014). DeGrue and DiLillo (2009) go further in exploring the connection between animal abuse and child abuse in a family environment. Their study, conducted with 860 college students, from pet-owning families in which animal abusers were either parents or family members, showed that 22.9% of the participants reported exposure to animal cruelty (DeGrue & DiLillo, 2009, p. 1044). Specifically, 49.4% of the participants reported at least one form of domestic violence during childhood, most commonly physical abuse, while 15.7% experienced sexual abuse (DeGrue and DiLillo, 2009, p. 1044). The overlap between animal abuse and domestic violence was significant: 37.2% reported exposure to one of these forms of violence, and 17.8% to both (the rest
or 36.2% reported no exposure) (DeGrue & DiLillo, 2009, p. 1044). Although the study made no inquiry into the connection of experiencing and participating in animal cruelty, it did contribute to linking animal abuse with domestic and children abuse. By reviewing the existing research, McPhedran (2009) confirmed the relationship between an abusive home in childhood and a range of behavioral problems that may extend into adulthood, calling for holistic interventions that could counter past abusive experiences and future interpersonal violence. More recent research on this link provides new insight into the complexity of animal cruelty as a result of domestic abuse and looks into bullying and its links to both domestic violence and animal abuse (Henry & Sanders, 2007; Sanders, Henry, Guiliani, Dimmer, 2013), or the link between experiencing animal abuse in childhood and later approval of interpersonal and domestic violence (Flynn, 1999).

Previously mentioned studies all point to and explore the links between violence against animals and against humans that appear either diachronically (one preceding and possibly ‘predicting’ the other, i.e. a progression thesis) or simultaneously (as in the case of domestic violence), and form a body of scholarship on the victimology of animal abuse crime. Whether the animal abuser is a child or an adult or whether other forms of violence have occurred or might occur, there is a need for a closer look into the phenomenon on a personal level. With the exception of very few scholars who question methodological issues, such as non-representative sampling (Piper & Myers, 2006), or circumstances and the social context of respondents (e.g. convicts might be more prone to admitting animal abuse than the regular population) (Patterson-Kane & Piper, 2009), or making a leap into creating a progression thesis (Beirne, 2004), the research consistently provides a link to interpersonal violence as well as points to developmental problems (in children) or antisocial behavior. The literature on child development, particularly on defense mechanisms against stress and trauma and the development of empathy furthers the inquiry into the link between domestic and animal abuse and aggressive behavior. These two aspects are discussed further.
3.3 Animal abuse behavior as a defense against stress and trauma

Although defense mechanisms have been an important topic of psychological and psychoanalytical research for a longer time, scholars have only recently begun to focus more on the presence of these unconscious processes in individual phenomena, such as aggressive behavior towards animals in children and youth. People often use a particular mechanism to deal with stress, such as repression or shifting the focus to other issues unconsciously, or displacement where a person can transform their fear into abusive treatment of others. Unlike coping mechanisms that are conscious and tend to include a solution to a problem, defense mechanisms are unconscious, arise involuntarily, and in principle do not help in solving the difficulty but rather relieve stress (Cramer, 2003a, p. 221-224). As these processes determine our everyday behavior in many ways, defense mechanisms play a crucial role in protecting “the individual from experiencing excessive anxiety, and to protect the self and self-esteem” (Cramer, 2008, p. 1963).

Throughout the 20th century, academic psychology has identified more than 40 different defense mechanisms and more than 20 different scales have been established to measure them. Many early psychoanalysts, particularly those who were active before the 1930s, considered defense mechanisms to be a part of psychopathology, while coping mechanisms were considered a part of normal psychological functioning (Cramer, 1998b, p. 931). Freud, in particular, saw them as determining factors of different psychopathological symptoms. However, as early as 1936 Ana Freud argued that defense mechanisms were a part of normal development and should be considered pathological only if they appear with unnecessary intensity at an inappropriate age, or if they are used in situations when they no longer appear needed (Cramer, 1998b, p. 931). This means that age, among other factors, is crucial in analyzing whether defense mechanisms can be considered pathological. According to Cramer, “excessive use of defenses, in which they become the characteristic, repetitive reaction to many different situations, or the use of age-inappropriate defenses, is likely to occur in conjunction with the presence of psychopathology” (Cramer, 2008, p. 1972).
Cramer (2008) outlined a theoretical model for the development of three defense mechanisms in the early years of our lives that can help us understand the connection between animal abuse and defenses in children. During the early years of life, denial is the predominant defense, projection prevails during mid-childhood, and by late adolescence identification becomes predominant (Cramer, 2008, p. 1966). They are cognitively more complex, and therefore logically appear in late childhood. In the identity development process, especially in instances when self-esteem is low, the most common defense is identification. In late adolescence and early adulthood, in the so-called period of identity formation, crisis of our self-esteem and the pressure that it represents for our forming identity can often produce a need for release, which can present itself in narcissism. A need to develop an image of a separate identity and to protect the self-esteem for future achievements will produce specific and normal defense mechanisms, such as projection and identification (Cramer, 1998a, p. 157). The use of these three mechanisms in early adulthood is connected to personality change that is related to the Big 5 personality traits (Cramer, 2003b). The significance of these defense mechanisms for predicting personality change increases with age, and is therefore not specific for early adulthood only. The author concludes that the use of denial and projection correlates with an increase in neuroticism, but decreases in extroversion and agreeableness, with a less favorable outcome for higher IQ tested individuals (Cramer, 2003b, p. 91-96). Adults who use immature defenses later in their lives show signs of maladjustment, but these findings must be put into context of gender as well as IQ (Cramer, 2003b, p. 100). Projection, for instance, seems to be increasingly predominant for men, and general findings confirm that it is typically associated with males and masculinity (Cramer, 2003b, p. 100).

Age and gender are central in the functioning of defenses. The defense mechanism system is based on the psychological assumption that defense mechanisms resolve or decrease conflict between the external and internal reality by using one of the following methods: turning against the self (TAS); turning against objects (TAO), which includes identification with the aggressor and displacement; projection (PRO); reversal (REV), which includes negation, denial, reaction formation, and repression; and principalization (PRN), which includes intellectualization, isolation, and rationalization (Davidson & MacGregor, 1998, p. 973-974). In developing this system, the findings proved to be
significant in terms of gender differences. Men seemed to be more inclined to TAO and PRO, while women tended to lean more towards REV and PRN, although both of these categories are quite dependent on age.

Although extensive papers have been written on the pathological aspects of defense mechanisms, research on the specific connection between defense mechanisms and animal abuse still seems to be scarce. Three defense mechanisms seem to be particularly important and connected to animal abuse: projection, identification (with the aggressor), and displacement. Projection is a mechanism of self-deception in which a person allocates one’s own unacceptable desires or urges to others (Corey, 2004, p. 71-72). Desires, aggressions or our other urges are interpreted as being owned by others, i.e. usually transferred onto an object of our desire. The problem is projected as being the fault of other. For instance, fear of being seen as weak is projected as a trait of weakness on another person or an animal. Social context and cultural value systems are an essential part of such a projection. A “collective projection”, as Visković argued, exemplified in folk proverbs about animals such as I will beat you like a cat; I will beat you like an ox in the cabbage, or I will kick the flies out of your head, demonstrate our collective experience of humans’ relationship with animals (Visković, 2009, p. 127-131). In those and other similar phrases, the reader is assuming violent attitudes toward animals as normal and considers it to be a part of our collective unconsciousness. Hatred and aggression are expressed through name-calling such as calling one a dog, a leech, or a rat; while our weaknesses and other ‘unacceptable’ features are easily attributed to animals (Visković, 2009, p. 146). Projection, therefore, reflects not only individual but also collective value systems and hierarchies, including the abusive behavior that goes with it.

Second defense mechanism that should be considered in animal abuse behavior is identification. Instead of the term identification, some authors use introjection. Corey (2004, p. 72), for instance, defined introjection as a positive, role-model based mechanism; while negative introjection seems to be a defense mechanism of identifying with the aggressor or the person causing trauma, which manifests itself in the adoption and internalization of values and standards that the abuser upholds. Stockholm syndrome is one example of negative identification. Cycle of domestic and child abuse in which a
child adopts the violent behavior of a parent and reproduces it later in life is another. Traumatic events in introjection are much more severe, they usually involve violence and develop over time. Repetition of behavior is central both to the cause of such defense (a long-term, repeated trauma) and to the result of the defense mechanism (future, long-term behavior of a person). Alongside these findings, Thompson and Gullone’s (2006) study reported significantly higher levels of cruelty in those individuals who had repeatedly witnessed someone close (a friend, relative, parent, or a sibling) abusing an animal, and significantly lower levels for those who had rarely witnessed abuse or abuse by a stranger, pointing at the importance of a role-model in animal abuse repetition.

Displacement, alongside projection and introjection, seems to be the third relevant defense mechanism in animal abuse cases. Displacement, or transference of urges, such as anger and aggression, may be displaced onto objects with no connection to frustration and is often a chain-reaction fueled by social hierarchies: boss yells at the husband, the husband beats his wife, the wife hits the child, the child does the same to the dog. Unlike in introjection, the trigger in displacement can be a momentary attack on the person's self-esteem, an insult, or a source of stress, and the reaction usually appears immediately after the traumatic event. Arluke’s (2002) study on young adults with experience of animal abuse argued that animal abuse “serves to displace frustration by making the aggressor feel better”, an increasingly common behavior usually seen as an “angry child” with “destructive energy” that needs to be released (p. 405-406). Arluke found that most respondents did not see their behavior “as a serious and stigmatizing form of deviance but rather as a folk-way violation or lapse in good judgment”, linking defense mechanisms to culturally acceptable value systems (p. 409).

Projection, identification with the aggressor, and displacement can all result in aggressive behavior. All three allow for the transfer of aggression onto another object, usually perceived to be weaker than the subject employing the defenses. While displacement and, to some extent, projection, function as an immediate defense against internalized fears caused by external pressure, identification with the aggressor releases the fear of being the victim and allows for the long-term empowerment and boosting of self-esteem by identifying with the ‘stronger’ party. Animals and women, as well as
children in all three cases present a weaker object and are the most usual objects of release. Collective projection, as Visković (2009) pointed out, additionally enables the abuse of animals as a stress release, as our social understanding of the low status of animals in most cultures is taken for granted. This is somewhat similar to the lower status of women in relation to men, or children in relation to adults (male adults). External and internal stress, trauma, or abuse that trigger defenses and are combined with cultural value systems contribute greatly to the decrease of empathy for the object of aggression (e.g. animals) and enable aggressive behavior, which is discussed in the following section.

3.4 The role of empathy in animal cruelty

In his interviews with students, Arluke (2002) found that the most common reasons for animal cruelty reported by students were: boredom, thrill, experimenting, wanting to fit in, curiosity, and doing adult-like activities (such as hunting). Arluke concluded that “children learn that boundary issues are significant to adults. They see that, if adults regard certain people as “not us”, they become a suitable subject for scorn or attack” (p. 416). Value scale, set by a broader social understanding of animal-human relations, seemed crucial in expressing frustrations or defense mechanisms, as many of the respondents said that animals are not human, that they are objects, and that cruelty to animals is a “normal phase of growing up” (p. 426). Furthermore, wild animals are not as important as domestic animals or pets, and animals belonging to others are also not as deserving as their own, and so on. Very few respondents felt guilty, while a majority spoke about their former abuse as fun, lacking any guilt or shame (p. 426). These and similar findings point to the need for linking the socio-cultural context, such as co-occurring violence and abuse, triggers and defense mechanisms, and lack of empathy, be it socially induced or biologically pre-set.

The scholarship bridging the studies of animal abuse and human aggression can be grouped into those interested in the role of empathy and those looking into personality disorders. Both approaches encompass a wide range of theoretical standpoints, varying from social to biological theories with similar focus on animal abuse as a pattern of
problematic behavior and not as an outlet or defense mechanism. Still, it is important to keep in sight the interconnectedness of ‘normality’ (cultural, social, psychological) and ‘deviance’ (criminal or pathological). In his social-cognitive model of understanding animal abuse, Henry (2018) explained the connection of mechanisms and individual responses to certain situations in which lack of empathy and animal abuse might occur by linking studies on individual mechanisms, social context and empathy. Cultural norms determining the perception of animals as property enable humans “to engage in behaviors that cause suffering and death” as extreme forms of lack of empathy (Henry, 2018, p. 459). As social structures, cultural norms enable formation of our individual schemas or latent structures which form the backbone of our mechanisms and organize our cognitive and emotional life in relation to a particular concept, such as animals (p. 464). Therefore, our perception of, for example, a stray dog or a bug references our beliefs and beliefs of people surrounding us, that perceive these objects quite often as very low forms of life and a suitable outlet for frustration, easily with no empathy involved.

Today we define empathy as, to take one possible definition, “the natural capacity to share, understand, and respond with care to the affective states of others” that “plays a crucial role in much human social interactions from birth to the end of life” (Decety, 2012, vii). A natural aspect of empathy vs. empathy as an attribute that is developed and nourished still presents a milestone of increasingly fragmented research, and pop culture phenomenon of the crime genre boom of the idea of ‘natural born killers’ is not helping in keeping the discussion academic. Nevertheless, the development of social empathy is essential in empathy development from the preverbal phase to introspection, allowing a person to see others from “a shared platform”, a socially conditioned and learned set of knowledge about empathic values (Lichtenberg, 2016, p. 119). Hoffman (2000, p. 8) further pointed to the centrality of empathy as a topic of research for criminologists and other social scientists as “an emphatic feeling of injustice” or “when bad things happen to good people” and placed it at the core of our collective reflections on fairness and jurisprudence. This is a by-stander model of empathy that allows us to reflect on social, political, and individual reality and the world itself. Social empathy is particularly important when discussing what is deserving of one’s empathy in the legal, moral, or criminological sense. For instance, we might “feel” empathy for an animal that has been
killed, but legally or even morally we do not consider it wrong. The arbitrariness or collective lack of empathy was especially intriguing, though morbid, topic of social research after the monstrosities of the Holocaust in WWII, and many women’s and animal rights writers do bring up this correlation when discussing the atrocities against other marginalized groups. In her *Sexual Politics of Meat* (2010), Carol Adams compared the mass killing of livestock with mechanisms in genocides and historical oppression of different groups such as women, which all share the extreme process of the creation of a collective lack of empathy. Adams explained our tolerance to the abuse and inequality through the politics of language, as knowing the world through language means accepting the power that constructs its meaning. Reduced to a *piece of meat* literary or metaphorically, abuse of women or animals through rape, battering, and killing was and is a part of our everyday life and of our “culture”.

### 3.5 Animal abuse, lack of empathy and antisocial behavior

Regarding criminological aspects of studies on empathy, lack of empathy and antisocial behavior connected to it seem to be a central point, especially if one is interested in motives and triggers of violent acts and abuse. According to Baron-Cohen (2012, p. 12), empathy is our ability to identify what someone else is thinking or feeling and to respond to their thoughts and feelings with an appropriate emotion. This suggests that empathy consists of identifying and responding. Baron-Cohen argued that empathy occurs when we are *double-minded* (we are keeping in mind someone else’s mind). Opposite to that is a state of a *single-minded* attention, which means we are thinking only about our own mind (p. 11). In this state, our empathy is lacking or, as Baron-Cohen puts it, we have an “empathy erosion” (p. 5). To measure empathy, he developed a scale called Empathy Quotient or EQ; namely, if someone is as low as level 0, this means that “they cannot experience remorse or guilt because they just don’t understand what the other person is feeling” (p. 17). This most extreme level of lack of empathy, a “Zero-Negative” is not the only type of person with a lack of empathy, but it is the one usually deemed as negative (p. 31). There is also “Zero Positive”, such as people with Asperger Syndrome or other conditions on the autistic spectrum. Three types of Zero-Negative - Borderline
Personality Disorder (Type B), Psychopathic Personality Disorder (Type P), and Narcissistic Personality Disorder (Type N) – make up the negative spectrum of disorders. Lack of empathy in any of the three types can be dangerous for their surroundings. For instance, someone who is Zero-Positive and whose “cognitive empathy may be below average” but “affectively their empathy might be intact enabling them to care about others” because of the way their brain works, may even act super-morally (Baron-Cohen, 2012, p. 67). Contrary to that, some Zero-Negatives (such as psychopaths) will recognize another’s emotions perhaps even too well, but will not act on them in a positive way (as defined by others around them).

This aspect of measuring empathy seems to be the most questionable one. For instance, many day-to-day factors influence our ability to express empathy or lack of it, and these factors can be both internal and external, making our response to certain measuring questionnaires susceptible to change. Consequently, our empathy can be susceptible to our personal psychological state and context that fluctuate significantly. Reasons for low levels of empathy or a lack of it vary due to biological factors, such as a deficiency in brain activity in certain brain regions involved in empathy, genes and hormones, or environmental factors, for instance our familiar surroundings, our traumas, or our defense mechanisms against traumas, drugs and other substances, or specific contexts that we find ourselves in.

All and all, criminological research can benefit from researching the links between animal abuse, lack of empathy and anti-social behavior, although establishing the connection requires caution. For instance, a study done by Daly & Morton (2018, p. 8) on a group of male students who had a history of animal cruelty showed that “individuals who had witnessed abuse showed generally higher scores on three scales of cognitive empathy”. According to this research, animal abusers seem to exhibit a much clearer understanding of cruelty as inappropriate behavior than others and are able to detect it better in tests. Some of the earlier studies by Daly & Morton also suggested that “abuse of animals is not necessarily consistent with a lack of empathy; rather, the dissociation between cognitive and affective measures of empathy typifies more serious types of abuse (witnessing multiple killings)” (Daly & Morton, 2008, p. 252). In fact, a milder exposure
to animal cruelty may “lead to development of empathy, whereas chronic or serious exposure has the opposite affect” (Daly & Morton, 2008, p. 252). Schwenck and colleagues (2012, p. 657) argued that children with an autism spectrum disorder are generally capable of recognizing primary emotions although they need more time, while children with a conduct disorder display a deficit of emotion empathy (especially children with elevated callous-unemotional traits). All this points to the differences between cognitive and affective empathy in certain anti-social behaviors and the significant relevance of affective empathy in animal cruelty.

Understanding the lack of empathy and whether it is a cognitive or affective type is especially important in criminological research both in terms of how it relates to acts of cruelty (such as animal abuse), but also how it relates to different antisocial behaviors. Although a lack of empathy is not listed in *The Diagnostic and Statistical Manual of Mental Disorders* (5th ed.) as a disorder, it is associated with some personality and conduct disorders, which is particularly important when discussing animal abuse. According to APA, children or adolescents with a conduct disorder often exhibit disobedience and dishonesty and are prone to physical violence towards people and animals; they express lack of kindness and compassion, disrespect others, engage in reckless thrill-seeking and destructive, law-breaking behavior. Such children often lack guilt as they have little concern for the rights or well-being of others. Most children grow out of this by adulthood, while some develop antisocial personality disorders.

Using data retrieval outlines, Gleyzer and colleagues (2002) analyzed a group of 48 subjects - criminal defendants who had a history of animal cruelty - and matched them with defendants who had no such history. Their evaluation files were matched by using four specifically designed data retrieval outlines (similar to surveying, but without questionnaires directed to persons). This study showed that cruelty to animals in childhood was significantly associated to an antisocial personality disorder (APD), while mental retardation, psychotic disorders and alcohol abuse showed no such association. Gullone’s (2011) review of studies dealing with human aggression, antisocial behavior and animal abuse pointed at the co-occurrence of antisocial and aggressive behavior and animal abuse. She argued that animal abuse is one expression of antisocial behavior, and
these usually co-occur in a way that the presence of one is highly predictive of the other. Furthermore, studies show that there is a significant association between animal abuse, bullying, and victimization in terms of antisocial behavior traits (Sanders et al, 2013). Sanders and Henry’s study (2015) done on female students suggested that those exposed or experiencing animal abuse, bullying, and victimization reported significantly more behavioral challenges and disturbances, thus creating a link between conduct problems and antisocial behavior and animal abuse, bullying, and victimization. To conclude, these studies show that animal abuse should be considered an important indicator of antisocial behavior and conduct disorders and implications of such a stance should be reflected in law enforcement officers, health and other professionals in sanctioning, prevention and treatment activities.

3.6 Conclusion

Numerous studies on antisocial behavior and its connection to animal cruelty in children and adults show the multi-fold nature of violent behavior. Both national and comparative studies show that domestic and partner violence often includes pets, and children often participate in it. The expanding “triad” of domestic violence (women, children, pets, elderly, live-in maids) points to shared characteristics and similarities in victimology, but also deepens our knowledge on the multiplicity of domestic violence, as well as the deterrents of violence for child development. Other studies presented here further showed that children who experienced abuse also became involved in acts of animal abuse. Witnessing or experiencing animal abuse influences children’s development and often disincentives them in terms of empathy. The bulk of research thus underlines that animal cruelty is a red flag for human violence and that this is a warning sign for detecting other forms of violence and recognizing hidden victims. It is also a warning that a more thorough approach for the rehabilitation of victims of domestic violence as well as for the prevention of future violent behavior is needed.

The scholarship, to some extent, has successfully influenced the development of policies and social institutions on this matter. Although animal cruelty has traditionally not been considered a symptomatic indicator of any particular psychiatric disorder, the
research that has been conducted in the past 25 years has successfully argued that animal cruelty in children and adults is associated with antisocial behavior and personality disorders (in adults), especially those with a criminal history. There has been extensive literature on the pathological aspects of defense mechanisms and how they relate to certain emotions or (aggressive) behavior, but research on the direct connection between defense mechanisms and animal abuse seems to be scarce.

What is suggested here is that three defense mechanisms are most commonly used by children as well as adults in instances of animal cruelty: projection, displacement and identification with the aggressor. These allow for a transfer of aggression onto another object, usually weaker than the subject employing the defenses, while boosting self-esteem and relieving stress. Therefore, the links established in domestic violence victimology prevail here as well. Animals, women and children present a weaker object in our collective projection, which, therefore, additionally enables the abuse. This can result in very weak situational empathy, and mechanisms that depend on cultural norms allow us to feel no remorse. Lack of empathy, be it affective or cognitive, is consequently never only inherited, but always results from complex experiences and situations. Therefore, it is not a surprise that, as stated earlier, some studies show that animal abusers ranked higher in cognitive empathy than the rest of “us”.

Finally, the complexity of the topic is crucial for the development of legal and institutional frameworks for the protection of animals, as well as of human society in general. Understanding animal cruelty from a legal and social policy standpoint does not only entails the decision to use sanctions or not, and what type, but also education, training and skills, prevention, multi- and inter-sectional intervention and rehabilitation, all of which should be informed by the multi-fold nature of human violence.
4. (AB)NORMALITY OF ANIMAL ABUSE AS A CRIME

4.1 Introduction

This chapter discusses theoretical explorations of what crime is, how it is connected to contingent social conceptions of normality and how this is made possible by language, in particular in relation to animal cruelty as a newly emerging type of crime. Namely, crimes against animals and animal cruelty as a criminal offence are today seen as a deviant and publically endangering behavior, a crime against society itself. They provoke moral panic both in animal lovers and other people and raise fear from perpetrators who are perceived as capable and inclined to commit similar cruel acts against humans. On the other hand, animal cruelty was not considered a serious breach nor cause for concern until recently and it still does not apply on all animals equally nor it is consistently introduced in laws that by and large still treat animals as property. Animals have in principle been treated as stock or pests in agricultural or hunting laws throughout history until today, while they might be in the same time protected by criminal laws or even the constitution, depending on the legal, cultural and historic context. As Regan (1986, p. 179) argues, “what is fundamentally wrong with the way animals are treated is not the details that vary from case to case but the whole system”. Is it, then, normal to treat animals cruelly and if so, how did the normality of this traditional relationship between humans and animals founded on the exploitation of the latter shift to its opposite where cruelty to animals is perceived as deviant, demonic and fearful criminal behavior? This chapter explores some of the fundamental theoretical discussions on the discursive processes of normality and criminality in relation to animal cruelty and the discursive power dynamics that surrounds it.
4.2. Crime and culture

Encyclopaedia Britannica explains Criminology as a discipline composed of non-legal studies on crime using a variety of mostly social sciences’ methodologies, among which typologies are defined as follows:

Typologies involve classifying offenses or offenders according to some criteria of relatedness or similarity. For example, criminologists have made many attempts to arrange offenders into categories such as “normal” or “abnormal” and “habitual” or “professional” and to develop a continuum of criminals that would extend from the “insane” at one extreme through various career criminals, petty offenders, and white-collar criminals to “organized” or “professional” criminals at the other extreme. (Bernard & Mannheim, n/d).

The definition of criminology itself, as a branch of scholarship that explores crime and delinquency on the one hand and societal responses to it on the other, points at the fact that “normal” is not only a key aspect of criminology but is placed in the center of a discipline that revolves around crime as legally non-normal behavior or acts. Societal responses to it also include social processes of identifying and considering something as socially “abnormal” and harmful. Certainly, when delinquency is in question, psychological definitions of what is sane, insane, normal or abnormal behavior open the same questions, on the way in which we investigate certain criminal categories of behavior when the process of their labelling and assigning meaning is far beyond the reach of a singular discipline such as criminology itself.

Therefore, besides dealing with causes and effects of crime, criminological research is founded and dependent on what we consider, in certain socio-political and historical contexts, as a crime - and consequently who we consider to be a delinquent or a criminal, insane or abnormal. The definition of crime is circular. Crime is a behavior or an act that is criminal, and the list of criminal acts and behaviors is then determined by law and punishable by the state. This points to the question of how a certain act or behavior becomes a crime or criminal in a certain community, or ceases to be one. Rape, the abuse of women and children, and slavery present the most historically explicit examples that come to mind - examples that exhibit how once regular and normal acts and behaviors
become most heinous crimes. Other acts and behaviors, such as homosexuality, adultery, heresy or atheism that used to be punishable by death in many countries in Europe and the world, took the reverse turn and are now considered legitimate social behaviors or even essential rights.

Unlike some relatively quick changes and shifts in social perceptions such as consuming cigarettes, recognition of some acts and behaviors as unacceptable or criminal appears to be slow and often obscured. Crimes committed “behind closed doors” seem to be an overarching example of the latter as throughout history there is someone for whom the doors of legal protection stay closed. Violence against women in the domestic sphere, abuse of children, abuse of household members and animals until recently were considered to be a matter of private sphere and under the patronage of men (husband, father, property owner). Women, children, servants, the elderly, the disabled and other marginalized groups are still considered to be by far the most numerous victims of the most statistically wide-spread criminal acts, taking both official and grey numbers. In their historical review of the treatment of women in the criminal system, Grozdanić & Rittossa (2011, p. 91) argue that since the first legal text in history as we know it, such as The Code of Hammurabi, and up to the long 19th century, all to a certain extent include rooted gender inequality depending on notions of justice adopted by the community which the law created. This is why

...to a greater extent of history women are assigned a silent role situated in the confined family space. We can say that in everyday life a woman was rarely a member of the community that was represented. (Grozdanić & Rittossa, 2011, p. 16).

Therefore, according to the authors, “the analysis of the meaning of law matters as, juridical regulations also always communicate the message of the lawmakers about the legal status of certain categories of humans and they voice the value system of the community as well as the hierarchies of power and their repressive mechanisms” (p. 18).

Recently there have been systematic attempts to amend the triad of domestic violence (women, children and the elderly) by declaring animal abuse a crime (in cases of domestic or companion animals) particularly as abused animals and the abuser share
the main characteristics of domestic violence victimology: invisibility of the victim, entitlement of the abuser, and the “normality” of the crime. It further shares traits with so-called crimes “behind closed doors” (both sexual and other type of abuse) in the lack of data due to the invisibility and “normality” of the crime (Walklate, 2005, p. 68 - 72). To engage in a discussion on what is abnormal or criminal about animal abuse we might first ask more specifically about the way in which animals are predominantly perceived in human culture, the relationship of animals to different groups of humans within a complex power structure, and how animal abuse became sanctioned in a certain culture. As Regan (1986, p. 188) argued, “[t]he theory that rationally grounds the rights of animals also grounds the rights of humans. Thus, those involved in the animal rights movement are partners in the struggle to secure respect for human rights the rights of women, for example, or minorities, or workers.”

Taylor (2011, p. 252) critiques the traditional criminology approaches towards human-animal abuse links because “animals only enter the remit of criminology currently as “objects” and never as “subjects”, and from a firmly anthropocentric and anthropomorphic perspective”. Critical criminology as “an umbrella term for a variety of criminological theories and perspectives that challenge core assumptions of mainstream (or conventional) criminology in some substantial way” may aid in broadening this anthropological perspective as it may “provide alternative approaches to understanding crime” (Friedrichs, 2009, p. 210). –Critical criminology for instance will look into expanded definition of crime that includes actions and behavior that cause social harm. Cultural criminology as an essential part of a critical criminological approach, for instance, may aid in putting into question traditional definitions of crime that rest on “simplistic public assumptions about crime and criminal justice and to the theories and methods of mainstream criminology that exclude analysis of cultural forces” (2009, p. 226). According to Ferrell (2009, p. 226), “[t]oday more than ever, cultural criminologists argue, there can be no useful study of crime that is not also the study of culture.” Finally, a compatible and in many ways overlapping approach of the feminist criminology in this sense can further contribute to redefining notions of crime and normality. As “feminist criminology encompasses a wide range of theoretical perspectives and methodologies that place the ways in which gender shapes experience at the center of scholarly inquiry”, it
can aid our inquiries on the process of “becoming a crime” with fundamental insights on
gendered aspects of crime itself (Sharp, 2009, p. 246).

Criminology has traditionally been one of the most androcentric (male-centered) fields
of study in the social sciences. The majority of the research and theory have been based
on the study of male criminality and criminal justice system responses to male
offenders. [...] Thus, women were largely ignored until the 1970s. (Sharp, 2009, p.
245).

Based on that general conclusion by not only feminists but the majority of criminologists,
Sollund (2017) argues further how male-centricity or phallocentrism does not exclude
only female gender in determining the meaning of things but also all other groups and
species of subordinate or subaltern position.

A feminist non-speciesist criminology is not only a natural, but also a necessary part
of green criminology. Methodologies should include reflexive auto-ethnography and
application of observation, intuition and empathy, as well as a critical questioning of
the fundamental and structural values that are ingrained in our research perspectives
and agendas. (Sollund, 2017, p. 257).

Scholars such as Deckha (2012, p. 527) see that contemporary critical engagement
with the issues that involve animals and species “as a site of social difference” and not
only an object of property destruction owes much to feminist scholarship, although its
prime goal may be equality of genders and combating the oppression of women. Although
gender may still be in the focus of vegetarian ecofeminism, Deckha argues that feminist
work on animals should also include race and culture and should in fact become more
intersectional in general.

Essentialist feminist theorization presumes that gender roles and sexism sufficiently
explain issues affecting women's lives. Other determinants of social identity, location,
and privilege are not seen to be as important or even relevant. A woman is thus reduced
to her gender with other parts of her identity —race, sexual orientation, ability, and so
on—relegated to the “nonwoman” part of her. (Deckha, 2012, p.531)

Similarly to Deckha, Burgess-Proctor (2006) also advocates for intersectionality,
particularly in terms of race-class-gender, as this presents the only way to capture and
include all sources of oppression when investigating any object of interest to social
sciences. As Burgess-Proctor writes, “the future of feminist criminology lies in our willingness to embrace a theoretical framework that recognizes multiple, intersecting inequalities”, but one might argue further to say that the future of any criminology depends on it (2006, p. 27). For Potter (2013), intersectional criminology can provide tools needed to include identities in crime related issues, i.e. it “involves a critical analysis of the experiences of individuals or groups based on their social positions” (p. 316).

Intersectional criminology is a theoretical approach that necessitates a critical reflection on the impact of interconnected identities and statuses of individuals and groups in relation to their experiences with crime, the social control of crime, and any crime related issues. This approach is grounded in intersectionality, a concept developed from the tenets of women of color feminist theory and activism. (Potter, 2013, p.305)

Closely related is the use of intersectionality in research methods. Any centrism (specisms, phalocentrism, academic racism) often reveals itself in the choice and the effects of the use of particular methods that for instance include only the experiences of the privileged, or obscure experiences of others. In that sense, Burgess-Proctor (2006, p. 43) suggests the use of mix-methods, a quantitative and qualitative approach, for instance used by intersectional framework of multiracial feminism, as the most appropriate for intersectional research aiming to analyze race, class, gender, and crime. “As multiracial feminism reveals, power, privilege, and oppression are multiplicative and intersecting according to race, class, gender, sexuality, nationality, age, and other defining social characteristics.” (Burgess-Proctor, 2006, p.43)

Both cultural and feminist criminology share a fundamental standpoint that crime and its control can only be understood within the context of culture and its hierarchies and inequalities. While the former examines the criminal landscape and all the cultural influences in it in order to construct the meaning of crime and to show the dominant role of culture, the latter do the same in order to uncover the power structures of patriarchy embedded in cultures. Both in fact deal with the discourses or even individual narratives of the crime, willingly moving away from only seeming factuality of hard data on crime into the realm of language and meaning, including its economy, politics or other aspects of discourse. Narrative criminology, in that sense, emerges naturally from diverse
disciplines of critical criminology, with its primary focus on the features of language. This approach appears in a number of other social science disciplines, according to Pemberton, Mulder and Aarten (2019, p. 391) and focuses on investigating how participants shape the meaning of crime each time they speak about it as a “story” from their experience.

The extent to which victims succeed in connecting their narrative to their social surroundings is also a function of the manner in which others story the victim’s experience, including the role of the victim in the event. (Pemberton, Mulder & Aarten, 2019, p. 406)

Walklate, S., Maher, J., McCulloch, J., Fitz-Gibbon, K., & Beavis, K. (2019) indicate the importance of narrative in victimology by presenting a case study of family violence policy introduced in Australia after an event that became globally known as the “Batty effect”. That case that had raised the attention of the media to the level of spectacle referred to Rosie Batty, a mother of an 11-year child murdered by his father (her ex-partner) and previous domestic abuser at a cricket practice in 2014. After the tragedy, Rosie Batty became the face of a campaign for change in criminal policy, becoming a media personality in the process and was even named the Australian of the Year in 2015 due to her fight against family violence. She delivered many speeches against family violence. According to authors (2019, p. 208), it was the fact that she was an excellent speaker and “the ideal victim”, a single-mother, independent and privileged (white, middle class and well-educated) woman that enabled the success of the campaign for legal change as well as influenced broader public discourse on domestic violence through gained media exposure. Rosie herself acknowledged that those were the reasons she was able to reach the audience (p. 207). The authors (Walklate et al, 2019, p. 207) further conclude that part of her communication skills was an “ability to connect her story to a broader context of family violence, creating a sense of a shared story connecting with her audience”.

Thus, there is a complex relationship between the story-teller, the incidents chosen to be “storied”, how such incidents are put into words, how these words intersect with the audience, and what is thereby accomplished by them, if anything. (Walklate et al, 2019, p.209)
This and other examples of studies argue that the particular and individual narrative matters, in terms of the influence over the landscape of criminology, e.g. how something becomes perceived as a crime, and consequently in terms of scholarly inquiry. How we tell stories is how shape our identities, how we assign meaning to things and how events, things and persons are tied together in terms of structure and style/genre. As in the case of the Batty effect, it was the individual narrative and the media coverage that put in place all the conditions and previously achieved advocacies to make it possible for criminal policy to change, in the case of criminalization of animal abuse it was the myriad of individual and media narratives that will be discussed later in the thesis. These processes of becoming a crime that include the formation of meaning, depictions of individuals and institutions involved and giving it a cultural context would otherwise stay uncovered if only seen through the eyes of traditional criminology. All and all, different criminological approaches emerging in the field can provide useful and grounded framework to investigating what animals are to humans in terms of crime, how animal abuse becomes a crime, how it is defined as (un)acceptable and (ab)normal behavior, and what it tells us about crime and culture in general.

4.3 Intersectionality of animal abuse research

In his seminal work on animal and law, *Cultural Zoology* (Kulturna zoologija), Visković wrote that “the foundation of the relationship of humans to animals was and still is that of a material-exploitative nature” (Visković, 2009, p. 14). In many of the fundamental texts that shaped the European historical identity, both religious and secular, the division of humans and animals presents the basis for the identity of the human as civilized, cultural being that through domination over animals, and subjects and objects around him, sustains his privileged political or divine rights. This in many ways is the definition that excluded women and many other disadvantaged groups that were then labeled as animal like, and it presents both cultural and semiotic framework inherent to the contemporary legal discussions of animal abuse.
In her critique of the European history of thought, Spelman (1982, p. 109) argues that “what philosophers have had to say about women typically has been nasty, brutish, and short”. For instance, Plato’s views about woman were a part of his “strong praise for the soul and strong indictments against the body” (p. 111). His misogyny, she argues, is part of his phobia against the body “as the source of all the undesirable traits a human being could have, and women's lives are spent manifesting those traits” (p. 118).

It is not just women who are relegated to the bodily or passionate sphere of existence and then chastised for belonging to that sphere. Slaves, free laborers, children, and animals are put in “their place” on almost the same grounds as women are (p. 119).

A mechanism of patriarchy and a “common way of denigrating a member of any one of these groups is to compare that member to a member of one of the other groups - women are thought to have slavish or childish appetites, slaves are said to be brutish” (p. 120).

In the history of the European thought, the grounds for inferiority of women to men are similar to those of animals to humans and women and animals in this relationship are additionally connected. In his *The philosophy of natural history*, Smellie wrote:

All the larger and more perfect animals are distinguished by the sexes of male and female. The bodies of males, though not without exceptions, are, in general, stronger, larger, and more active, than those of the females. In the human species, the male is not only larger than the female, but his muscular fibres are firmer and more compact, and his whole frame indicates a superior strength and robustness of texture. [...] A similar observation is applicable to the minds of the two sexes. Man is, comparatively, a bold, generous, and enterprising animal. Women, on the contrary, are timid, jealous, and disposed to actions which acquire less agility and strength. Hence they are entitled to claim, and, by their amiable weaknesses, they actually receive our protection. Men are endowed with majesty of figure and force of mind; but beauty, and the graces, are the proper characteristics of women. The laxity and softness of their texture may, in some measure, account for the timidity and littlenesses of their disposition; for, when the bodies of men are relaxed by heat, or by any other cause, their minds become not only timid, but weak, undetermined, and inactive. (Smellie, 1790, p. 236-237.)

Namely, women often present the link between the natural and the human, as do other marginalized social groups. Nietzsche, for instance, thought women should be kept like animals, with hardness and abuse as their sexuality is that of a jungle beast. (Gilman,
A French naturalist, Comte de Buffon, in a seminal work of European racism, *Histoire Naturelle* (1749–1804) credited the blacks with a lascivious, beast-like (apelike) sexual appetite, “introducing a common place of early travels literature into pseudoscientific context” (p. 83). Examples which metaphorically interchange the position and status of women with animals, such as the one provided here in Swift’s letter to his bride, are numerous.

As divines say, that some people take more pains to be damned, than it would cost them to be saved; so your sex employs more thought, memory, and application to be fools, than would serve to make them wise and useful. When I reflect on this, I cannot conceive you to be human creatures, but a sort of species hardly a degree above a monkey; who has more diverting tricks than any of you, is an animal less mischievous and expensive, might in time be a tolerable critic in velvet and brocade, and, for aught I know, would equally become them. (Swift, 1760, p. 52).

The connection of women and animals in European social theories persists until the emergence of modern feminism and even some feminist scholars build on this connection in order to support the idea of “different, but equal”. In his romanticized view on the origins of human society and its inequality, Jean Jacque Rousseau wrote that men in their natural state were no different than animals and knew nothing of material inequalities like the modern man of laws and politics (Rousseau, 1755). This natural stage marked by equal necessity was finished once the human found ways of dominating the animal.

But savage man living among other animals without any society or fixed habitation, and finding himself early under a necessity of measuring his strength with theirs, soon makes a comparison between both, and finding that he surpasses them more in address, than they surpass him in strength, he learns not to be any longer in dread of them. (Rousseau, 1755, n/p)

He is not the first philosopher to say that there is greater difference between different humans in society today than between animals and humans. What differentiates them essentially, according to Rousseau, is the human ability to self-improve, but in fact, it is his ability to self-improve his power over territory and others inhabiting it. Once man realized his power, unlike the animal, he started building the wall around the piece of nature he has claimed his own and started exercising power over his land and the living beings on his property. First feminist writers, like Mary Wollstonecraft, also belonged to
the romantic epoch that believed that human nature was essentially good and that before socially constructed inequalities came to be, humans had once lived in harmony with nature. Mary Wollstonecraft’s daughter, also a feminist writer, Mary Shelly, constructed her main character, Frankenstein’s Creature, as a vegetarian and a victim of the consumerist and hierarchical hegemony. His body was composed of dismembered body parts that were produced through the process of butchering. Her famous novel carries a strong vegetarian subtext since the creature himself was a vegetarian and considered birds and beasts his equals. Mary Shelly, together with other prominent scientists and writers of that time, formed a romantic vegetarian movement that produced an alternative system of ideas and values. Trying to explain the origins of animal exclusion from the moral circle and natural rights, these writers opposed the oppression of people and nature. It was a resistance movement. Realizing the oppression of women and nature to be a supporting force of the perceived natural hierarchy, they believed that meat eating contributes to violence between humans, like black slavery or enslaving women.

With her book *Sexual Politics of Meat* (2010) Carol J. Adams contributed immensely to this long line of feminist struggle for recognition of inequalities and abuse of animals. Mostly recognized due to her criticism of the radical feminist critique of patriarchal *sexual politics* that builds on the oppression of others, particularly animals and nature, instead of incorporating them in the struggle, the book refers not only to the nature of the feminist struggle against the oppression of women but the position of animals in our collective conscience and similarities to the position of women, as well as other oppressed groups. Namely, while many feminists struggled to change the cultural and ethical approach that saw women as naturally different, placing them in the “natural” hierarchy closer to animals, Adams, like Mary Wollstonecraft, points out that women and animals are both artificially made to serve as slaves to men. A woman or an animal can normally be mistreated and eaten by his master, a hierarchy that seems natural to us, and therefore has to be eliminated for both animals and women. Early feminists such as Wollstonecraft used the metaphor of animal submission to point at the objectification of the female body in referring to the dominant discourse on the relationship of humans towards animals as slaves, or meat parts, which as a consequence seems natural or normal as we see animals in such a way. Adams points out that the dominant medical,
anthropological and popular discourse about humans and animals is still patriarchal and misogynist. Consequently, it was the feminist struggle that compared the discourse of submission of women to the one of animals but not always with the goal of also eliminating the latter. If there is an absent referent in metaphors that equate women with a piece of meat, it is not the female body that is missing, but the body of an animal. The absent referent, Adams states, appears “once the existence of meat is disconnected from the existence of an animal that was killed to become that “meat”’” (Adams, 2010, p. 13). Consequently, “meat becomes unanchored by its original referent (the animal), becoming instead a free-floating image, used often to reflect women's status as well as animals”. (p. 13)

The early women's movement seemed much more interested in the position of animals in the patriarchal society (many suffragists were vegetarian). A woman’s healing nature was seen as a part of her modernity but also as her spiritual nature. From Wollstonecraft to Virginia Wolf, feminist writers built a certain alliance of female and animal resistance. Many contemporary feminist writers such as Margaret Atwood (in her novel *The Eatable Woman*), or C. P. Gilman (*Herland* as the first vegetarian utopia) further explored the topic of consuming the woman’s body and consuming animals, which would later be an important topic of second wave feminist research (p. 11, 174). Women could identify with animals because they were objectified, fragmented and consumed, so that their identity can be made invisible, a process that Adams sees as the cycle that links butchering to sexual violence in our culture (Adams, 2010, p. 73).

One of the crucial titles for second wave feminism, *Sexual Politics* by Kate Millett, elaborates further the psycho-social conditions of the ideologically-based patriarchal system that defines both women and animals. Millet analyses written and material historical sites that represent the male hegemony (Adams, 2010, p. 88, 89, 104). Among those images, the images of women and nature seems to have the strongest patriarchal association. Women’s gender constellation and her oppression is entirely socially constructed. Sexual politics in patriarchy work through violence, control, and indoctrination. Inside the ideological system, the male dominates the female, the older dominates the younger, and the father of the household dominates the women and
children, inferior classes, slaves, and animals. Therefore, women are the exploited class, or a sex class, and there is a detectable material base of their exploitation. Just like the patriarchal domination over slaves and animals, women’s oppression is situated in the realm of the private, and consequently appears “natural” (as the family is perceived as a social formation inherited from the natural human state). Different radical feminist writers also pointed to the extensive violence that meat-eating, militarism, and hegemonic masculinity (pornography also) produced over women. Susan Griffin and Andrea Dworkin analyzed patriarchal violence over women in the forms of physical abuse and rape provoked by pornography. Dworkin wrote extensively on violence against the woman’s body (p. 72, 86, 89). Violence against women functions through objectifying the nature of male desire that violently fragments the body, just like butchering the fragments of the animal’s body seen as “a piece of meat”. When it is labelled as such, a woman’s body cannot be raped, but only used and consumed for the pleasure of a man. Dworkin’s analysis of sexual violence becomes central for the radical vegetarian feminist critique. Violence against animals and nature is a sort of sexual violence. By transforming oppressed women and animals into commodities, capitalist hegemony does not seem especially cruel. Dworkin’s metaphors of “psychic cannibalism,” Millet’s “sexual cannibalism”, or Simone de Beauvoir’s “carnivorous arrogance” are some examples of how feminism included the position of animals in its criticism of patriarchy and contributed to the vegetarian critique of patriarchy (Adams, 2010, p. 89).

When speaking about the texts of meat that situate “the production of meat's meaning within a political-cultural context” (p. 26). Its meaning, Adams argues, is shaped by the system that assures us it is necessary to objectify other beings in order to survive and to govern life, and that “violence can and should be masked” by simply renaming it. (p. 27). As this system is determined by fixed sex roles that consequently determine the distribution of meat, resources, rights, and freedoms, Adams rightly calls it “the sexual” politics of meat. Therefore, animal submission is a feminist issue essentially because of the connections of meat eating and male dominance, deriving from a patriarchal type of oppression that has subordinated both animals and women. Throughout history, “assuming meat to be the food of men and consequently vegetables to be the food of women carries significant political consequences” (p. 27). Adams shows that in numerous
examples of historical texts and popular statements, men were and are represented as virile if they eat meat. During the war, soldiers would build up their masculine courage through an extensive carnivore diet, while during the economic crises the father of the family would always get the most valued food available - meat. The meaning of meat is, Adams claims, political and cultural (p. 25). The selection of food outlines the social hierarchy. That men are hunters and women gatherers seems absurd to mention in 21st century, but the importance of that myth shows how fantasies on food and gender roles reproduce gender constellations in everyday life. Meat is a symbol in this myth, because men go bravely in the danger to catch and kill. It is said that in this way they express their virility. Meat is a symbol of life, activity, aggression, while vegetables mean passivity, dullness and weakness. Adams shows how wide spread statements and common sayings such as “Real men don't eat quiche, real men eat meat” are, arguing that there is a “sexist attitude toward vegetables” as vegetable is “a synonym for a person that is severely brain-damaged or in a coma” (p. 61). The way we eat, what we eat, and how we eat symbolizes the social hierarchy and the order called patriarchy; and what seems to be the connection between animals and women is their position in this social hierarchy. Their oppression is interdependent (p. 29).

Language is the most powerful tool of creating reality in which certain knowledge is taken for granted. Adams argues that “people do not often closely scrutinize their own meat eating”, and they rarely see it as connected to killing of an animal (p. 27). By masking the animal into a piece of meat or, as Descartes first conceptualized an inanimate object (an “automata” or a mechanical composition that feels no pain), the slaughterhouse does not seem too horrifying (Singer, 2002, p. 10). This is what Adams calls the absent referent, a linguistic and literary tool that is used in metaphors that mask one reality deemed normal (abuse or killing of animals) with another (the same abuse of humans), with the purpose of creating an emotional or cognitive effect (Adams, 2010, p. 66-67). In such a way, the absent referent always masks an underlying and unquestioned reality, i.e. the knowledge we take for granted. Through butchering, the animal becomes the absent referent, while butchering, unquestioned in and of itself, becomes a metaphor for people’s horrible experiences (p. 66-67). These transfers in metaphoric logic seem to work best in a linguistic sense when using the already established alliances. For instance, a common
metaphor for abused women is “feeling like a piece of meat”, taking here for granted that, as Adams shows, “meat by definition is something violently deprived of all feelings” (p. 67). Women too are often used as absent referents when a whole range of characteristics is expressed: rape in particular carries this potential for transfer (e.g. the rape of a nation), claims Adams, and just like butchering, it presents women's experiences but not the women themselves (p. 68).

Benningstad and Kunst (2020) analyzed different studies in order to explain the “meat paradox” and narrative strategies in the process of dissociation of meat from animals. In their findings on how people dissociate meat from its animal origins, they concluded that this dissociation rarely takes place in processing the meat (for instance cutting the animals into pieces), but instead it takes place in linguistic processing (using euphemism), in ritualization and institutionalization or hedonistic adaptation. Authors report that several reviewed studies found that dissociation was linked with gender, age, place of living and culture (women living in towns and younger generations are more prone to use dissociation) (p. 4-5). Some of the studies reviewed identified factors that most often interrupted the dissociation process, like empathy, disgust and “cuteness” (e.g. baby animals are not that desirable for consumption and dissociation) (p. 4). Benningstad and Kunst conclude that the “dissociation is a relatively universal process, yet, that it is influenced by individual, contextual and cultural factors” (p. 7).

4.4 Selective liberation and normality of animal abuse

Adams’s critique of historical links between misogyny and speciesism or patriarchy and meat eating does risk to fall into the same essentializing binaries that she initially uncovers as hegemonic. Hamilton (2016, p. 113), for instance, argues that links that Adams establishes between meat consumption and violence against animals on one side and structural violence against women, pornography and prostitution on the other, are “weak and evidentially wanting”. According to Hamilton, Adams' work itself is stuck in a binary model of gender. “In her schema, men are consumers of flesh - literal and representational - while women and animals are objectified and consumed” (p. 115).
This is not to say that the similarities of the subordination of women and other underprivileged social groups, particularly racial, do not persist in oppressive historic or contemporary discourses. These similarities were central to proving inequalities and oppression by advocates of change. Furthermore, and in the same time, these similarities of discursive oppression between marginalized groups of humans and animals presented a point from which social movements advocating elimination of inequalities and liberation wanted to disassociate. Namely, the struggle for equality of women, more often than not, did not include liberation of animals although it would effectively point at it as a metaphor of oppression in which subordination of the animal was “normal”. As Singer argues (2002, p. 200), Western science and economy together with Western Christianity’s fear of the natural state created a dominant discourse of fear and dominance over nature and animals. This discourse eventually embraced by post-second-wave feminism, as well as mainstream anti-racists movements, amending the rights of men over nature with groups like women, non-white and other categories, but not with animals. After all, in human domination over animals, women and men both dominate over and profit from animals.

4.5 Labeling of animal abuse

There is a certain simplicity, normality and paradox of animal abuse and killing, especially when breeding animals are in question. We can say, animals are not humans, i.e. they are not equal to us, or they are not set free, so therefore they are outside or below the social hierarchy scale. Neither are all people equal or equally capable, but we still deem it normal that they should, unlike animals, enjoy the privilege of being franchised. Moreover, animals do not qualify to become members of our social hierarchy, but depending on their type/breed, age, and gender, we apply the same social hierarchy on them, and the same sex, race and class discrimination too. All this points to the fact that the dominant discourse approves of meat eating, animal captivity, and a wide range of abuse and discrimination over and within the animal population itself; and as this is common knowledge we should not have issues admitting it and facing the consequences,
like we do with other forms of oppression and discrimination. How do we then talk about animal abuse as a crime?

The industrial revolution and market economy made everything and everyone into a good with a price. We refuse to admit that humans are, but some or majority of us are very much, like animals, tagged. Slaves in one historical moment, and serfs in another, the abuse and killing of humans was not that much different from that of animals. In the Wild West it was punishable by death to kill a horse, even one’s own, while duel killings were not a problem, nor was wife killing. The sacrifice of children is a well-known historical and mythical common point of religious texts, while the trade, rape, enslavement and exchange of women was not considered illegal until recently (looking from the perspective of written history). It was not until recently that the use of animals as well as humans as labor became a fact of mass production in a global society based on producing more than it is even possible to consume.

Czerny (2011) analyzed the meaning of the terms “human” and “animals”, particularly in relation to other labels such as those that are associated with the term “Balkans” (not a geographical area but the negative connotation of Balkan as tribe, violent, dangerous). The author analyzed how people from Rijeka shape and reshape the term Balkan in order to balance whether they are or are not a part of the Balkans. Like the term “Balkans” that is loaded with past, prejudice and labels of primarily cultural nature, the term “animal” for Czerny also carries some of the negative connotations such as brute, beast, non-human. In comparison or metaphor, both are taking the position of the inferior Other. We could say that “animal” is to the human what the Balkans are to Europe. Czerny concludes that the “question of considerable analytical interest, particularly in the anthropological project, is not whether Rijeka is in the Balkans or whether “humans” and “animals” are different or the same, but when do persons consider Rijeka to be in the Balkans and when do persons consider “humans” and “animals” in terms of “difference” or “sameness.” (281-282). Therefore, labels are created and shaped every time they are used.
Concerning the paradoxical nature of labels attached to animals, in another article on the narrative use of the label dog-owner, Czerny (2012) found that though “owner” has a strong possession meaning and superior position, dog-owners see themselves rather as responsible caregivers and mediators (p. 10). “According to the way they approach the notion of ownership in their relation with their dogs, they see it as a relation of responsibility and negotiation between two different fields of interests and needs” (p. 19). They do not, however, consider themselves to own their dogs as things. Neither do they regard dogs as products, nor do they see their dog’s knowledge as a human product.” (p. 19).

Borkfelt (2011) in that sense argues that naming (also non-naming) carries a certain responsibility. By naming something we put a certain label which is accompanied with sets of ideas and values. Naming something, further, shows a kind of importance, just as not-naming could be categorized as not important. Therefore, Borkfelt (p. 117) concludes that “representations are not just expressions, but also impressions”.

For while naming can be said to be a necessity for language and communication, the very act of naming actually makes animals into objects, which we choose how to perceive, represent and categorize through the names we apply to them. (Borkfelt, 2011, p.123)

Besides distancing ourselves from animals and enabling harmful treatment through introducing the difference between ‘them’ and ‘us’, not naming can also mean disregarding the likeness of animals to ourselves (p. 123).

This likeness is what makes the position of animals often paradoxical in our everyday use of language. Coeckelbergh and Gunkel (2014, p. 716) argue that our “practices of ascribing moral standing to animals are rather puzzling, if not inconsistent and unreasonable”. They argue that most researchers (including Regan and Singer) who had been writing about moral standing of animals believed that moral standing of animals should be based on their intrinsic properties and anthropocentric approaches (based on human experience) (p. 716 - 718). They suggest that instead of asking about animal properties, we should ask “[w]hat are the conditions under which an entity becomes a moral subject?” (p. 716). Namely, similarities and differences in human - animal relationship are not central to our formation of labels and the narratives we construct, but rather it is “[o]ur moral thinking and our moral language, which are intrinsically bound
up with our practices, technologies, and geographies” that turned out to be “effective methods for defacing animals and letting them appear not as another who matters but as what does not count” (p. 730). On the other hand,

[n]aming is one of the mechanisms by which any-thing acquires a face. If it has no name, it can be objectified, used, and even slaughtered since it is withdrawn from the sphere of moral considerability. Denaming (or defacing) makes possible killing that is no longer called murder. (p. 725)

How we address animals is dependent on the possibilities that are given to us in and structured by our language, on the moral lines and categories that are already part of our linguistic landscape.” (p. 725)

All and all, words matter and they can make a change, depending on what one decides about the kind of relation to animals they want. There is responsibility in both labels and narratives we use which goes beyond individual moral standpoints, but has further consequences for the legal, political and social arena.

4.6 Stages of (ab)normality of animal abuse

Throughout the 20th century but increasingly more recently, medical science and psychology strongly influence the formation of criminal discourse, primarily by making a distinction between the criminally insane and the sane and normal killer. This distinction is important in understanding the formation of animal abuse as a crime. Animal abuse and cruelty similarly to sexual violence as we perceive it today are historically considered to be a normal part of human reality. In the past two decades, many studies have contributed to this conclusion. It is therefore not strange that animal abuse, cruelty and killing has not become a part of penal codes until recently or that still it is only so in very few countries, primarily due to fact that it serves as an alarm for more “serious” forms of violence. Additionally, the abuse and killing of animals is only considered illegal, insane or amoral if, “human” animals are in question, meaning pets and companion animals. Namely, the moral, psychological and legal concern attached to animal abuse derives from the fact that, although we have linguistically obscured the face of the animal and turned it into an
object of exploitation, there is an obvious acknowledgment of our biological similarity that raises an alarm for both experts and everyday users of language.

In such a way language first makes/creates a clear distinction between 'pet', 'animal' or 'beast' (based on their proximity to us and our empathy toward them). Pest and beast is the lowest category that points to the most distant and alienated nonhuman animal. This is why it is often used as an insult or a derogative term for certain social groups. Language adopts certain statements that utilize the lowest position of such animals (unless we deliberately avoid them) such as “beating a dead horse” or “fall from a horse on a donkey”. The distinction among animals and the disassociation of “non-human” animals from animals is best seen when a person is involved in the direct killing of one. The majority of people do not hesitate to kill a fly or even a thousand of them, while that same majority would never be able to kill a dog or slaughter a lot of them. Breeding animals are considered to be meat and therefore disassociated from feelings and rights, while finally the highest level of animals inhabits “pets”, “companion animals” and “man’s best friends”

Adams (2010, p. 102) argues that the use of the word “it” when referring to animals, “distances us further from animals by naming them as object, as “its”” (p. 93). The language we use, as a media for accumulating our common culture, is structured is such a way that it reflects the power hierarchy not only among humans, organized on the axes of sexes, races, classes and so on, but that this hierarchy is then transferred onto animal world, among animals themselves. Differentiating those animals unlike us from those close or like us enables humans to attach normalcy to animal abuse and killing. Consequently, such distinction is crucial in determining cultural, social, medical and criminological reality in which something is perceived as (ab)normal, (in)sane and criminal or legitimate behavior towards animals.

In his discussion on the misconceptions of animals as “automata” by our language and our dominant (Western Christian and capitalist) ideology that treats the vast majority of animals as things or meat deprived of eternal soul or consciousness, Peter Singer in his book Animal Liberation concludes “there are no good reasons, scientific or philosophical,
for denying that animals feel pain” (2002, p. 15). While we do not doubt that other humans feel pain, we still find it easier to disassociate from the knowledge that animals are in pain for instance when in medical experiments (p. 15, 30, 37, 42, 57). Although the majority of testing and experimenting is done on rodents, a big percentage of animals for experimenting includes pets or animals that are the most similar to humans. Therefore, disassociation from animals as living beings goes beyond acknowledgment of similarities between animals and humans (although there are some signs that similarity matters, e.g. the European Union’s ban of testing done on great apes in 2010). The paradoxes of our conceptions about animals therefore are more complex than just the divide between animals bred for meat and pets, or the division between animals that are apparently similar to us and those that are not. Singer concludes, “the answer to these questions lies in the unquestioned acceptance of speciesism. We tolerate cruelties inflicted on members of other species that would outrage us if performed on members of our own species” (p. 69).

Singer rightly compares speciesism and racism, arguing that the analogy best applies “in practice as well as in theory in the area of experimentation”, as the justification for the otherwise intolerable abuse is found in the grater cause, contribution to knowledge and even usefulness for the experimenting race, such as found in Nazi Germany’s experimentation on Jews, Roma and other non-Germans in concentration camps (p. 83). The analogies could be amended with gender or class aspects. Singer argues that the first domesticated animal that was removed from the traditional farm where animals were bred for meat and other products but lived in quite different conditions then in meat factories today, was the chicken (p. 98). Chickens additionally bear the analogy to female gender and are seen as “stupid”, and thus are fully objectified. The way chickens are bred, kept, exploited and killed today is not something that can be shown on television due to extreme conditions of cruelty (the size of cages, the amount of birds in them, etc.) (p. 111-12), and it does not appear in romantic farming scenes of our popular culture, except in horror movies. Chickens were in some ways the first 'industrial workers' among domesticated animals. But it is precisely this lack of cruelty “appearing” in the media and in public space that Singer puts in the spotlight (p. 217). Animals have disappeared from the public space, and are now kept in closed factories, while the public is never or very scarcely
informed about the experiments over animals, or about the conditions of bred animals, whether because it is hidden from public on purpose or it would “spoil our dinner”.

Caviola, Everett and Faber (2019) actually conducted five studies investigating the concept of speciesism. They find a connection between speciesism and prejudicial attitudes such as racism, sexism, homophobia, and other “ideological constructs associated with prejudice such as social dominance orientation, conservatism, system justification, and right-wing authoritarianism” (p. 1026). On the other hand, there was no connection found to “empathic concern and actively open-minded thinking” (p.1026). It is further interesting that the male participants were more prone to speciesist views than female (p. 1020). The authors conclude, that “[s]peciesism manifests itself in the near-universal belief that humans are intrinsically more valuable than individuals of other species” (p. 1011) and therefore as a psychological construct can be “considered a form of prejudice” (p. 1026).

4.7 The beginning of criminalization of animal cruelty

As discussed before, animal cruelty can be seen as a hypocritical and paradoxical concept, and this presents by no means an obstacle to investigating it further in terms of criminological aspects.

Both active and passive cruelty have fuzzy borders. For example, a woman is not cruel if she occasionally fails to feed her cat. She is cruel if she fails to do so most of the time. But while there is no exact number of times, no fixed percentage, such that, once it is realized, cruelty is present, otherwise not, there are paradigms none the less. (Regan, 1980, p.535)

Particularly important in determining the dynamics of becoming a crime is not the reason or the logic, nor the acknowledged similarities between animals and humans and their capacity to feel pain, but how the story is told and when. As mentioned before, it was the media that most efficiently exploited the sites of animal cruelty in medical experiments and in meat factories triggering more significant outrage of the public against such cruelty. Varufakis similarly writes how the media made the reality of cruel working
conditions of the early capitalist factories visible by constantly writing about ten-year-old children in England and Scotland chained to the machines day and night, or pregnant women giving birth next to the steam machine so that the factory can produce more (2015, p. 40-41). He is right to say that the market economy has created unimaginable richness and poverty at the same time, and this unforeseen inequality was further established between humans and animals. Besides media, social movements and activist scholars have contributed greatly to the actual changes in the legal and social frameworks surrounding animal abuse, but it was the media that made it visible and usable in language terms.

The influence of social movements, experts, media and popular culture, all contributed to making a spark in what now is the general trend of sanctioning the cruelty against animals as social violence (crime against society itself, similar to certain crimes being crimes against humanity) i.e. serious crimes. In the US the first animal police units were developed on state by state basis and it was only recently (2016) that the FBI categorized animal abuse as a federal crime. With attaining “federal” crime status as “a crime against society”, the FBI gave the development of animal protection a strong national and international boost. Within the framework of juridical-criminal system, vast research was done by both independent scholars and state agencies, such as the FBI, dealing with crime based on the connections of animal abuse to violent crimes such as domestic violence (children and women abuse) on one hand, or serial killings on the other. A year later they raised the animal abuse to a federal level crime. By raising the status, the FBI now regards animal abusers together with arsonists and murderers. The next year, the Bureau’s National Incident-Based Reporting System (NIBRS) began collecting detailed data from participating law enforcement agencies on acts of animal cruelty, including gross neglect, torture, organized abuse, and sexual abuse.

Furthermore, animal abuse entered the mainstream academic literature in criminology. The Sage Dictionary of Criminology for example defines animal abuse as “any act that contributes to the pain, suffering or unnatural death of an animal or that otherwise threatens its welfare. Animal abuse may be physical, psychological or emotional, may involve active maltreatment or passive neglect or omission, and may be
direct or indirect, intentional or unintentional.” (Cazaux & Beirne, 2013, p. 9).

Furthermore, in order to categorize the phenomenon, the authors refer to domestic and child abuse:

Following the descriptions of the ‘battered child syndrome’ and the ‘battered woman syndrome’, attempts should also be made to identify the clinical signs and pathology of physical abuse of companion animals, as specified in the “battered pet syndrome” (Cazaux & Beirne, 2013, p. 10).

The interest in researching a link of animal abuse to child abuse and domestic violence indicates that criminologists are starting to pay special attention to the phenomenon not only due to its similarity with other types of crime but as a sign of aggressive or violent behavior, i.e. psychopathology. “The importance of detecting and preventing animal abuse has tended to become a justifiable” while “speciesism thus stands for a prejudice or biased attitude favoring the interests of the members of one's own species against those of members of other species” (Cazaux & Beirne, 2013, p. 10). Furthermore,

“(w)hat is classified as animal abuse is thus independent of human intention or ignorance, socially sanctioned or socially rejected norms, and labels of necessary or unnecessary suffering. It is also independent of whether the animal victim is categorized as a companion animal, a wild animal, as livestock or as an experimental animal, and covers both single and repeated or institutionalized incidents of animal abuse” (Cazaux & Beirne, 2013, p. 11).

To some extent animal welfare has been recognized as a legitimate socio-political and scholarly issue. Most of the countries have provisions against the torture of animals that with time were transferred to penal codes. This shows a change in perception of animals from things, to things that are not to be destroyed at will - similarly to monuments or old houses; to finally living beings with certain limited rights, such as the right to life without torture. This change, however, still remains to be investigated especially in as much whether it applies only to “human” or “humanely-treated” animals, while the legal reality of the chickens in factories remains the same globally, or without the prejudices of speciesism, as the criminological dictionary states.

We can only assume that the socio-legal framework and its development towards a more protective approach to animal wellbeing reflect certain changes in public perception,
and other factors such as psycho-medical expertise on the topic. These factors are to be investigated in order to understand the change in socio-legal definition of ‘normality’ when it comes to animal abuse. Looking more closely into definition of “normal” in criminology and its criticisms, “normal” is not only a key aspect of criminology but is placed in the center of a discipline that revolves around crime defined as legally “non-normal” behavior or acts on one hand and societal responses to it, on the other. Some acts and behaviors deemed ‘normal’ from one or several of the perspectives and influences involved law making (legal experts, psycho-medical, ethical, public opinion, external/international legal standards) may in one point start to be perceived as radically opposite. Societal response, not to crime, but to what should be seen as one often results in formulating and reformulating the definition of normal that eventually reflects on legal definitions of what crime is. Overall, criminological research is founded and dependent on what we consider, in certain socio-political and historical contexts, a crime.

All this points to the importance of understanding how certain acts or behaviors become criminal, or cease to become such. Property over women, children and slaves followed by arbitrary abuse presents the most historically explicit example that first comes to mind –a good example of how (what use to be) regular and “normal” acts and behaviors (not only legally but also perceived as such by general public) become most heinous crimes, such as rape, slavery, child abuse (pedophilia-related crimes), hate-crimes, etc. On the other hand, same-sex or extra-marital relations, once punishable by death, in the majority of the countries around the world, are seen as part of privacy rights or even fundamental rights and freedoms (at least in most of Europe). Nevertheless, there are some differences in how certain changes occur, namely in relation to how visible some crimes are, or how ‘fast’ society recognizes them as a crime. Most of the early bills of rights excluded women, children and often people of color or of no significant property and means from their constituency. Some aspects of rape (marital) and the abuse of children or other domestic disfranchised subjects as crimes committed “behind closed doors” seem to be the most contingent throughout history of victimology. According to overall research on domestic violence, the triad of domestic violence against victims (women, children, elderly) who were, until quite recently, invisible objects of the private sphere and under the patronage of men, (i.e. husband, father or property owner) produces
by far the most numerous victims (women, children and immigrant live-in maids, or non-citizen labor force) of the most statistically wide-spread crime acts. With this number growing throughout the world, pointing at the fact that legal recognition and actual protection against domestic violence are two different things, so is the definition of domestic victims changing and expanding (Adams, 2010, Gilman, 1985, Walklate, 2005).

Only recently, and still on a hinging of “normality”, were there systematic attempts to amend the triad by declaring animal abuse a crime, (only in cases of domestic animals or companion animals) as they share all of the characteristics with the other victims of domestic crimes: invisibility of the victim, entitlement of the abuser, and the normality of the crime. One of the most important issues in criminological research about this category of offenses (rape, domestic violence, child abuse, elder abuse) is the lack of data - or, we could say, the invisibility and “normality” of the crime. This thesis will among other aspects investigate what is “normal” about animal abuse by asking how animals are predominantly perceived in the human society, what is the relationship of animals to different groups of humans within a complex power structure, and how did animal abuse become sanctioned.

In asking this, I will not only focus on some of the mentioned theoretical works about the position of animals in human societies but also ask how this position has been reflected in public and legal spheres and what factors contributed to its change. This part of the investigation therefore necessarily entrenches into media studies and discourse analysis, as it was the media that most efficiently exploited the sites of animal cruelty in medical experiments and in meat factories triggering a more significant outrage of the public against such cruelty. Besides media, social movements and activist scholars have contributed greatly to the actual changes in the legal and social frameworks surrounding animal abuse. No less relevant, different feminist and women’s movement(s) eventually succeeded in waging the mainstream war on domestic violence, and this development slowly came to include other domestic victims besides women and children. Feminist, environmental and vegetarian movements share many common goals (and histories), specifically related to animal abuse context, such as gender, class and other social power relations, destructive economic ideologies and other. The influence of social movements,
media, intellectuals and academics, but also popular culture, all contributed to making a
spark in what is now the general trend of sanctioning cruelty against animals as social
violence i.e. crime against society and not persons or property.
5. THE DEVELOPMENT OF THE LEGAL PROTECTION OF ANIMALS AND CRIMINALIZATION OF ANIMAL ABUSE

5.1 Introduction

This chapter will analyze and discuss legal scholarship on the position and role of animals in the law both from the theoretical and historical points of view, in order to provide a context for contemporary European and Croatian legal frameworks that deal with animal cruelty and animal welfare. Contemporary legal debates on the status and protection of animals in law can be grouped around three general standpoints: those that claim animals cannot have legal rights due to the fact that they have no legal duties; those that support and propose the idea of animals as specially protected legal objects; and those that propose the idea of animals as legal subjects and call for the abolition of ownership over animals, and instead propose the introduction of custody and legal representation for animals in legal matters. The status of animals as objects or subjects in particular legal frameworks differs, depending on whether the laws exist within a constitution, the criminal code, or a specific law on the protection of animals; and this ambiguous position further shifts in court case law. The debate, although aiming to improve the status of animals in the law today, has in fact already taken place throughout history, from animals being legally treated as divine creatures to subjects of criminal precedents to more commonly objects that are possessed by those with ownership rights. The chapter will, therefore, give an overview of the most relevant historical examples that inform the contemporary legal landscape of animal protection.

5.2 Object or Subject of the Law

German Civil Code of 1896 (Bürgerliches Gesetzbuch, 1896) is often considered by legal scholarship on the matter to be the first legal document that opened the possibility for the status of animals to rise above being mere objects or property. One of the code’s provisions stated, “Animals are not things”
More recently in Europe and elsewhere, some countries such as Switzerland (1973), India (1976), Brazil (1988), Slovenia (1991), Germany (2002), Luxembourg (2007), Austria (2013), and Egypt (2014) see animals and their status as protected by their respective constitutions; and most European countries have elaborate and numerous laws on the protection of animals that include provisions in criminal and other codes (Eisen, 2017, p. 911). Almost all countries in the world have some form of legal protection of animals. There are, however, exceptions that matter. Although laws on the protection of animals and their welfare have existed for more than 1,000 years, today’s China does not have any animal welfare and protection laws in place (see e.g. Cao, 2011, p. 351). Cao argues that the “[l]aw may be able to provide a necessary filler to amend or narrow the gap when violations of certain moral principles concerning nature and for our purpose animal welfare occurs, in all societies, not just the West or China” (p. 365). Therefore, although it is a global trend in both national and international law (environmental laws, protection of animals in different fields of human activity such as transport, research, trade), it is crucially important that local communities and states introduce specific animal welfare provisions as an expression of moral, political, or other ideological standpoint.

According to Visković (1996, p. 473), the legal protections of animals in most countries within the European legal tradition are typically grouped into three types of provisions: those aimed directly against abuse and maltreatment, usually through a law on the protection of animals; those indirectly protecting animals or some aspect of their livelihood through provisions of the law on the protection of the environment or of nature; and finally through provisions protecting animals from what is considered in the context unacceptable behavior, acts, or conditions through some fundamental law, such the criminal code. All three types of legal protections in principle deal with what most commonly is believed to be the result of the heritage of the Roman legal tradition that laid the foundations for the majority of European legal codes in the modern era that have defined animals as property if animals were under human control or as part of nature, and, therefore, neither a property nor an object of the law until caught or killed (Nedić, 2018, p. 72-73). Nevertheless, this was not the case throughout European legal history/ies and many of today’s scholarly legal disputes stem from the history of law in Europe.
In European and European-influenced legal systems, the status of animals is usually seen as rooted in the Roman legal tradition in which historically animals, together with other living beings, including a wide range of marginalized groups of humans, were seen as property or were not subjects of the law, defined by rights and obligations. From Roman legal tradition onward, there have been very few developments in the status of domesticated animals unlike that of the other human members of the household or community who were not considered citizens or subjects of the law. In other words, once having comparable legal status of animals, children, women, and slaves in the classical era and the Middle Ages, in modern European legal history, only animals have remained property. In other parts of the world that have European influenced legal traditions, this was not the case. McCarty (1982) makes a comparison between the legal status of slaves during institutionalized slavery in the Southern states of the U.S. and animals. Namely, both were considered to be legal objects under the “personal property status”; and although their lives and conditions of living might have been protected by various provisions in law and court, they were not considered any different than any other property. Although the status of animals has not changed significantly since then, unlike those of human groups, McCarty concludes there are some signs in recent legal decisions that a similar evolution in the status of animals is taking place. Namely, “judges are beginning to draw distinctions between animals and property.” (McCarty, 1982, p. 296). The question posed by McCarty (p. 296) still remains: “can we ever expect that the courts will grant full liberation to animals from their status as property?”

The institution of the slavery of humans is not the only issue with which the legal and moral debate on the status of animals has been historically connected. Throughout history, similar debates occurred around the legal status of children and women, among other human and social groups; and as discussed in earlier chapters, the development of children’s rights against violence, for instance, was closely related to the increasing protection of the rights of animals (Arkow, 1999). The issue of the subjectivity of different members of the community in the legal doctrine is at the heart of the legal debate about animals and law. Namely, in most of the other human-based cases the debates were resolved by extending some or all the rights that traditionally were reserved for senior white, male citizens to the others who were excluded from legal subjectivity, due to the
claims of different social groups or social reforms based on particular ideological struggles. Still children and certain categories of adults, due to different limitations in terms of legal obligations, require custody and legal representation and are subjects of the law in a limited sense, particularly in terms of their duties and responsibilities. Although a majority of countries in the world today do have provisions protecting to some extent and some types of animals, the question remains whether animals are to be seen as objects requiring specific treatment and as protected goods under the state’s protection or as subjects whose dignity and integrity should be shielded by a wide range of legal provisions, including the criminal code.

Visković (1992, p. 288) argues there are two foundational downfalls that limit and prevent the further development of the protection of animals by law: the anthropocentricity of the law which means that the law is “primarily motivated by people’s economic emotional, entertainment, scientific, cultural and religious and other human interests and not by care for the good of the animals as a principle by itself;” and second, the inadequacy and inequality of legal protection as the law, in principle, “protects what is useful or interesting to humans while all else is left for abuse and destruction” (p. 288). Nurse (2016, p. 174) similarly argues that when stating that despite some countries’ long tradition of legal protection and animal welfare as a public good, animal protection laws in principle fail in providing actual rights to animals. In other words, the protection and rights that laws grant to animals exists only to the extent of their alliance with human interests. “Animals’ legal status as property dictates that much anti-animal abuse and wildlife crime legislation is about allowing animal exploitation commensurate with human interests” (p. 174). Therefore, as creators of the law, humans as a group have no political interest in granting animals extended rights. On the other hand, throughout history it was always the creators of the law that held the limits of rights in their hands, making the law in terms of rights exclusive of others. Furthermore, it could be said that animals cannot speak for themselves and the improvement of their legal and political status, but similar arguments have been strongly made for other marginalized groups and the struggle for visibility of different subaltern groups continues. On that account, animal rights groups have been and still are strongly present and visible locally and globally.
For many scholars who write about the status of animals in the law, legal debates that aim to see the improvement of the well-being of animals and their protection by the law range between welfarism to liberation. Francione (1995, p. 4), for instance, argues, that as “far as the law is concerned, an animal is the personal property, or chattel, of the animal’s owner and cannot possess rights”. Therefore, “animals are simply excluded as unable to raise legal claims” (p. 12). Legal welfarism is just a “general moral theory” that can be based “on any one of a number of moral theories or on some combination of theories,” although most subscribe to utilitarian moral theory (p. 6). At the core of this theory, Francione argues, lies the fact that animals are the property of people “and property owners usually react rather strongly against any measure that threatens their autonomy concerning the use of their property” (p. 18). Animal welfare theories, therefore, presuppose that humans balance their interests with those of the animals, while, according to the author, it is this balancing process and the power dynamics behind it that is at the root of the problem. “[I]t explains why animals are so ruthlessly exploited despite social norms that reject inhumane treatment, for as long as animals regarded as property under the law, virtually any attempt to balance interests will entail an unavoidable devaluation of animal interests simply because they are property” (p. 257). Similarly, Beirne (2011, p. 353) argues:

Above all, for reasons of speciesism and anthropocentrism, including naked selfinterest, denial, indifference and simple ignorance, animals’ master status in criminology—and in law, religion and most other official discourse—has traditionally been that of human property.

These legal scholars point to the fact that the anthropocentricity of modern cultures and civilizations and the history of the legal development of animal rights is crucial for understanding not only present legal reality but also broader discussion on the status of animals in contemporary human society. In principle, they argue that the laws are human invention and they will always serve human purposes until they surpass exclusion, anthropocentricity, and speciesism at their core. However, there are scholars who shed light onto a different status of animals in human laws in history. Lennkh (2011, p. 308) argues that from the very beginning, already in the Hammurabi codex, legally speaking, animals were closely linked to humans and their beliefs and that resulted at first bans on the use of animals as a source of food and work exploitation. Furthermore, the codex
refers to animals as special category -they were neither persons nor things (Lennkh, 2011, p. 309).

Depictions of animals in the early Christian communities, so-called “bestiaries”, as the most popular way at the time to express human notions of the society and world order, symbolized “the mystery of creation, the divine provenance of all things and the attributes of that divinity” (Haldar, 2011, p. 293). Later medieval developments in literature in particular used animals in order to allegorically express a “normative code for the behavior of man in preparation for his salvation” (p. 293). Other images symbolically express fear from nature and wildlife.

Figure 1.

There are numerous examples in human history in which animals were treated in different ways than property, when they were protected and even cherished or were
considered as subjects of the law. The legal status of animals in the criminological sense is closely related to this debate, as the “becoming” of animal abuse crime is undetectable from legal and cultural shifts of conceiving animals as more than objects. Some of these numerous and relevant examples of animal legal subjectivity and representation, such as animal trials, will be discussed further.

5.3 The State vs. Animals

It is a common belief that the trials against animals in Europe, similarly to those against witches, were of religious or sacrificial nature. These trials that lasted for centuries, or as far as the uncovered documents show at least from the 9th to the 19th century, were held to convict animals for different kinds of disasters or destruction of human property, and not due to supernatural reasons. Furthermore, throughout the recorded history of these trials, there were no cases of animals being put to trial as a kind of sacrificial ritual to please divinity. Prosecutions of animals were held at many locations around Europe and outside Europe for different reasons, but the animals were always held responsible for the damage they committed and were, therefore, entitled to a trial, a defense, and juridical process that assured the verdict before any conviction. That is, they were entitled to the right to legal protection and due process.

Payson Evans’ book The Criminal Prosecution and Capital Punishment of Animals from 1906 was crucial in uncovering the registers of the court that, as he writes, were very imperfectly kept and in many instances entirely destroyed (Evans, 1906, p. 136). The majority of preserved documents that Evans analyzed come from France and were published by Berriot-Saint-Prix in 1829 in a memoire that included numerous extracts from the original records of proceedings and lists of the kinds of animals that were tried and condemned. Dating back to the beginning of the twelfth to the middle of the eighteenth century, it comprised of a total of 93 cases. In 1892, D’Addosio and others (Karl von Amira and G. Tobler, in Evans, 1906, p. 2 and p. 135) further increased the list to 144 prosecutions, covering the period from 824 to 1845. In total, Evans lists 191 cases of excommunications and prosecutions of animals starting with the case of moles in the
valley of Aosta in 824 and ending in 1906 with a case of a dog in Délémont in Switzerland. There were 3 cases in the 9th century, 3 cases in the 12th, 2 cases in the 13th, 12 cases in the 14th, 36 cases in the 15th, 57 cases in the 16th, 56 cases in the 17th, 12 cases in the 18th, 9 cases in the 19th, and 1 case in the 20th century (Evans, 1906, p. 314 - 334). Among the convicted were moles, pigs, cows, dogs, insects, mules, mares, goats, rats, worms, weevils, turtledoves, bulls, horses, sheep, gadflies, snails, dolphins, beetles, grasshoppers, locusts, oxen, bloodsuckers, field mice, and also not specified other animals. Numerous cases appearing in the 16th and 17th centuries in France, as Evans writes, are more due to the careful keeping of records. There are also indices of such processes and similar intensity taking place in Italy, Germany, Switzerland, Spain, England, Russia, Canada, Brazil, and Croatia (Austro-Hungarian Empire) (p. 334). For that reason, Evans’ focus on France, Italy, and Germany contributed to a perception that these countries were somehow inclined more towards such legal practice (Beirne, 1994, p. 33).
Interestingly, three cases from the list are from Croatia (Slavonia): in 1864 a pig in Pleternica, in 1866 the locusts in Požega, and in 1866 grasshoppers in Vidovići (Evans, 1906, p. 334). In his article on animal protection in Croatia, Nedić (2018, p. 75) brings to light some of these examples as examples of exceptions to the Roman legal tradition of the objectivity of animals that took root throughout the modern legal history in Europe and the region, and as example of people’s superstition and irrational folk violence against animals that historically and even today conflict with a serious legal system. He further doubts such court cases were considered proper proceedings or were seriously founded in the law, but as Evans shows (1906), animal trials were anything but superstitious and irrational trivia, nor were they rare in medieval Europe. They were conducted both by the Church and different civic courts, as with other trials. They consisted of extensive records.
including written verdicts, and involved prosecutors, legal representatives, defenders, and juries.

Beirne’s (1994) reading and critique of Evans’ 1906 book *The Criminal Prosecution and Capital Punishment of Animals* supports this argument. Beirne’s central interest in reading documents presented by Evans was in understanding how people in medieval societies perceived the criminal intent of animals. Pointing to the fact that by establishing criminal intent, they established a tradition of legal subjectivity not necessarily connected to divine, demonic, or any other type of metaphysical status of the animal. Beirne further asks whether we are “precluded from understanding the social practices of another period or culture whose standards of rationality and criteria of proof differ fundamentally from our own? In trying to understand them, is it inevitable that we, like Evans, see their beliefs as mistaken and their practices as absurd?” (Beirne, 1994, p. 43). Beirne argues that understanding these practices as well as understanding the historic status of animals in the law “depends on the differential social construction of concepts like “animal trials” and “punishment” (p. 43). He underlines that the medieval courtroom was far more serious in estimating whether an animal shall be killed than today’s animal shelter, as today “instead of being executed for crimes committed against humans, animals are far more likely to be executed - silently, invisibly and without advocates - for such ‘crimes’ as ‘homelessness’ and ‘aggression’” (p. 43-44). Therefore, the difference in our treatment of animals exists but not necessarily in amnesty or appraisal of the contemporary one.
Regardless of the different time or place of the trials, from Evans’ overview, one can conclude that numerous European communities in different contexts and through various institutions, certainly assigned a special importance to having a serious court procedure. In many aspects, the records show that these were as serious as any human trial led by the human right to a due process, to have legal representation and defense,
and to have professional prosecutors and officially appointed judges and juries dedicated to the charges and consideration of proof that was brought against the accused. In some cases, animals were further recognized and given the right to pardon, while in most of the represented cases no execution could be carried out without an official judicial decision. Punishments were as brutal (*lex talionis*) as they were for humans, and a kind of hierarchy was established in sentencing similar to human trials. In both cases, the trials were provoked by disorder, damage, or fear; and they aimed to reestablish peace and order and to take control of the contingencies of life. Rituals, moral values of the community, and legal systems all came together in these trials, just as they did in human ones.

Furthermore, superstition and symbolism were always part of legal systems, and some would argue still are. In ancient Greece, a murder was considered equally a murder regardless of whether it was committed by a man, an animal, or an inanimate object that could be blamed (for instance, an instrument or a vessel). The medieval Church continued with the same legal doctrine, and “only substituted the demons of Christian theology for the furies of classical mythology” (Evans, 1906, p. 9). For instance, in 864, a council of judges in the German town of Worms, as Evans reports, pronounced the bees that had caused the death of a human by stinging him, guilty and sentenced them to suffocation (1906). The whole hive was then declared satanic, demonized, and no honey was collected before the drowning. While elaboration and ritual declaration could be considered “superstitious” from a contemporary standpoint, in principle this was no different than any other contemporary community labeling the criminal and his immediate surrounding (family and even victims) as impure, liable, declaring them diabolical, monstrous, or abnormal.

Explaining the importance of animal trials, Berman (1994) argued that the turning of these historic communities to the mechanism of the trial in order to bring these animals to justice was no different from today’s social need for resolution through trial, whether a real trial or mediated representation in crime news and the crime genre. “If we can understand what social benefits the trials brought to the people of these towns, we may begin to see that trials even in our own time fulfill cultural needs that extend far beyond dispute resolution and adjudication” (Berman, 1994, p. 290). Namely, he argues, the trials
always “serve as [a] genre of public discourse and storytelling” (p. 292). Different cultures and communities have in many different ways “ascribed guilt even when there was no real belief that the object could manifest intent or malice” (p. 294). In fact, the proof of intent or malice is not the requisite to accusing and putting on trial someone today either. Therefore, we can conclude that by putting animals on trial, communities of the time considered animals to be some version of subjects of the law.

Beirne (1994, p. 77) further elaborates on this role of the trial as assigning blame in the symbolic order by referring to the book *The Great Cat Massacre* by Robert Darnton (1985) which was about the massacre of cats that took place during the late 1730s in Paris. Beirne describes how informal community justice functions through the trial of an animal. Namely, during the late 1730s in Paris, a group of young printing apprentices commenced a trial against neighborhood cats (owned by their master's wife). The group felt they were wronged by the cats who made noise during the night and kept them awake, so they set up a mock trial, employing the guards, the confessor, and a public executioner. After the trial was over, and the cats were pronounced guilty, before hanging them, they had the right to last rites (p. 77). Darnton reports that the boys joyfully celebrated when the master and his wife arrived after the trial had ended (p. 27). In asking how can such “grotesque legalism” be understood, Beirne argues that rather than seeing it as grotesque, this event can be seen as an attestment to the apprentices suffering of appalling working conditions, low pay, and poor prospects, who then decided to take revenge by killing the cats owned by the master’s wife, and, therefore, diminish his honor “with a low-risk method of causing great emotional distress to Madame and to her husband” (p. 27). Moreover, the meaning of killing the cats, which at that time symbolically represented female sexuality and her vagina, was signified as being in league with the devil and an occult. This “deep symbolic significance” had less to do with religion or superstition and more with power and cultural, class, and gender identity. Therefore, the killing of cats was a brutal and indirect revenge on the master through his wife, and her cats, both considered as property, and as a symbolic rape (p. 28).
Animals were often used to reflect human fears of abnormal and disruption. Evans (1906, p. 162) brings to light a case from 1474 when a cock was sentenced to be burned at the stake “for the heinous and unnatural crime of laying an egg” (p. 162). The trial took place on a hill near the city so that the public could observe it as “consigning a heretic to the flames” (p. 162). As was the case of cats, this too can be seen as setting boundaries
“straight” again, particularly in terms of gender and sexuality that they deemed to at the core of things, although perhaps unspoken. Reestablishing the dominant order of things and purging the fears from the abnormal can be seen in many animal related trials, but also human ones too, particularly in trials against “heretics” or “witches.” Sometimes trials against animals and witches would merge and overlap. In the case of the Swiss Prättigau in late 1730, the egg was found in “a very old cock and was believed to be produced to furnish the most active ingredient of a witch’s ointment” (Evans, 1906, p. 163).

Some of the most interesting cases in terms of animal’s legal subjectivity were the trials against not any domesticated animals or pets but rodents and bugs. Evans reports the tale of a 16th century solicitor, a jurist Bartholomew Chassenée, who made his reputation by defending rats (Evans, 1906, p. 19). The case was reported on with amusement. For instance, Evans reports that the councilor of the rats, Chassenée, had to “employ all sorts of legal shifts and chicane, dilatory pleas and other technical objections, hoping thereby to find some loophole in the meshes of the law through which the accused might escape” (p. 19). Beyond the obvious irony, the counselor approached the charges seriously arguing that the “defendants were dispersed over a large tract of country and dwelt in numerous villages, a single summons was insufficient to notify them all,” claiming, of course, that the rats who were to be punished and killed have the right to face the charges and stand trial (p. 19). Chassenée managed to obtain a second citation, so that he could announce the call to trial to all the parishes inhabited by the said rats. Still the time was insufficient and not all the rats could have been informed so the councilor excused the defendants’ non-appearance “on the ground of the length and difficulty of the journey and the serious perils which attended it, owing to the unwearied vigilance of their mortal enemies, the cats, who watched all their movements, and, with fell intent, lay in wait for them at every corner and passage” (p. 19). Chassenée nevertheless addressed the court at legal and professional length, claiming that if the person was cited to appear somewhere where it is not safe, they most certainly would have a right to refuse (p. 19). Chassenée, furthermore, made the argument that there was a distinction between the punitive and preventive purposes of charges or between “inflicting penalties upon them for crimes committed and taking precautionary measures to keep them from doing
damage” (p. 34). He intentionally evaded the argument that the animals were incapable of committing crimes due to lack of rational faculties and proceeded to urge the court to give rats a warning before any harsher sentencing, calling upon already established practice at the time in which the courts were issuing such decrees against the outbreaks of certain bugs and beasts, urging the community to pray against the infestation.

The prosecutions of weevils that Evans reports on that took place in the mid-16th century present the inability of humans to ever fully control or control at all the forces of bugs, beasts, and nature. Originally sued by the wine producers, the first trial ended with no sentence for the bugs, but rather a series of ritual prayers, which surprisingly brought about the weevils’ disappearance soon after according to? (Evans, 1906, p. 38-39). The second trial took place some 30 years later when the weevils returned. The trial was again set up, the bugs were given a defender, and the defender based his arguments on the fact that the insects had a prior right to vineyards, a right that was given to them at the time of creation as they were created before men (p. 43). The other side argued that this cannot be true as the theological doctrine proscribes absolute domination of human beings. Inhabitants of Saint Julien organized a public meeting and decided to set aside land outside the vineyards for the weevils, so the insects might live freely away from the town (p. 46). For this purpose, the parties made a contract specifying the location and the size of land and established the rights of passage for the villagers (p. 46). Furthermore, the attorney filed a complaint about the given land because it was “sterile and not able to fulfill the weevil’s subsistence needs,” so the court ordered experts to examine the land (p. 47). Ironically, the final pages of the court records on the case were missing as, apparently, some insects destroyed it. Evans ironically wrote that it was “perhaps the prosecuted weevils, not being satisfied with the results of the trial, sent a sharp-toothed delegation into the archives to obliterate and annul the judgment of the court” (p. 49).

Evans’ ironic tone regarding the serious and grotesque nature of the trials is an expected, common reaction from a historian who records the trials from the contemporary perspective. The “worthiness” that Evans refers to precisely points to the anthropocentricity of contemporary jurisprudence, while communities at the time found humans alone cannot be the sole subjects of world order, whether they liked it or not. One
can call it superstition or a realistic fear of nature and its forces, but trials certainly were a forum in which societal fears and longings were narrated consciously or symbolically, in the language of the law. Writing about these and other trials, Berman (1994, p. 314) underlines that “once we focus our attention on the role of trials as cultural storytellers, we can view the judicial process as a constitutive element in a broader social drama.” The trials, he concludes, enable the community to balance conflicting narratives so that “reintegration and healing of the society” can be made possible (Berman, 1994, p. 315). “The criminal prosecution of animals can thus be viewed as an attempt by a community to apply its own moral scheme to the natural world and create an integrated universal sense of justice” (p. 321).

Drawing the line between the animal and the human world was a very important aspect of the Middle Ages and the Renaissance, but this division was ambiguous in the trials against animals and this was particularly so in cases of sexual relations between humans and animals. From the 14th century on, Evans (1906, p. 148) reports, the crime of buggery (offensa cujus nominatio crimen est, as it is named in legal documents) was punishable as animals and humans should not mix, but it was in the same time punishable for both parties equally. Animals as much as humans were to blame and most often both were sentenced to death, usually by burning them alive. The fire was deemed a facilitator of purification as the offence assumed impurity. Occasionally, internment was substituted for in cremation, and often the bodies of the animal and the human were buried in the same grave, pointing to the excommunication from the human area. Therefore, the crime of sodomy and buggery equated all parties under law, both in responsibility, i.e. conviction, and in sentence.

In Germany and other European countries of the time, sodomy and bestiality were strictly punishable by death for both the animal and the human as responsible parties. Once again, there is a perception of the animals as responsible subjects of the law equal to the human. Furthermore, some criminal codes, such as that of the Emperor Charles V in 1532, proscribed death punishment for sodomy (death by fire) but “if for any reason the punishment of the sodomite should be mitigated, the same measure of mercy should be shown to the beast” (Evans, 1906, p. 151). Evans presents more examples from later
centuries where the lawmakers granted the same type of mercy to the animal as might be
given to the human perpetrator. The offender was most often further bound to compensate
the owner for damages, and if the offender was killed, the value was paid out of the public
treasury. “If the criminal act was not fully consummated, then the human offender was
publicly scourged and banished, and the animal, instead of being killed, was put away out
of sight in order that no one might be scandalized thereby,” Evans reports (1906, p. 152).

Although there were cases in which animals were pardoned or acquitted because
they were the victim of violence and had not voluntarily participated in the crime, such
cases are quite rare in charges of sexual relations, and appear, according to Evans, no
earlier than the mid-18th century. Namely, in the case in the commune of Vanvres, the
prior of the convent and the inhabitants all signed an affidavit “stating that they had
known the said she-ass for four years, and that she had always shown herself to be
virtuous and well-behaved both at home and abroad and had never given occasion of
scandal to any one, and that therefore they were willing to bear witness that she is in word
and deed and in all her habits of life a most honest creature” (Evans, 1906, p. 151). Based
on this statement or petition as exculpatory evidence, Evans reports, the court set the
animal free making this a unique case in criminal prosecutions. A pardon for animals,
such as in the case of mid-18 century Vanvres, France, was in fact very exceptional.
Berman (1994, p. 300) discusses the fact that the donkey was pardoned on the grounds
that she was the victim and most honest creature. He writes how “the animal trials were
actually the forum for a much broader debate among conflicting visions of the natural
world and various conceptualizations of the interrelationship of God, human beings, and
animals” (p. 304).

This focus on defining the limits and interrelationship between the divine, the
human, and the animal in trials meant that space and legal substance was distributed
among the three. Although marked by inequality, anthropocentricity, and hierarchy, the
trials persisted in recognizing that all three have their uncontrolled powers or nature and
may present a danger to others. Therefore, it was very important to the lawmakers and
historians alike to prevent the rule of the masses, who may take the law into their own
hands and condemn an animal without the law and the court itself, as it may happen to all
other subjects of the law. This meant equality in terms of chaos in cases of unlawful retribution towards a human or an animal. For example, in 1576 Schweinfurt in Franconia, a sow who had bitten off the ear and a hand of a child was arrested by rogue citizens and without a trial hanged publicly “to the disgrace and detriment of the city” (Evans, 1906, p. 147). This, as Evans reports, “impudent usurpation of judiciary powers” (p. 147) was sanctioned rigorously by the authorities so that the doer had to run away and never return. The lawless ruffian, as Evans called it, was then seen as a “vile fellow of the baser sort” who had stooped to “execution without a judicial decision, the insult and contempt of the magistracy and the judicatory by arrogating their functions, that excited the public wrath and official indignation” (p. 147). Therefore, the unauthorized execution of assigning the blame and retaliation without a formal judicial ritual, i.e. vigilantism, was intolerable perhaps even more so than the original deed itself. Historically, sheer violence against animals was as disturbing and indicative of possible violence against humans as it is today.
Finally, as mentioned before, the trials were a platform for the creation and re-
creation of the narrative about the interrelationship between the divine, the human, and
the animal. This relationship is, of course, hierarchical and anthropocentric, enabling the
perpetuation of difference in value and classification based it. On the other hand, there
was, in some instances, a surprising equity in treatment of animals and humans. Hampton (1917) describes a 1386 court case in the Norman city of Falaise in which a criminal was accused of eating an infant on the street. Hampton (1917, p. 410) reports how the animal was first mutilated in the same way as it mutilated the child and then hanged; but in the process the animal was “dressed in a new suit of man's clothes, and was attended by armed men on horse-back, while the hangman before mounting the scaffold had provided himself with new gloves and a new rope”. The animal was to be treated in the same exact way as any human; that is, if they had no proper clothing, the court would provide it as it did with defence and representation. Old Germanic law, as Hampton shows, also recognized the competency of animals as witnesses in cases when there was no human testimony (Hampton, 1917, p. X). A householder had a right to appear before the court together with the animal in order for both to make a complaint (p. 10-12). The animal trials also included appeals which were made to higher tribunals where the original judgments were annulled or modified, and occasionally the animal was acquitted by such higher court (Evans, 1906, p. 140).
This subjectivity in the law was by no means equal to that of humans, nor was the standing of all humans any more equal amongst themselves. Hampton (1917, p. 412) shows that from the end of the 15th century on, there were various classifications of beasts or animals in criminal proceedings. Beirne (1994, p. 29) writes that from early medieval times in Europe there was a belief which provided the context of animal trials. This belief assumed the cosmological order in which a rigid hierarchy of natural or supernatural being existed. Male God was positioned at the top, followed by his representatives and interpreters on Earth embodied in the Church and the State. Then came equally stratified layers of feudalism, in which only men participated in political and (most of) public life; while women, children, servants and slaves were proprietary appendices. Still, humans within their “respective positions in the human hierarchy sat atop the nonhuman animal kingdom” which was further stratified again between the primates, the quadrupeds, pest
and insects, vegetables and plants (Beirne, 1994, p. 29). Pigs, Evans concludes, have suffered most in animal trials, “since they were assumed to be peculiarly attractive to devils, and therefore particularly liable to diabolical possession” (p. 166). Beelzebub was, Evans writes, frequently incarnated as cats, dogs of high and low degree, wolves, night-birds, and beasts in general (p. 166). Finally, at the heart of this belief was that unlike animals, humans were made in the image and likeness of God and possessed the immortal soul and free will, and, therefore, could be forgiven for their sins (p. 29).

The trials of animals were under the jurisdiction of both civil and criminal courts and took place in both ecclesial and secular court rooms. After a trial and punishment, animals were usually brutally executed by hanging or burning at the stake. Brutal executions for humans too were no exception at the time. Vermin and pest, such as rats, moles, parasites, bloodsuckers, leeches, grasshoppers, frogs, serpents, snails, termites, and worms were usually disciplined by church tribunals. The distinction between the jurisdiction of the secular and church tribunals laid in the distinction between types of animals. Animals such as farm animals, horses or dogs, which were in the service of humans but committed crimes against humans, could be arrested, tried or executed like any other members of a household by civic authorities. On the other hand, pest and insects were not the subject of human control, they could not be arrested or imprisoned by the civil authorities and there for were in the domain of the supernatural (Carson, 1917, p. 412-413).

Finally, we come to the paradox that animals bear in law to the present day. Due to the anthropocentric and hierarchical design of the law itself, narrated though the abundant examples of symbolism and personifications though different trials, animals could not “be excommunicated, but only anathematized; just as women, according to old English law, having no legal status of their own and not being bound in frankpledge as members of the decennary or tithable community, could not be outlawed, but only “waived” or “abandoned”’” (Evans, 1906, p. 52). Excommunication was an exclusion from the community built on the premise of the divine-human relationship. On the other hand, although animals were, as Evans claims, “put on a par with old crones in bearing their full share of persecution during the witchcraft delusion,” consequently the punishment of
animals was, in fact, only marginally different than “regular outlawry that effects upon the individual subjected to the law” (p. 52). In that sense, animals, women and men, slaves, and children, although not treated the same in criminal persecutions, were equally held accountable and punishable by law as its subjects. Therefore, only divine beings were excluded from the rule of law. Unshakably assured that the animal trials were grotesque exhibits of primitivism and quid pro quo savagery, Evans sees no great difference between how animals and humans were treated by the law in animal trials. It is precisely this in which the contemporary jurisprudence is significantly different than that of animal trials:

As regards the culpability and punishableness of the object, the modern divine and the medieval jurist occupy the same standpoint; only the latter, with a stricter judicial sense, insists that there shall be no infliction of punishment until the malefactor has been convicted by due process of law, and that he shall enjoy all the safeguards which legal forms and technicalities have thrown around him and under whose covert even the vilest criminal has the right to take refuge (Evans, 1906, p. 26).

5.4 State protection of animals

According to ancient Roman law, everything which did not have the status of a person was a thing, and from that moment on animals consequently lost their role as mythical creatures and have increasingly been regarded as objects “of dominance and value, as a simple commodity which simultaneously gives it the new legal status as a “thing”, an “object” and “property”” (Lennkh, 2011, p. 309). But even though most European legal systems are founded on Roman law, there are numerous examples which prove to be different. The Martin’s Act of 1822 named after a British Prime Minister Richard Martin, or the Act to Prevent the Cruel and Improper Treatment of Cattle were the first laws of modern times that aimed to prevent the mistreatment of working animals (p. 309). Martin was a prominent abolitionist and founded the Society for the Prevention of Cruelty to Animals, which is still active under the Royal Society for the Prevention of Cruelty to Animals and is the world’s first animal protection organization. As a result of its influence, in 1835 Britain passed its first Cruelty to Animals Act. In 1846, cruelty to
animals was punished for the first time in Austria, and Vienna’s first animal protection organization was founded (p. 309). In 1828, the State of New York passed the first state law against animal cruelty (Beer, 2006). Finally, the revolutionary and groundbreaking book by Charles Darwin’s *On the Origin of Species* was published in 1859, scientifically deconstructing theories about non-animal decent and the nature of humans.

In one of its provisions, the German Civic Code of 1896 explicitly defines animals differently than things or objects. Lennkh (2011, p. 313) argues that due to “progressive change of an animal’s moral value and its position within today’s society, together with the acknowledgement within responsive animal protection laws of man’s special responsibility for the animal as a sentient creature and fellow-being”, legislators in many European countries, such Austria, Germany, and Switzerland, “have made efforts to emphasise and embed the central idea of an ethically founded animal protection also in the civil law” (p. 313). Lennkh concludes that such developments can be seen as legal endeavours and expressions of an emotional relationship between humans and animals as social partners, which give particular significance “to the need to eliminate the concept of animals as inanimate objects” (p. 313). Therefore, “lawmaker’s objective to provide for the animal as a fellow-being in special need of protection, particular care and circumspection [shows] heightening of public awareness” (p. 313).

Austria introduced section 285 in its civic law in 1998. Both German and Austrian laws state that animals are no longer classified as things or objects, but as fellow-beings. (p.313) They are as Lennkh states, protected by special statutes “that specifically emphasizes that recognition of the special need for protection also has to be acknowledged outside just civil law, so has to be respected and taken into account by the whole legal system” (Lennkh, 2011, p. 313). Furthermore, pets have held a special position in the family law, which treats them as a part of the family in the case of a divorce or other disagreements in which custody is decided over pets (p. 315). Switzerland was the first country in Europe in 1992 to define the ‘dignity of the creature’ as a constitutional provision “giving all non-human beings explicit recognition at the highest legal level” (p. 313). Safeguarding this “dignity of the creature” was established in detail by the Swiss
Animal Protection Act. In 2002, Germany was the first state in the European Union to include animal protection as “the duty of the state” (p. 318).

Some provinces of Switzerland have been pioneers in introducing an ombudsperson or special legal representative in charge of animal rights. Similar to Switzerland, Austria established the position of Animal Protection Ombudsman; and in Germany they established National Animal Protection Commissioners. (Lennkh, 2011, p. 322).

The development of animal protection and the improvement of the status of animals within the law is not only the feature of Western European legal systems. The countries of former Yugoslavia all inherited the provisions of the federal and republic legislation of the previous state and were in many of the seceding countries long after the dissolution of the Yugoslav federation (SFRY). The Slovenian Penal Code of 1994, under the section Torture of Animals, Article 342, proscribes that whoever treats an animal cruelly or causes it unnecessary suffering, shall be punished by a fine or by imprisonment of up to six months. If the offence involves the torture of a number of animals or a permanent grievous mutilation or the cruel death of a tortured animal, the perpetrator shall be punished by imprisonment of up to one year. Similar or identical provisions appear in other former Yugoslav republics, such as Croatia.

As Krstić (2012) shows in comparing legal solutions adopted in Germany, France, Italy, Slovenia, Montenegro, Croatia, and Serbia. The Serbian legal framework for the protection of animals is to a great extent comparable to that of Slovenia and Croatia. Namely, as in Croatian penal provisions, the Serbian Criminal Code of 2005 has also undergone changes since the framework was inherited from the previous state as the penalties have increased when offences are committed out of gain (e.g. in cases of dog fights and betting). Similar to the Croatian Criminal Code of 1997, the Serbian code still omits offences committed without intent. The Serbian Criminal Code incriminates the act of killing and torturing animals. This legal term was adopted from the legal provisions contained in legislation of some former SFRY states. In Article 269 (Paragraph 1), the Criminal Code prescribed a fine or a term of up to six months’ imprisonment. Paragraph
of this article proscribes more serious forms of this criminal act, i.e. criminal offence resulting in killing, torture, harm, or abuse of a number of animals, or if the offence is committed against an animal belonging to a specially protected species. Such criminal act is sanctioned by a fine or a term of up to three years of imprisonment. As Krstić (2012, p. 52) argues, such a legal solution, terminologically speaking, was not in line with the legal solutions in most European legislation, as neither the definition of the criminal act nor the scope of the proscribed penalty complied with the existing European standards. In that context, it was necessary to amend it; and in 2009, legislators decided to rename this criminal offence as “an act of animal killing and abuse”. The amendments to Article 269 of the Criminal Code were not merely cosmetic but rather substantive, claims Krstić (p. 52). The amended version proscribed that anyone who kills, harms, tortures, or abuses an animal in some way shall be sanctioned by a fine or a term of up to one year of imprisonment. Thus, animal protection has been extended to include any form of physical, mental abuse, or sexual molestation, and, in a broader sense, any neglect or abandonment of animals as specific forms of animal abuse. The amended Article 269 also contained aggravated forms of this criminal offence and provides a more stringent punishment ranging from six months to one year of imprisonment or more in cases of aggravated abuse or gain (a cumulative sanction including a fine and a term of imprisonment ranging from three months to three years) (p. 52-53).

All and all, a comparative law overview points to a clear tendency towards improving the protection of animals though different specific laws, as well as the introduction of the criminalization of animal abuse and the introduction of stringent punishment for the perpetrators of criminal offences against animals. In many countries, animals are appointed ombudspersons or animal rights lawyers; and their interests are represented with more care in criminal and other proceedings. The rationale of this trend is not only care for animals, but also the recognition that animal cruelty and abuse is socially dangerous, implying a high-level risk and potentially fertile grounds for other forms of criminal behavior. This development was made possible once the status of animals in law and human society changed, and their status was no longer univocally equated with property or regular objects. Namely, in some countries that have established the legal representations for animals and their rights, the status of animals has outgrown
the status of protected objects, such as cultural heritage artefacts or buildings, and become more similar to that of groups of humans who may not have legal accountability (children or legally unaccountable persons), whose interests are specially protected and institutionally represented.

5.5 Animals in legal provisions in Croatia

The first legal mention of animal rights in Croatia can be traced back to the first legal texts in the territory in general, such as the first legal documents retrieved from the statute of the Poljica Republic, dating back to the 14th century or earlier. The Poljica Republic was a small alliance of villages in the inlands of Split, Dalmatia. Its statute contained several dozens of provisions about when it is allowed or not allowed to kill an animal, both domestic and wild. Ravančić (2015, p. 103) shows that since the beginning of the 13th century and the appearance of recorded statutes in coastal and island towns of Croatia, animals, in particular, have an important role in society. For instance, 10% to 20% of the provisions of the statutes were dedicated to animals (p. 104). The statutes of the islands of Brač and Korčula, in particular, dedicated attention to the care of animals, proscribing in detail the relationship between animals and their owners (p. 106). In general, their legal status protected the animals from unnecessary killings or harm. Some animals, such as horses and oxen, probably due to cultural appreciation for their working abilities, were privileged with regards to treatment, and those who harmed them were punished with the most stringent punishments, such as death by hanging (p. 106-7).

Although it was usual for city statutes of the time to include provisions on the care of animals for health or safety reasons or for protecting the livestock that was particularly important for labor and economy, it is interesting to note that some statutes treated some animals with special care irrespective of their immediate or indirect economic interests. In the Poljica statutes, dogs, among some other animals, were given special treatment and were not to be killed even if they had caused harm or bit someone. The owner had to pay a fine instead or had to give the dog to the harmed family (Džaja et al., 2016). Džaja and colleagues (2016) review study of the medieval legal traditions of coastal Croatia from
the 13th century onwards dedicated significant discussion to animals regarding the harm and responsibilities of the owners in terms of public safety and health, but also in terms of animal well-being. This was obviously an important part of the legal tradition at the time.

Figure 7.
St. Jelena chapel in Stari Grad, Island of Hvar, Croatia, depicting an animal of worship (a bear) in the middle. Christian symbols were later added.

In his book *Cultural zoology*, Visković (2009) presents a history of animals in culture from the theoretical and legal perspective, pointing to various aspects of the statutes and the meaning of animals for human culture, tracing back to the beginning of human societies, such as pre-Christian Illyrian tribes whose religion was centered around worshipping animals to Christian times which overlapped and, in many ways, re-emerged in later as well as contemporary legal texts and cultural sets of rules. Although contemporary legal systems of southeast Europe in the 20th century historically developed around the (continental) European idea of the rule of law, and in southeast Europe, in particular, the idea that the law should also reform society, other formal or informal legal traditions have not disappeared. The Austro-Hungarian expansionist rule over the peninsula, first throughout the regions that were previously ruled by the Venetians,
Napoleon, and the Ottomans, was built on the idea that the rule of (imperial) law should spread from the imperial center towards the periphery and would bring order and progress to more or less uncivilized parts of Europe. Along with the law came other forms of ordering, such as policing, land surveying, courts and notaries, schools, health and veterinary professionals, and other institutions. The Kingdom of Yugoslavia inherited the idea that the law was a part of a *civilizing mission*, although the imperial center was replaced and repatriated to Belgrade. A similar idea, although reinterpreted through communist discourse, was put in place in the socialist federal state, the SFRY, where the elevation and development of the “passive” regions was a state mission. Animals were not of any concern to the state and were only marginally treated in provisions dealing with agriculture. Namely, legal provisions concerning the protection of the environment as a whole (in which animals were seen as integral part) were scarce or non-existing outside the agricultural laws.

The intertwining of formal and informal legal and cultural notions and codes persists. Nedić (2018, p. 84) brings to light more recent cases, tried first in the small town of Sinj and then in the county court in Split in 2006/2007, where the courts found that “animal protection and the integrity of an animal was more important than the folk custom” of tying up roosters with ropes and then shooting them with guns in the field. The court stated that “such behavior cannot be justified by folk customs because the legal system and the civilized society do not tolerate customs that breach provisions of the criminal code, or in this concrete case, present the features of a criminal offense of animal torture” (as quoted in Nedić, 2018, p. 84). This points to the fact not only that that the protection and status of animals in law is still intertwined with cultural aspects and habits not founded on legal reason, making the lawmakers and the courts duty to set fine lines between them; but the fact is that animals have always been more than property or objects of the law, be it as persecuted subjects found guilty of material or spiritual harm or as objects entitled to certain rights and welfare.

The contemporary legal system in Croatia in terms of animal protection remains profoundly anthropocentric and primarily sees animals as an object of the law; but similarly to other European countries, it exhibits elements of the ambiguous position of
animals as subjects in certain animal rights provisions. The new constitution remains “anthropocentric” as it vaguely mentions only the protection of nature by the parliament and the people (Art. 2., Sec. 4.), and the protection of nature and the human environment as a highest value of the constitution (Art. 3) (Nedić, 2018, p. 80). Nedić argues that although this is so at the moment, there is a visible tendency both in practical application and in theoretical debates for this status change (p. 71). Namely, the provisions that assure the protection of life, health, and welfare frame the legal status of animals as protected legal objects directly sheltered by laws that were created for their protection, i.e. the Act of the Protection of Animals, and through blanket provisions of the Criminal Code animals “enjoy” protection of life, freedom from torture, and psychological and physical integrity.

The first explicit mention of animal protection in the legal system of the Republic of Croatia, and in the entire legal history of the region before independence, was contained in the Law on the Welfare of Animals of 1999. This law was later substituted by a more elaborate Law on the Protection of Animals in 2006, amended in 2013, and the Law on the Protection of Animals of 2017. Still, the original law was a great step forward in protecting the life and well-being of animals (Nedić, 2018, p. 81). The Criminal Code of 1997 (amended in 1998) first introduced the criminal offense of torturing animals, proscribing both fines and prison sentences of up to 6 months (which was doubled if it was done for financial gain or by half it was due to negligence). This was later included and amended in the new Criminal Code in 2013, which eliminated the fines as a possible sanction and increased the duration of imprisonment by double.

Several EU directives significantly influenced the legal system in terms of animal protection in the period of EU accession, such as the Directive on the protection of animals in scientific research (2010); the Directive on the protection of animals held for production (1998), and the Directive on holding wild animals in zoos (1999). International conventions further influenced the development of animal protection in Croatia, such as the European Convention on Protection of Animals in International Transport (Council of Europe, 1968), the European Convention on Pets (Council of
Europe, 1987), the European Convention on the Protection of Animals for Slaughter (Council of Europe, 1988), and numerous conventions for the protection of wild animals.

As Visković (1996, p. 473) writes, the contemporary Croatian legal system’s approach to the protection of animals is typical and similar to other European countries, grouped into three types of provisions: those aimed directly against abuse and maltreatment, usually though a law on protection of animals; those indirectly protecting animals or some aspect of their livelihood, such as the provisions of the law on the protection of the environment or the protection of nature; and finally through provisions protecting animals from what is considered in the context unacceptable behavior, acts, or conditions through some fundamental law, such as the criminal code, or some sectional law such as a law on agriculture or on hunting. More concretely, these laws are at the moment the following: The Law on the Protection of Animals 2017; the Law on the Protection of the Environment of 2013 and 2015, the Law on the Protection of Nature of 2013, and the Criminal Code of 2011. The first and the last will be analyzed in terms of the criminological aspects of animal abuse, and the criminal code will be analyzed in more detail in theory and in practical applications of the law.

The 1999 Law on the Welfare of Animals was the first step towards the introduction of a system of protection for animals that was separate from general laws, such as those on the protection of nature or agriculture. The law introduced a list of offences and prohibited actions concerning the care, treatment, and killing of animals by their owner, such as forcing animals to do excessively hard labor, the abandonment of pets, releasing wild animals kept in captivity, inflicting pain and suffering during training or the entertainment industry, dog fighting, surgery and amputations, using live animals as bait, and restraining animals in free movement in a way that causes pain, suffering, or injuries. Fines for the most serious offences (only for the owners of an animal) were proscribed to be up to 10,000 HRK for legal entities and 5,000 HRK for natural persons.

Although the law passed in 1999 was a first step in protecting animals, its range, definitions of acts, and sanctions were very limited. The greatest improvement in terms of animal welfare was achieved through the introduction of the Act on the Protection of
Animals in 2006. Compared to the short and sparse previous law that contained only 43 articles, this one introduced a wide list and range of definitions of animal cruelty acts in 72 articles. Unlike the 1999 law, which limited acts to handling, accommodating, and feeding, and limited the protection of animals, the main goal of the 2006 law was “the protection of life, health and welfare, manner of handling animals, animal protection requirements to be complied with during their handling, breeding, performing procedures on animals, at time of killing, transport, use of animals for scientific purposes, keeping animals, the sale of animals and the handling of abandoned and lost animals”. The major advancements included the introduction of a ban on 23 unlawful acts related to the treatment of animals which included infliction of pain, fear, and injuries in handling or breeding; increasing aggressiveness or stimulating performance; giving live animals as prizes, electric or sharp collars; dog races on hard surfaces; circus, film, or other entertainment if forced to unnatural behavioral that inflicts pain and fear; exposing animals to extreme environmental conditions; feeding that causes pain or death; negligence in terms of food, accommodation, or care; amputation of body parts; using unlawful traps; feeding animals with live animals; stunning, slaughtering or killing in rituals; or breeding animals for fur production. Furthermore, one of the most significant developments was the introduction of the legal basis for the confiscation of animals and a ban on owning another animal in cases when offences are repeated. The new law also sets out a wide range of punishable offences, classifying them with three levels of fines amounting up to 100,000 HRK. The 2006 law was amended in 2013 twice, when smaller extensions on the definition of the unlawful treatment of animals were included which banned dog races altogether (not only on hard surfaces), the import and export of cat or dog fur or fur products, the import of seal pup skin or products, and the import of the fur of caught wild animals. Most of these changes were due to the fact that various EU directives on the protection animals were introduced.2

Praised and welcomed by the media, the Animal Protection Act of 2017 introduced only minor changes and improvements compared to the 2006 law. One of the reasons for passing the new law was also due to the integration of European Union legislation. This

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legislation that was integrated into the law and consists of 9 Council directives concerned the importation of skins of certain seal pups, the protection of animals kept for farming purposes and wild animals in zoos, the protection of hens, the protection of animals kept for scientific purposes and other changes. The most significant change in terms of the criminological aspect was the ban of sexual abuse or use of animals for sexual pleasure by humans both in the list of prohibited actions and in the part on sanctions. Article 5 (the fundamental provisions on animal protection) of the 2017 law lists the prohibited conduct for the purpose of animal protection and among other conduct as (included in the previous law) it prohibits the “use of animals for sexual relations, and any other equivalent procedures or any other procedures with animals for the purpose of satisfying the sexual needs of humans”. Article 89 proscribes fines for this offence in the range of 10,000 to 30,000 HRK. In addition, many aspects of the prevention and sanctioning of animal abuse by children were also introduced, such as banning cruelty to animals by throwing firecrackers, banning minors from adopting animals, or tying them to a motor vehicle.

Compared to the previous law, the new law does not allow for killing animals in shelters that had not been adopted after 60 days. It forces all counties and municipalities to take responsibility for financing and organizing shelters and other prevention and educational activities, as well as empowers municipal officers to enforce the law. Furthermore, it forbids the permanent chaining or caging of dogs, killing dogs and cats

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3 Act contains provisions that are aligned with the following legislation of the European Union:
for meat, and selling puppies and any dogs. The law bans the use of wild animals and puts limits on keeping domestic animals in circuses or using them in the entertainment industry. Laboratory animals cannot be euthanized before they are offered up for adoption. The law more elaborately specifies when animals can be killed, determining in such a way sanctionable actions either through this law or the criminal code.

As in the previous law, but to a greater extent, some animals are treated with special rights. For instance, dogs and cats cannot be killed for food production, cannot be chained or caged, or sold in pet shops (this includes as well as domestic ferrets). Dogs cannot be clipped unless they are hunting dogs. The law bans the display of dogs with cropped ears and tails, with the exception of hunting dogs; and the mating or breeding of domestic dogs or domestic cats with wild animals from nature, but it does not prohibit such actions for other species. Sea mammals cannot be kept at all and bears only in zoos. No animal fights are allowed unless they are traditional bullfighting. This points to a compromise towards folk customs. As for traditional customs or forms of entertainment, the new law explicitly forbids plucking the feathers from live poultry; shooting at animals regardless of the type of weapon or device for shooting, except for the purposes of stunning or killing animals in compliance with special provisions and for the purpose of protecting the safety of humans and animals; and use of equines for the extraction of logs from forests and for the extraction of heating wood, except in inaccessible areas where this is not possible without the use of equines.

Another novelty is the new responsibility the law puts on society. The new law attributes greater responsibility to the local government, county, and municipality, not only in the organization and financing of shelters, but also in taking care of injured animals, unwanted animals and offspring, and enforcing the law in terms of making sure animals are protected. The task of collecting abandoned or lost animals should be organized and financed by the local self-government units. At least one shelter must be established in the territory of each regional self-government unit, with a minimum capacity for 50 animals. There are also more elaborate conditions set for the shelters in terms of professional criteria, services, and care that they must provide, the financing of which is done by the local government. Furthermore, the owner must request veterinary
assistance in a timely manner and ensure the care of sick or injured animals, veterinary assistance during birthing if required, and ensure the appropriate care for sick, injured, or exhausted animals. If the owner does not do this, or it is a lost or abandoned animal, the county and the municipality must step in. Furthermore, any person who injures an animal must render the necessary assistance to the animal, and if they are unable to assist, must arrange for assistance to be provided. If it is not possible to determine who injured the animals, the provision of the necessary assistance to animals must be organized and financed by the local self-government unit in whose territory the animal was injured. If the owners of pets do not want to provide care for the offspring of their pets, the local government will do so; and they shall bear the costs of their care, and in the case of dogs, for the costs of their permanent sterilization. If a larger number of abandoned dogs is ascertained within the territory of a local (regional) self-government unit, the control of reproduction of abandoned dogs in that area will be established by the local government.

Local government and the county must also put in place a joint team which should coordinate educational and prevention activities, must draft and enact population control programs, and establish an information center for lost and abandoned animals. These are some of the new responsibilities of the local government. The law also further expands the powers of the inspector, particularly in relation to confiscation or temporary seizure of animals, and the municipal officers in enforcing the law locally.

A particularly popular aspect of the new law in the media was the increase of fines, but, in fact, the fines remained similar and though in some cases they have increased, in many others they decreased. The highest fines of 50,000 to 100,000 HRK remained the same. These were and remained imposed for the most serious offenses, but the list was expanded compared to the previous law, now including fines if dogs are kept in a manner similar to the above-mentioned ways (if they are, for example, chained or caged) and if animals are not kept in shelters until they are adopted (meaning if they are killed). One of the next levels of fines in the new law for a similar list of offences was slightly increased compared to the previous law. On the other hand, the fines for some offences decreased by half, such as for giving animals as prizes (from 30-50,000 to 8-15,000 HRK for legal persons and from 5-15,000 to 1,000-2,000 HRK for natural persons (Art. 67, Sec. 1 and 3 (NN37/13 125/13), and Art. 88, Sec. 1). The new fine system included some loopholes
in previous law, for instance, fines now included both legal persons, persons in charge in the legal person, and natural persons. All in all, contrary to media news coverage, the fining system did not increase fines significantly.

As for the newly introduced offences defined as “sexual relations with an animal or satisfying sexual needs using animals in another way,” or throwing firecrackers or other pyrotechnical devices at animals, which is connected to youth delinquency of serious concern, one of the lowest levels of fines for natural persons was proscribed as a sanction of 10,000 – 30,000 HRK. Both offences are disputable as a minor misdemeanor offence by definition and sanction. Namely, these can and should be considered as acts of cruelty to animals and fall under the criminal code’s definition of animal torture, which consequently, if charged as such, result in criminal prosecution, prison sentencing, and criminal record.

The Criminal Code of 1997 (NN 110/97) defined for the first time the criminal offence of torturing animals in Article 260 as an intentional act of maltreatment as a result of “giving vent to base instincts” (radi svog iživljavanja). This does not, however, include unlawful killing. The Criminal Code furthermore proscribes both fines and a prison sentence of up to 6 months; while in cases of procured gain, the sentence is up to a year. The Criminal Code also introduced the offense of animal cruelty through negligence, limiting the definition of negligence to transport and proscribing less strict fines or imprisonment as punishment. The Criminal Code of 2011 (passed in 2011, but entered into force in January 2013 (NN 125/11) in the section on Killing or Torture of Animals, or Article 205, amends the previously lacking definition and defines the offence as both causing death or just pain and harm. This definition includes “unnecessary” as a modifier in the definition of suffering of the animal and defines negligence as a type animal abuse which does not include the limitation of the act taking place during transport only. Furthermore, the Criminal Code of 2011 improved the protection of animal welfare with the introduction of the legal confiscation of abused animals. Although confiscation of a legal object was previously introduced in the 2006 Act on the Protection of Animals, it was not included in any criminal prosecutions of animal cruelty offences until the new criminal code was enacted in 2013.
5.6 Conclusion

Shifts from being worshipped to subjects of trials, from beasts to pets, from subject to object, from Descartes’ view of animals as non-sentient automata to sentient beings, animals’ status passed through centuries of transformation and this was not a linear or in any way straightforward path. One might ask why human communities in not just medieval but later in the pre-contemporary era needed so much proof and such a serious and institutionalized process to kill an animal. Ethical, moral, or just reasons do not seem to explain enough the need or the fear that fueled the trials. Can this fear be equated with today’s fear in trials against animal abusers in which society does not find it scary if someone abuse animals, but the possibility that animal abuse is just a first step on the road to further victims? Although such contemporary fear does not explain why we protect animals, instead of just punishing the perpetrator, the fact remains that the animals have been and do in some ways today appear as subjects of the law.

In contemporary Croatia, when more than ever we are questioning the status of animals, they are still considered to be not as important as us and “other” than “us”. Anthropocentric views are still strongly entrenched in the laws regardless of the level and quality of legal protection, and the status of animals remains under the rule of humans, under the label of property. In that sense, the criminalization of animal abuse presents not only a shift and disturbance of the said anthropocentric nature of the law that at its heart keeps the interest and safety of humans as priority, but an anomaly of a theoretical nature. If animal is a property, even a special or protected sort of property, how can damaging it be considered criminal and, for humans, a dangerous action and behavior? Although a majority of legal systems criminalize damage done to property, in this case it is not the owner of the property that is protected by the criminalization of animal abuse, but human society. The fear that violence will with great certainty pass from animal to a human object due to the overwhelming likeness of these two objects opens up the paradox of animals as defined in the law. Therefore, the development of the status of animals towards becoming a subject of the law and the development of animal abuse becoming a crime are intrinsically intertwined.
In that sense, scholars have argued that more scholarly debate is needed on the matter. Brooman (2017, p. 257) pleads for animal law courses in legal education not only because future legal professionals need to know about animal rights, but because it would “provide a new lens through which to view laws altogether for both academics and students and open up potential areas of research”. As Jackson (2011, p. 287) wrote, “[l]egal rules have tended to become, particularly in Western legal systems, increasingly abstract and conceptualised. This tells us more about the pragmatics of rule-telling (its increasing bureaucratisation and specialization) than about the nature of rules themselves”. To conclude with Lennkh (2011, p. 326), “[a]nimal welfare and protection will definitely be one of mankind’s greatest and most challenging missions of the twenty-first century”.

6. THE CRIMINALISATION OF ANIMAL ABUSE – A CASE-STUDY OF CROATIA

6.1 Introduction

The Croatian criminal justice system first introduced the criminalization of animal abuse in the Criminal Code of 1997. With the Article 260, the Criminal Code defined animal torture as a criminal offence punishable by fines or up to 6 months of imprisonment. The new Criminal Code of 2011, in effect from the 1st of January 2013, amended the previous article on animal cruelty with the Article 205. The Article 205 expanded the definition of the offence, doubled the maximum duration of the prison sentence and eliminated fines de jure but not de facto. It introduced other novelties, such as the possibility to confiscate the animal. Similar trends of expanding criminalization and harshening sentences can be observed in other countries, as mentioned in the previous chapter. At the same time, there is a clear global trend to replace or combine punishments for animal abuse with prevention, treatment and rehabilitation. Namely, increasing criminalization and harshening sentences just to include imprisonment without a clear analytical foundation and an overarching treatment policy proves to be a lacking criminal justice policy. This chapter will discuss the jeopardies of criminal justice policies based on media sensationalism and populism in relation to increasing criminalization and harshening sentences. These and other related issues will be discussed further though analyzing crime and criminal justice statistics related to the animal abuse before and after the new Criminal Code was in effect. The analysis aims to discuss the specificities of the legal provision and its manifestations in the number of reported, indicted and convicted adults from 2004 to 2018 as reported by the Croatian Bureau of Statistics and the since 2010 the Probation Office. Finally, the discussion on legal provisions and statistical reports will open up space for comparisons and further inquiries (in the next chapter) about how the media and the public discourse shape and represent the emerging new crime of animal abuse differently than the legal provisions and statistical reports.
6.2 Stricter Sentencing and Increasing Criminalization

It has become common in the recent literature to discuss the trends of expanding criminalization and stricter and mandatory minimum sentencing in the context of public perception, i.e. media and political actors, and their role in changing the criminal justice system. These actors often claim or create perception of increasing crime rates and call for a fair increase in the scale and intensity of punishment. In many countries this results in the politization and populism in policies regarding criminalization and sentencing, most often through deliberate or latent use of the fear of crime in political campaigns, and creating a media frenzy which consequently leads to harsher penal policies and the increase of the imprisoned population (Garland 1991, 1996, 2001; Pettit 2002; Lacey 2008; Tonry 2004, 2007). On the other hand, as these and other authors have argued, the actual crime rates, depending on the country, often show us a different and more complex picture. The abundant literature on the justification, proportionality and effectiveness of harshening and longer sentences, some of which is discussed here, reveals that mere harshening of sentences in most cases is not positive nor effective policy. In fact, these policies only escalate sentencing and imprisonment without comprehensive solutions that include prevention and treatment.

In reference to these global trends, Cavadino and Dignan (2006) provide a theoretical framework placing modern punishment policies in four distinctive categories. These derive from different systems of social collective reasoning through which a society understands the basis of its socio-political and market relations: neo-liberalism, conservative corporatism, social democratic corporatism and oriental corporatism (2006, p. 441). Different political economies result in different concepts and practices of criminalization and punishment. For instance, the authors argue that the scope of criminalization and imprisonment rates vary from highest in neo-liberalist societies to the lowest in oriental corporatist societies. This theoretical framework was inspired by David Garland’s socio-political concept of discursive legacies that shape the modern control, crime and punishment system (1991), later elaborated through the concept of “the culture of control” (2001). Garland argued that mainstream political (and media) discourses in general rely on strict penal policies which tend to provoke mass hysteria regarding crime.
rates as a means of social control. Although criticized for its generalizations, Garland opened a field of investigation that deals with broader causes and underlining discourses of penal systems. This field has been particularly productive in, but not limited to, the Western and Anglo-Saxon scholarly community.

Scholarship on control, criminalization and penalization today is as global and complex as are the trends of increasing prison populations. Lacey (2008) explored the differences in political ideology and electoral systems and its correlation to policies of criminalization and imprisonment. Analyzing the US system of criminalization and punishment, Lacey focused on electoral aspects of the criminal justice system, particularly the electoral nature of appointing judges and attorney generals, along with other stakeholders crucial in determining penal policies such as elected political representatives as lawmakers and governors. Pettit (2002) further explains the dynamics of public outrage with the criminal justice system and how in particular this affects policy-making regarding sentencing. Using the example of the administrative state in the nineteenth century Britain, the author demonstrates how history shaped the model of “exposure, outrage and reaction” in the Anglo-Saxon world of today (Pettit, 2002, p. 429). Pettit elaborates how both historically and presently the public discourse has been shaped so that the exposure to “evil” must lead to public outrage, and consequently to a reaction by the government that then most usually resorts to some change in the law as a response to public demand. The “outrage dynamic,” Pettit argues, becomes a pattern of social behavior in which the media’s exposure of evil as intolerable and endangering for social values provokes public outrage (p. 431). This outrage creates pressure that is imposed upon authorities to create different penal policies, affecting further electoral processes and the perspective of elected politicians. Such politicians, not equipped with expert knowledge, respond by creating harsher sentences such as in the case of the “three strikes laws” in the US (i.e. habitual or persistent offender law requiring the minimum of life long prison sentence after three criminal or even misdemeanor offences) or other minimum sentencing laws around the world. Pettit argues that “elected politicians will have little choice in responding to outrage over a crime but to call for a level of sentencing that will give satisfaction” (p. 435). Such outrage dynamics, as Pettit explains, do not
leave space or time for more elaborate and comprehensive penal policies except calling for stricter policing when the sentencing is already at its maximum (Pettit, 2002, p. 435).

Finally, Pettit argues that in principal there are two distinctive systems of penal policies based on the political nature of the justice system: an electoral and a non-partisan system. Pettit advises against the electoral system as it is framed within outrage dynamics, populism, partisan politics and media sensationalism. The latter, Pettit argues is a desirable system that is characterized by non-partisan, non-elected judges sentencing based on the rule of law. According to Pettit, such a system places together experts and democratic representatives, with a goal of providing an explanatory experience to the community, and co-creating laws and policies.

Besides and along populism, another important aspect of the global trends of criminalization and sentencing policies is the use and misuse of crime rate statistics in public discourse, particularly by the media and daily politics. Namely, crime rates have been increasing globally from the 1960s to the 1990s (Roberts, Stalans, Indermaur & Hough, 2003, p. 10). This increase has been primarily due to the development of criminal legislation in terms of expanding definitions and introducing new forms of offences. However, globally they have been stable and even decreasing since the 1990s (p. 10). This, however, is not reflected in the numbers or trends of prison population rates nor in the sentencing policies, particularly in the US and UK. As Tonry (2001, p. 517) argues most of the US has systematically dealt with sentencing policy so that despite the actual crime rates different laws minimize judges’ discretion and proscribe harsher and longer sentences, including the example of the three strikes law.

In "Determinants of Penal Policy," Tonry (2007) argues that the reported crime and imprisonment statistics should not be taken for granted. According to Tonry (2007), reports and statistics must be analyzed and put into perspective depending on the particular crimes or parts of the population they entail, type of sentencing and the part of prison population that was counted in, whether the statistics reflect admissions or actual stays in prisons, pardons, rehabilitation policies, and so on. Otherwise, statistics can be misleading and examples of this are numerous. For instance, although there has been a
global decrease in crime rates since the early 1990s, some countries, like the Netherlands, New Zealand or parts of the UK (England) saw a slight increase. However, this increase was due to a variety of legislative reasons and quite different starting positions in terms of statistics. For example, in the Netherlands and Canada the imprisonment rates increased although the sentencing policy did not become harsher (Tonry, 2007, p. 11). The increase may be a consequence of both countries sharpening their policies directed at young offenders and transferring them to adult courts in the 1990s (p. 11). On the other hand, Finland and Sweden also include young offenders in total prison population but that did not impact on their rates (p. 8). Countries such as Denmark and Sweden have had an increase in prison admission rates, while their imprisonment rates are the lowest globally (p. 11). On the other hand, France seemingly exhibited the decrease of its prison population but only due to a series of amnesty and pardoning policies that were at the time enacted by the government but not explained properly in the reporting (p. 11). These and other examples, as Tonry argues, show that in statistical reporting on crime and sentencing the use of multiple indicators and measures gives a better basis for comparing differences between countries and making conclusions.

All and all, as the cases of England and the US show, the trends of harshening the sentencing policies and increasing prison population are not always related to the increasing crime rates but to an overarching socio-political context, as in both countries crime rates decreased throughout the 1990s and 2000s. Furthermore, the correlation of outrage dynamics and harsher penal policies, although appearing globally and particularly in cases of political populism and sensationalist media, does not seem to be “the rule of thumb” for other Western or European countries, particularly the Scandinavian ones. Therefore, it can be concluded that the outrage model or the model in which stricter sentencing becomes a way to govern, is not only ineffective but also not necessarily appearing in all countries. However, it remains to be discussed whether trends of populism in public perceptions of criminal justice systems today exists and persist globally. More on populism and sensationalism in the media reporting on crime in Croatia will be discussed in the following chapter.
6.3 Trends in South-Eastern Europe

While imprisonment rates in Eastern Europe seem to be larger on average than in the Western Europe, Eastern Europe is very heterogeneous, with different histories and traditions of social justice. While Russia and the Baltics have an above-average and increasing prison population, South-Eastern Europe is characterized by low imprisonment rates, i.e. significantly below 100 per 100,000 inhabitants. Damjanović and Butorac (2006, p. 662) show that among 34 countries in the period between 2000 and 2005, Slovenia and Croatia were on the list of countries with the lowest imprisonment rates that included Sweden, Finland, France, Norway, and Iceland. Although the imprisonment rate of Croatia almost doubled during this period, the country was still below the European average (from 45 in 2000 to 78 in 2006, see Figure 9). Compared to Slovenia and Croatia, Latvia and Estonia had an imprisonment rate of over 330, Lithuania and Poland over 200, the Czech Republic 186 and Slovakia 165 per 100,000 inhabitants (2006, p. 663). Most of the neighboring countries on the Balkan peninsula also had lower imprisonment rates than those in Western Europe. According to more recent data in 2016, Slovenia had imprisoned 64 per 100,000 inhabitants and Croatia 80, with the Western European average being 81 (World Prison Brief).

Although this data shows that imprisonment rates have been low in Eastern Europe compared to the Western Europe, more recent periods show these rates have increased, and even doubled. Kovčo (2001), for instance, comments on the increase of the prison population in the region as a global trend. This increase has continued throughout the 2000s. During the period from 1997 to 2000, this increase was 24% for Croatia and 51% for Slovenia (Kovčo, 2001, p. 117). The data show that by 2005 the rates doubled again for Croatia. Kovčo argues that although the criminal justice system introduced and put into practice an extensive list of alternative sentences in Croatia and Slovenia, it remains to be seen whether these theoretical and practical recommendations were actually implemented (p. 135). In fact, Damjanović and Butorac (2006, p. 681) suggest that the new provisions of alternative sentencing were rarely used by judges.
Furthermore, Damjanović and Butorac (2006) show that although Croatia has a low and very slowly increasing imprisonment rate, the concern lies in the structure of the prison population. In the period between 2003 and 2005, 40% of the prison population were younger adults (27-39 years old) and 49.3% had no vocation or training (2006, p. 669). In addition, from 1995 to 2005 the increase of drug addicts was seven-fold (p. 673). The study also warns that prison capacities in Croatia were overcrowded by 30% (p. 679). Finally, the study emphasizes the importance of alternative sentencing both for dealing with prison overcrowding and for rehabilitation and prevention of recidivism due to the prisoners’ composition, i.e. a large percentage of them being young, under-educated and addicted to drugs. The conclusion is that alternative sentencing was not actively adopted in practice for a number of reasons (p. 681). Although there is a wide range of alternatives for rehabilitation such as suspended sentences with probation or community work, judges seem hesitant to implement them because they doubt their effectiveness or mistrust the supervisorial institutions. The study strongly recommends that the list of alternative sentences should include alternatives to punishments such as professional non-legal supervisions or treatment (p. 682). Kanduč (1996, p. 147) argues similarly in the case of Slovenia, claiming that in transitional as much as in non-transitional (capitalist) countries "in practice, criminal policy is still reduced to penal policy," concluding, in fact, that there is no real criminal policy.

To conclude, the overall research on trends in criminalization and imprisonment points to two important issues: the influence of public discourses on safety and crime in shaping criminal policies, and the (mis)use of information (statistics, crime reports). The two issues are connected. The media and public actors that take action characterized by populism create a strong impact on criminal and punitive policies. The spiral of media sensationalism, political campaigns based on fear of crime, public outrage and stricter policies leads to imprisonment rates increasing, privatization of prison systems, overcrowding, poor human rights standards, financial loses, and high recidivism. High recidivism in particular increases if the criminal justice system disregards prevention, rehabilitation or more complex sentencing policies, making the entire criminal and justice system counterproductive. On the other hand, one of the most commonly used pieces of information in public discourse on safety and crime, that of a crime rate, is composed of
many factors and quite often based on different methodologies in different countries and periods. Similarly, imprisonment rates vary. When using official statistical information on crime rates, the information should be used within the context, avoiding generalizations and taking into account the regional context composed of a multitude of differences. When making conclusions or comparisons on why certain societies have high or low crime or imprisonment rates, users of information should take into account the historical and socio-political contexts with their cultural, economic and political aspects. For instance, social welfare, trust in institutions, efficiency of institutions, expertise and investment in prevention, policing, justice and penal system all influence the statistics (particularly "the grey numbers") of reported crimes, indictments and convictions, prison population and so on.

For decades, Croatia’s criminal justice system has been depicted in public through the discourses of insecurity, lack of trust in institutions and inefficiency, primarily in connection to what has been perceived as a mild and corrupt sentencing policy. As everywhere, the Croatian media overwhelmingly covers high-profile murders and violence, depicting swarming crime rates. At the same time the numbers in Figure 8 show that the reported crime rates have decreased steadily since 2012.
In Croatia, violent crimes such as murder have visibly decreased, with numbers falling from around 60 in the period between 2007 and 2010 to around 40 or less in the period from 2013 to 2016 (Ministry of the Interior, 2017, iv). Grand thefts as well show a decrease in the past decade, from over 21,000 in 2007 to 13,400 in 2016, and burglaries have decreased for 20% in the same period (Ministry of the Interior, 2017, vi-viii). The great majority of all other crimes have decreased in the past 9 years. Based on these statistics, it is difficult to justify a public outcry for the increase of prison sentences and imprisonment. These statistics, in fact, show that there was no increase in crime nor was there a lack of efficiency of resolving crime cases (steadily at around 60 to 70 %). In the
same period, Croatia exhibited an increase in imprisonment rates, seemingly following Western trends. Culminating in 2012, the increase was significant, from 45 in 2000 to 118 prisoners per 100,000 inhabitants in 2012 (Figure 9). In the period after 2012 the trend shows a steady decrease of prisoners. In fact, in 2016 the numbers were as low as ten years earlier, in 2006 (Figure 10).

Figure 9. Number of prisoners per 100,000 inhabitants from 2000 to 2016 in Croatia.

![Graph showing the number of prisoners per 100,000 inhabitants in Croatia from 2000 to 2016.](data:image/png;base64,iVBORw0KGgoAAAANSUhEUgAAAkAAAAHgCAYAAAAe4jZyAAAgAElEQVR42u3d3QwC8Qc9/2AAAABJRU5ErkJggg==)

Data from the World Prison Brief (n.d.).

Figure 10. Number of prisoners per 100,000 inhabitants from 1980 to 2000 in Croatia.

![Graph showing the number of prisoners per 100,000 inhabitants in Croatia from 1980 to 2000.](data:image/png;base64,iVBORw0KGgoAAAANSUhEUgAAAkAAAAHgCAYAAAAe4jZyAAAgAElEQVR42u3d3QwC8Qc9/2AAAABJRU5ErkJggg==)

Data from the World Prison Brief (n.d.).
Therefore, we could say that in the past 35 years prison populations seem to be stable except in the short period preceding the enactment of the new Criminal Code in 2013 when it peaked. This period, though, needs to be looked into in more detail, as Croatia joined the EU in June 2013 and in the years preceding the accession it experienced complex political, legal and institutional changes. These changes must be considered when drawing conclusions on crime statistics. Croatian penal code underwent drastic changes during this period in terms of sentencing and imprisonment policies. For instance, alternative sentencing was introduced both in the penal code, in other separate provisions (Probation Act, 2009) and through establishing institutions. Therefore, as in any local or comparative analysis, one should be aware of the use and misuse of statistics, as it may easily be misleading and ineffective if not provided with explanations and expertise.

6.4 The Criminalization of Animal Abuse

The Croatian Criminal Code of 1997 defined animal abuse as a criminal offence in the Article 260. This was the first time that the code defined animal abuse as a criminal offence, with a prison sentence as a plausible sanction. This offence was defined as an intentional act of maltreatment as a result of “giving vent to base instincts” (radi svog iživljavanja) and did not include unlawful killing as a defined offence. In addition, it prescribed both fines and prison sentences of up to six months, and in cases of procured gain, of up to a year:

(1) Whoever severely maltreats an animal or exposes it to unnecessary suffering or causes it unnecessary pain or exposes it to suffering as a result of giving vent to base instincts shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article so as to win a bet or otherwise procure pecuniary gain shall be punished by a fine or by imprisonment not exceeding one year. (Criminal Code, 1997)
The Code further introduced the offence of animal cruelty through the notion of negligence and limited its definition to animal transport, prescribing less strict fines and shorter imprisonment:

(3) Whoever, by negligence or by withholding food or water or otherwise exposing an animal during its transport to a difficult condition through a long period of time shall be punished by a fine of up to one hundred daily incomes or by imprisonment not exceeding three months. (Criminal Code, 1997).

Article 205 of the 2011 Criminal Code that entered into force on the 1st of January 2013 defines the offence of killing and torturing animals both when causing death (previously lacking) and when causing pain and harm. However, this definition does not characterize the offense as “giving vent to base instincts” but instead includes “unnecessary” in reference to the crime of causing suffering to an animal. Furthermore, the article defines negligence as a type animal abuse but not only limited to transport:

(1) Whoever kills an animal without a justified reason or severely maltreats it, inflicts unnecessary pain on it or puts it through unnecessary suffering, shall be punished by imprisonment not exceeding one year.
(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article out of greed, shall be punished by imprisonment not exceeding two years.
(3) Whoever by negligence exposes an animal to conditions of hardship over a longer period of time by depriving an animal of food or water or in another manner, shall be punished by imprisonment not exceeding six months.
(4) The animal referred to in this Article shall be confiscated. (Criminal Code, 2011).

The Croatian media and activist organizations in particular greeted the new Code due to its elimination of fines and harshening of imprisonment sanctions for all types of the offence. The media discourse on animal cruelty, its focus on the legal framework in 2012-2013 and factuality of reporting will be analyzed and discussed in more details in the following chapter, but a general feature of it is that it was erroneous. Namely, the media overwhelmingly reported on this change as the introduction of prison sentence, which was incorrect, as the previous code also proscribed it. It was not reported that this legal change did not mean that fines cannot be imposed as a sanction instead of the prison sentence. Namely, the Article 40 Section 4 states that, “when for a certain criminal
offence, the law prescribes a punishment of imprisonment of up to three years, the court may impose a fine as the main punishment.” (Criminal Code, 2011) In terms of the media reporting on the new law, this aspect of the new Code remained invisible. Furthermore, a truly innovative aspect of the new Code was introduced by the same article, in Section 6, with the introduction of alternative sentencing: “Community service shall be imposed as a substitute for imprisonment or a fine.” It is important to note that although alternative sentencing existed before, the probation system in terms of established institutions and, more comprehensive policies, was introduced through the passing of the Probation Act in 2009, which entered into force in 2012, and the creation of the first probation office in 2010. Finally, the Criminal Code of 2011 also included a reference to the confiscation of the animal as a part of the punishment of the offence. Although confiscation of a legal object was previously introduced by Animal Protection Act of 2006, it was not included in any criminal prosecutions of animal cruelty offences until the new Criminal Code entered into force in 2013.

These significant changes created both theoretical and procedural legal development of the protection of animals. The changes affected the prosecution of animal cruelty offences, including the trial, conviction and sentencing, but it also influenced and, through media, encouraged the reporting and policing of the offence. Furthermore, the law was intended to protect the animal through confiscation, prohibit the offenders from owning animals, and protect society from repeating offenders through probation measures. In the following pages, I will examine whether these legal intentions were put into practice and in which way taking into account the specific context in Croatia. This will include analyzing the trends of crime reports, indictments and convictions, as well as features of sanctioning, imprisonment and probation.

6.5 Reporting animal abuse as a criminal offence

In 2004 the Croatian Bureau of Statistics began publishing records on the number of reported, indicted, accused and convicted persons under the said articles of the two criminal codes concerning animal abuse. In the period from 2004 to 2018 there were 877
reported adults that had committed criminal offences of killing or torturing animals, 297 indicted (270 accused) and 244 convicted. Beyond the apparent discrepancy between annually reported on one side, and convicted on the other, the numbers of annually reported offences reveal more interesting features. For instance, there was a large increase in reports since 2012 when only 22 adults were reported. In 2013 the number more than doubled, in 2014 there were 90, in 2016 102, and in 2018 there were 149 reported adults for the crime of animal cruelty, showing more than a six-fold increase in six years (Figure 11). The increase in the observed period correlates with the period of passing and the enactment of the new Criminal Code in 2013, and the trend of stable increase persists.

Figure 11. Trend in annual numbers of adults reported and indicted for the criminal offence of animal torture from 2004 to 2018.


This increase, however, needs to be put into context. If we look into the ratio between known and unknown perpetrators in the light of these trends (Figure 12), we can see that the increase in the number of reported criminal offences in question was in fact an increase of reported unknown perpetrators. Although the number of known perpetrators tripled from 2012 to 2014, after 2014 it remained more or less constant, while the number of the unknown reported offenders exhibited a more rapid increase. If
compared to the earlier period, the number of known reported persons in more recent years, from 2015 to 2018, was only slightly larger, pointing at the fact that the total increase in the number of reported was largely due to the increase of the unknown persons reported. Finally, in more recent years the number of unknown reported persons coincides or even surpasses that of the known.

Figure 12.
Trend in annual numbers of known and unknown adult persons reported for the criminal offence of animal torture from 2004 to 2018.

Figure 12.
Trend in annual numbers of known and unknown adult persons reported for the criminal offence of animal torture from 2004 to 2018.


Consequently, and connected to the number of known reports, the annual number of indictments also increased in 2013 but remained stable or slightly decreased in the period after (Figure 11). Since 2013 and the implementation of the new Code, the annual number of indicted increased from nine in 2012 to 30 in 2013, reaching a peak of 42 indictments in 2014, only to decrease since then. Looking more closely at the relationship between the total number of reports and indictments in the 12-year-period, number of indictments did not increase in proportion to the number of reports the increase in reports and indictments does not necessarily point to a positive correlation (Figure 13). While the percentage of successful indictments throughout the period was 38% on average (40%...
from 2004 to 2012, and 35% after 2013), peaking in 2013 with almost 60%, it decreased after 2013 and was only 19% in 2018. Successful indictments in relation to known reported adults were slightly higher, 55% on average (52% from 2004 to 2012; 58% after 2013) (Figure 14). However, the relationship of the annual number of known reported adults and indictments (and rejected reports) points at the fact that almost half of all the identified adults reported for this offence were not indicted, i.e. were rejected. Furthermore, the trend of successful indictments decreased after 2015 although in the same period the number of known reported adults rose. Finally, if the total number of the accused is taken into account instead of indictments, the percent of successful accusations (indictments that are confirmed by the courts), compared to known reported adults is even lower (Figure 15).

Figure 13.
The annual percentage of reported that were indicted for the criminal offence of animal torture from 2004 to 2018.

Figure 14.
The annual percentage of known reported adult persons for the criminal offence of animal torture from 2004 to 2018.


Figure 15.
Annual numbers of reported, known perpetrators, indicted, accused and convicted from 2004 to 2018.

Therefore, although the number of reports observed in the 14-year-period was constantly increasing, this might falsely point at a comparable increase of prosecutions for animal cruelty in terms of establishing indictments or confirming accusations. The increase in the total number of reported offences (both known and unknown) and a short-term success of establishing the indictments appears to be coinciding with the introduction of the new legal provisions but the overall success of prosecutions of the offence lasted only few years. The decrease in the total numbers of indicted related to the number of rejected reports and consequently to the number of reported persons whose identity was not established. This is a cause for concern for the police as well as for other institutions in the criminal justice system particularly as the number of reports for acts of animal cruelty constantly rises.

When looking into demographic characteristics of the reported and indicted adult persons, 13 % of the reported perpetrators were women (Figure 16). The percentage of women indicted was slightly smaller with a total of 11 % (Figure 17). In the context of other types of criminal offences, women reported or indicted for criminal offence of animal cruelty make a comparable if not slightly smaller percentage (Table 1).

Figure 16.
Annual number of male and female known reported adult persons for the criminal offence of animal torture from 2004 to 2018.

Figure 17.
Annual number of male and female indicted adult persons for the criminal offence of animal torture from 2004 to 2018.


Table 1.
Percentage of women in the total number of persons responsible for criminal offences.

<table>
<thead>
<tr>
<th>% OF WOMEN IN THE TOTAL NUMBER OF CRIMINAL OFFENCES BY TYPE</th>
<th>2008</th>
<th>2013</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. MURDER</td>
<td>7.4</td>
<td>10.2</td>
<td>12.6</td>
</tr>
<tr>
<td>2. SEXUAL OFFENCES</td>
<td>3.6</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>2.1. RAPE</td>
<td>1.1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3. AGGRAVATED ASSAULT</td>
<td>3.2</td>
<td>4.8</td>
<td>3.4</td>
</tr>
<tr>
<td>4. THEFT</td>
<td>8.6</td>
<td>9.9</td>
<td>18.6</td>
</tr>
<tr>
<td>4.1. GRAND THEFT</td>
<td>5</td>
<td>7.6</td>
<td>11.1</td>
</tr>
<tr>
<td>4.2. CAR THEFT</td>
<td>2.7</td>
<td>0.5</td>
<td>2.7</td>
</tr>
<tr>
<td>4.3. OTHER THEFT</td>
<td>12.9</td>
<td>12.6</td>
<td>24.1</td>
</tr>
<tr>
<td>5. FRAUD</td>
<td>21.4</td>
<td>24.2</td>
<td>21.5</td>
</tr>
<tr>
<td>6. MONEY COUNTERFEITING</td>
<td>7.4</td>
<td>10.6</td>
<td>12.9</td>
</tr>
<tr>
<td>7. DRUG RELATED CRIM. OFFENCES</td>
<td>10.9</td>
<td>6.7</td>
<td>7.2</td>
</tr>
<tr>
<td>8. TOTAL (ALL CRIMINAL OFFENCES)</td>
<td>11.2</td>
<td>12.1</td>
<td>13.5</td>
</tr>
</tbody>
</table>

The geographic distribution of the reported criminal offences of animal cruelty further points at some interesting features. Noting that the Croatian Bureau of Statistics changed the method of collecting data on county level in 2010 (from county of the attorney’s office to city of the county public prosecutor’s office), the annual reports in the observed period more or less point at larger cities as leading in the numbers of reported adults for animal cruelty. Large cities such as Zagreb, Split, Osijek and Rijeka and their counties report the highest numbers of reported adults during the period between 2004 and 2010 (Figure 18), as well as in the later period (Figure 19 and Table 2) with the exception of Rijeka, particularly in the second period.

Figure 18.
The total number of reported and accused as recorded by the seat of attorney’s office from 2004 to 2010.

Figure 19.
The total number of reported and accused by the county public prosecutor’s office from 2011 to 2018.

![Total number of reported and accused by city (2011-2018)](image)


Table 2.
Number of reported adults for animal cruelty in the five largest cities from 2012 to 2018.

<table>
<thead>
<tr>
<th>Cities by size (municipal) and the number of reported adults</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zagreb (790,017)</td>
<td>3</td>
<td>4</td>
<td>14</td>
<td>8</td>
<td>12</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>Split (178,102)</td>
<td>3</td>
<td>4</td>
<td>7</td>
<td>11</td>
<td>18</td>
<td>24</td>
<td>18</td>
</tr>
<tr>
<td>Rijeka (128,624)</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>4</td>
<td>5</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>Osijek (108,048)</td>
<td>5</td>
<td>9</td>
<td>16</td>
<td>15</td>
<td>7</td>
<td>8</td>
<td>13</td>
</tr>
<tr>
<td>Zadar (75,062)</td>
<td>0</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>13</td>
<td>14</td>
</tr>
</tbody>
</table>

Osijek County had an exceptionally high number of reported persons in both periods especially compared to Zagreb and Rijeka, which are larger cities. The county of Split also exhibited a high number of cases in the latter period, particularly compared to its size, taking a top position. While in both periods Osijek and Split counties were among the counties with highest annual number of reported adults, the City of Zagreb, the largest city in Croatia (four times bigger then Split and seven times bigger then Osijek) fell behind. The position of Rijeka County was surprising, as it incorporates the third largest city in the country, and dropped from the fifth position in the previous period (before 2011) down to the bottom of the list of cities ranked by the total number of reported persons in the period (Figure 19). Furthermore, some mid-size town counties, such as Bjelovar County, had no reported crimes of killing or torturing animals in the earlier period, but in the period after 2010, had visibly higher rates of such crimes (Figure 18 and 19). A similar trend is visible in other towns such as Zadar (Table 2). This may point to the fact that in the previous period the reporting of these criminal offences was low in smaller towns and rural regions. With the exception of Rijeka, the data in general shows that the bulk of reporting occurs in bigger cities and towns.

Contrary to the features of the annual number of reports, the annual numbers of the accused by county seat show that there were not many large cities ranking at the top (Figure 20). This is particularly visible if we look into the percentage of reported that were in due process accused (Figure 21). Split County is an extreme case in this respect, with only 9 % of reported adults being accused in the 2011-2018 period. As the second largest in the country, during the period of 2011-2018, Split County had 88 reported adults and only eight accused. Rijeka follows with only15 % in the same period, while Osijek and Zagreb had around 35 % success. However, Rijeka County, as mentioned, has had a very low number of reports altogether.
Figure 20.
The total number of indicted by the county public prosecutor’s office from 2011 to 2018.

![Number of accused by county prosecutor seat (2011-2018)](image)


Figure 21.
The percentage of reported that have been accused by the county public prosecutor’s office from 2011 to 2018.

![Percentage of reported that have been accused by city (2011-2018)](image)

To conclude, with some exceptions (Rijeka) the geographical data throughout the observed period shows that the bulk of reporting occurred in bigger cities and towns. This was not so for the annual number of the accused, particularly in the more recent period. While the third largest city of Rijeka had a low number of reports and indictments throughout the observed period, all other larger cities, and some mid-size ones (Zadar), showed an increase in the number of reported and a very low percentage of successful indictments. This may be cause for concern in terms of police work but it may also indicate that due to various factors (NGOs, the media and proximity of living) reporting in urban areas is more prominent although unsuccessful in terms of identifying the perpetrator. Consequently, what is concerning is the overall percentage of indictments compared to the number of reported because all the large cities, and most of the mid-size ones, are below the national average. However, this too is a consequence of the larger number of reports in larger cities. Once again, this shows how conclusions based on statistical data must be put into context of multiple and relevant indicators or may be deceiving in making decisions for an effective legal framework. Finally, some counties, such as Split and Osijek, take the leading position in the number of reports in more recent years although their total population is less than half of the population of the city of Zagreb. Other counties such as Zadar exhibit a visible increase. All this is a cause for concern, particularly for Split County as it, unlike Osijek County, exhibits a very low number of indictments, a discrepancy that cannot be explained just by presence of NGOs, the media or the proximity of living.

6.5 Trends and features of prosecutions and convictions

The annual numbers of the accused and convicted show a strong correlation (Figure 22). Generally, throughout the observed period, there was a high percentage of convictions secured in respect to the number of the accused, an 86 % on average and increasing since 2013 to 92% (Figure 23).
Figure 22.
Annual number of the accused and convicted for animal abuse by the county public prosecutor’s office from 2004 to 2018.


Figure 23.
Annual percentage of the accused that have been convicted by county public prosecutor’s office from 2004 to 2018.

A geographical overview of convictions provides similar insights as the one for the reports and indictments, with Osijek county at the forefront throughout both periods (Figures 24 and 25). With large percentage of successful convictions to indictments in general this is not surprising. Also consequent to the number and percentage of indictments was the relatively low position of the capital city Zagreb from 2006 to 2010, and a relatively low position of Split and Rijeka in the latter period from 2011 to 2018.

Figure 24.
Total number of convicted by county from 2004 to 2010.

Figure 25.
Total number of convicted by county from 2011 to 2018.

![Total number of convictions by county seat (2011-2018)](chart)


From the period of 2011 to 2018, the average percentage of indictments resulting in convictions for all counties was 90 % (Figure 26). Split and Rijeka’s ranking during this period was lower, at 75 %. Similarly to the data on success in indicting by city, all the counties with major cities except Osijek exhibit lower success of convictions.

Figure 26.
Percentage of the accused that have been convicted by county from 2011 to 2018.

![Percentage of the accused that have been convicted by county seat (2011-2018)](chart)

6.6 Criminal sanctions

When looking into convictions by type of sanction, it is important to consider the period from 2013 and later, due to the changes in sanctioning with the introduction of the new Criminal Code. For instance, until 2013, 60% of convictions were prison sentences but 57% were suspended (Figure 27). The majority of convictions were in fact fines, among which some were suspended.

Figure 27.
Distribution of sanction by type from 2004 to 2012.


The distribution of sanctions by type after 2013 shows no court warnings and a significant decrease in, but not the elimination of, fines (Figure 28). This created a large ratio of over 90% of prison related convictions (mostly suspended). After 2013, there was also a small increase in prison sentences that were not suspended (9%), which possibly present a real prison intake. However, this number is so low (and further information is lacking) that no relevant conclusions or trends can be made (Table 3.).
Figure 28.

Distribution of sanctions by type from 2013 to 2018.


Table 3.

Distribution of sanctions by type from 2004 to 2018.

<table>
<thead>
<tr>
<th></th>
<th>total</th>
<th>prison</th>
<th>prison suspended</th>
<th>fine</th>
<th>fine suspended</th>
<th>court warning</th>
<th>prison not suspended</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2005</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2006</td>
<td>8</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2007</td>
<td>25</td>
<td>8</td>
<td>7</td>
<td>17</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2008</td>
<td>11</td>
<td>9</td>
<td>8</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2009</td>
<td>15</td>
<td>8</td>
<td>8</td>
<td>5</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>2010</td>
<td>12</td>
<td>9</td>
<td>9</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2011</td>
<td>9</td>
<td>6</td>
<td>5</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>2012</td>
<td>9</td>
<td>9</td>
<td>6</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2013</td>
<td>14</td>
<td>10</td>
<td>7</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>2014</td>
<td>30</td>
<td>30</td>
<td>27</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>2015</td>
<td>24</td>
<td>23</td>
<td>21</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>2016</td>
<td>26</td>
<td>22</td>
<td>20</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>2017</td>
<td>31</td>
<td>30</td>
<td>29</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>2018</td>
<td>22</td>
<td>22</td>
<td>19</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>244</td>
<td>195</td>
<td>178</td>
<td>46</td>
<td>4</td>
<td>3</td>
<td>17</td>
</tr>
</tbody>
</table>

In conclusion, in accordance with the enactment of the Criminal Code in 2013, which proscribed prison sentences as the only sanction, 90% of sanctions that were passed were prison sentences, but fines were not eliminated. Furthermore, these prison sentences were suspended in over 80% of convictions. In fact, only a couple of prison sentences that were not suspended were passed each year (Table 3). Based on the data by the Croatian Bureau of Statistics, it is not clear whether these individuals ever entered the prison system, as the appeal procedures are not logged in the data nor do they include credible probation measures that might include substitution of prison sentence with probation. Further information on prison intakes based on criminal offences involved is not publicly available. Also, from the annual statistics data reports, the number and type of measures such as communal or public work passed in sentencing instead of or in addition to imprisonment does not correspond to data provided by the probation office, and therefore may be underreported. Only two cases of measures of communal service/public work were recorded in the data by the Croatian Bureau of Statistics, preventing any conclusions on probation or imprisonment. Therefore, although the implementation of the new Criminal Code did increase the percentage of prison sentences in statistics and decreased the percentage of fines, it did not eliminate fines nor did it significantly increase real imprisonment as a type of sanction for this offense.

Still, the duration of prison sentences in the observed period points to a general trend of increase in the frequency of longer sentences and the elimination of shorter ones (Table 4. and 5.). This is partly due to the new law provisions doubling the duration of the maximum sentence. Before 2013, the majority of prison sentences included imprisonment for up to three months (on average over 60%), and only 3% on average were above six months. After 2013, on average, only 25% were three-month sentences, with no shorter sentences than that, around half were up to half a year, and 26% of imprisonment sentences were up to a year. In more recent years, shorter sentences seem to be very rare, splitting the distribution between three to six months (50%) and six to 12 month long sentences (41%) almost equally.
Table 4.
Average duration of prison sentences passed during the period before and after the new Criminal Code.

<table>
<thead>
<tr>
<th>Duration of prison sentences before and after 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6-12M</strong></td>
</tr>
<tr>
<td><strong>2004-2012</strong></td>
</tr>
<tr>
<td><strong>2013-2018</strong></td>
</tr>
</tbody>
</table>


Table 5.
Duration of prison sentences from 2011 to 2018.

<table>
<thead>
<tr>
<th>Duration of prison sentences from 2011 to 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>all</strong></td>
</tr>
<tr>
<td><strong>2011</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>2012</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>2013</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>2014</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>2015</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>2016</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>2017</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>2018</strong></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

Finally, and not with less relevance, the passage of the 2013 Criminal Code introduced the confiscation of the animal as a measure attached to the conviction. Since 2013, over a fourth of all cases of convicted acts of cruelty included confiscation (Table 6). Although one could argue that this percentage should be much higher, the implementation of this measure at all proves to be a significant development in the protection of animals and criminal policy alike.

Table 6.
Confiscation of animals in criminal convictions from 2013 to 2018.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total number of convictions</th>
<th>Convictions including confiscation</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>22</td>
<td>6</td>
<td>27%</td>
</tr>
<tr>
<td>2017</td>
<td>31</td>
<td>6</td>
<td>19%</td>
</tr>
<tr>
<td>2016</td>
<td>26</td>
<td>7</td>
<td>27%</td>
</tr>
<tr>
<td>2015</td>
<td>24</td>
<td>6</td>
<td>25%</td>
</tr>
<tr>
<td>2014</td>
<td>30</td>
<td>8</td>
<td>27%</td>
</tr>
<tr>
<td>2013</td>
<td>14</td>
<td>4</td>
<td>29%</td>
</tr>
</tbody>
</table>


6.7 Convicted Offenders’ Traits

When considering gender, women represent a small ratio in the data on indictments and reports of known perpetrators (Figure 29). They represent 11% in the total number of those convicted, which is comparable to their ratio in reported (13%) and indicted (11%).
Besides gender, there are several traits of the offence and the offenders that were convicted that are difficult to analyze considering the small number of these cases reported in annual statistics. Some of the data collected by the Croatian Bureau of Statistics relates to the number of offences committed in merger (of more than one offence), complicity (more than one offender) and previous convictions of the offenders (Table 7). As in many other criminal offences, animal cruelty often does not appear as an isolated criminal offence, but the annual numbers reporting offences in merger are too low and erratically appearing to make any specific conclusion. It is similar with reported numbers on the offences committed in complicity (more than one perpetrator) which are also under 10 % on average but appear high in some years while do not appear at all in other (Table 7). We can only guess about the reasons for this (perhaps due to a lack of data reported to the Bureau of Statistics by courts). The data on previous convictions in cases of persons convicted for animal cruelty appear constantly from 2008 on, but although showing that on average 20 % of those convicted have had previous convictions in criminal proceedings, the annual numbers are too low to draw founded conclusions.
Table 7.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>In merger</th>
<th>Previous conviction; N, %</th>
<th>Complicity</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>25</td>
<td>1</td>
<td>0, 0%</td>
<td>12</td>
</tr>
<tr>
<td>2008</td>
<td>11</td>
<td>0</td>
<td>3, 27%</td>
<td>0</td>
</tr>
<tr>
<td>2009</td>
<td>15</td>
<td>0</td>
<td>3, 20%</td>
<td>4</td>
</tr>
<tr>
<td>2010</td>
<td>12</td>
<td>1</td>
<td>3, 25%</td>
<td>4</td>
</tr>
<tr>
<td>2011</td>
<td>9</td>
<td>0</td>
<td>2, 22%</td>
<td>0</td>
</tr>
<tr>
<td>2012</td>
<td>9</td>
<td>0</td>
<td>1, 11%</td>
<td>0</td>
</tr>
<tr>
<td>2013</td>
<td>14</td>
<td>0</td>
<td>1, 7%</td>
<td>0</td>
</tr>
<tr>
<td>2014</td>
<td>30</td>
<td>2</td>
<td>5, 17%</td>
<td>4</td>
</tr>
<tr>
<td>2015</td>
<td>24</td>
<td>2</td>
<td>5, 21%</td>
<td>1</td>
</tr>
<tr>
<td>2016</td>
<td>26</td>
<td>1</td>
<td>5, 19%</td>
<td>2</td>
</tr>
<tr>
<td>2017</td>
<td>31</td>
<td>2</td>
<td>2, 6%</td>
<td>7</td>
</tr>
<tr>
<td>2018</td>
<td>22</td>
<td>1</td>
<td>9, 41%</td>
<td>3</td>
</tr>
</tbody>
</table>


The data from the Probation Office\(^4\) slightly differs from the above-cited official statistics in regards to the offences in merger, complicity and previous convictions of the offenders. It is important to note that the Probation Office data is collected based on full court case files, which makes them more detailed and comprehensive, but they represent only those persons entering the probation system. Contrary to that, police and court statistics reported to the Bureau of Statistics are often lacking but represent the total number of persons entering the criminal justice system (from police to court). For example, while the Bureau of Statistics reports that on average 20% of persons convicted for animal cruelty had previous criminal convictions, the Probation Office data on previous convictions (of those entering the probation system) reports a much higher

\(^4\) Data from the Probation Office was collected directly from Probation Office.
percentage among its trustees. Out of 19 persons convicted for animal cruelty offences in the probation system from its establishment in 2012 to 2017, 14 had previous convictions (74 %). Furthermore, the Probation Office reports that among those with previous convictions, the number of previous offences was 4.6 on average, with the highest number of previous criminal offences being 13, whereas the Bureau of Statistics data does not include this data at all.

While the Bureau of Statistics provides only information regarding the gender and county in which the offence took place, the Probation Office data also collects socio-economic features of the offenders that entered the probation system. The data from 2010 to 2017 shows that all but one out of 19 persons were male. They were of all age groups (five in their 20s, six in their 30s, one in 40s, three in 50s and four in their 60s) and in various family situations (approximately half were single, including divorced and widowed, and the other half lived in some type of partnership). The majority lived in family households and almost half had children, 2.5 on average. The educational profile of those entering probation for the offences of animal cruelty was as follows: almost half (42%) had no education that included a qualification, 58 % had a high school degree. Out of those whose employment information was represented only 20% were employed, while the rest was unemployed (53%) or retired (27%).

According to the Probation Office data, the suspended prison sentences of those entering the probation treatment amounted to five and a half months on average. The most commonly assigned probation measure given in cases of animal cruelty was public work (Figure 30). Other measures implemented included probation with security, monitoring measures or a non-specified special obligation. On average, probation measures including public work/communal service amounted in duration to 45 days (Figure 31).
In conclusion, and based on the data collected by the Bureau of Statistics and the Probation Office, criminological traits of the offender convicted for animal torture or killing are not very specific or distinctive in terms of total population nor in terms of general traits of criminal offences: in around 90% of the cases the offender is male, his place of living is diverse, as is his age, family and economic situation and profession. With high unemployment in Croatia in general, it is hard to say whether a high unemployment rate among the convicted that entered the probation system actually indicates much, but it could be concluded that besides gender, slightly higher unemployment and slightly lower educational level do present features of the offender.

6.8 Discussion and conclusion

This chapter analyzed the criminalization of animal abuse and its development, starting from the introduction of criminal provisions into the Criminal Code of 1997 that defined animal torture as a criminal offence punishable with fines and prison sentence, to its present form in the Criminal Code of 2011, which eliminated fines de jure, expanded
the definition of the offence, harshened sanctions and introduced other penal measures. Similar trends of criminalization and harshening of sanctions can be observed globally and therefore have to be seen as a part of the socio-legal context of the legal developments discussed here. In particular, scholarly discussions of the trends of expanding criminalization and stricter and mandatory minimum sentencing were reviewed as the findings reflect the influence of the perception of public, i.e. media and political actors, and their role in changing the criminal justice system. Politization and populism in policies regarding criminalization and sentencing, most often through deliberate or latent use of the fear of crime in political campaigns, and creating a media frenzy consequently lead to harsher penal policies and the increase of the imprisoned population. On the other hand, the actual crime rates, depending on the country, often show a different and more complex picture. The abundant literature on the justification, proportionality and effectiveness of harsher and longer sentences reveal that these are in most cases not positive nor effective policies. In fact, these policies only escalate sentencing and imprisonment without comprehensive solutions that include prevention and treatment.

While Croatia’s criminal justice system has often been depicted in the public as ineffective and mild in terms of criminalization and sentencing policy, crime rates and data on the imprisoned population show positive results and a stable trend. For instance, the numbers show that crime rates have decreased steadily since 2012 and imprisonment rates are among the lowest in Europe. Violent crimes such as murder have decreased since 2007, as did the robberies and thefts. There was no decrease in resolving crime cases (steadily at around 60 to 70 %). Based on these statistics, it is difficult to justify a public outcry for the increase of prison sentences and imprisonment. In 2016 the numbers were as low as ten years earlier, in 2006 and in the past 35 years prison populations seemed to be stable except in the short period preceding and during the enactment of the new Criminal Code in 2013 when it peaked. This period, though, needs to be looked into with more details when analyzing animal cruelty statistics as well.

The new 2011/2013 Criminal Code without a doubt was a significant and substantial development when it comes to animal protection and prevention and sanction of criminality in general. For the first time not only torturing was sanctioned but also
causing death (previously lacking) and negligence as a type animal abuse was no longer limited to transport. In terms of sanctions, it eliminated fines and doubled the prison sentence duration. The passage of the 2013 Criminal Code introduced the confiscation of the animal as a measure attached to the conviction. Since 2013, over a fourth of all cases of convicted acts of cruelty included confiscation. This is particularly important as the status of the animal was changed and improved from mere property to a legal object with certain rights. Although one could argue that this percentage should be much higher, the implementation of this measure at all proves to be a significant development in the protection of animals and criminal policy alike.

The Croatian media and activist organizations in particular greeted the new Code due to its elimination of fines and “introduction” of imprisonment although this was not true. The media discourse on animal cruelty, its focus on the legal framework in 2012-2013 and factuality of reporting will be analyzed and discussed in more detail in the following chapter, but a general feature of it was that it was erroneous. On the other hand, the data from “the field”, from the police, courts and other institution of criminal justice show a more complex (although not entirely credible) picture. In the period from 2004 to 2018 the data that was analyzed points to several conclusions and some areas for further discussion.

Throughout the period there was a visible discrepancy between annually reported on one side, and indicted and convicted on the other. There was a large increase in reports during and around the period of the enactment of the new Criminal Code in 2013, the year when the number of reported adults more than doubled compared to the previous year. The stable increase persisted. This increase, however, was largely due to the increase in the number of unknown perpetrators. In the more recent years the number of unknown reported persons coincided or even surpassed that of the known. The data on indictments, therefore, are not as impressive. Since 2013 and the implementation of the new Code, the annual number of indicted increased for a year, only to decrease since 2014. The percentage of successful indictments throughout the period was barely over 1/3 on average, decreasing at 19% in 2018. This is a cause for concern primarily for the police.
The geographical distribution of the reported criminal offences of animal cruelty further points at some interesting features. Large cities such as Zagreb, Split, Osijek and Rijeka and their counties report the highest numbers of reported adults, but some counties, such as Osijek and lately Split, exhibit an exceptionally high number of reported persons compared to their size. This too is troubling.

Secondly, the number of successful convictions points at the fact that this part of the criminal justice system, i.e. convictions, seems to be most effective. 86% of all the accused are convicted on average and this percentage is over 90% after 2013. In terms of type of sanction, before 2013, 60% of convictions were prison sentences that were mostly suspended, while after 2013, over 90% of convictions included prison (also mostly suspended). Furthermore, it is not clear whether these individuals ever entered the prison system, or they were appointed with an alternative sentence. Therefore, although obligatory and minimum imprisonment clause in the new Criminal Code did increase the ratio of prison sentences in statistics and decreased the ratio of fines, it did not eliminate fines nor did it significantly increase real imprisonment as a type of sanction for this offence.

Third, and unlike the media profile of monster (discussed in more detail in the following chapter), the profile of the convicted offender for the offence of animal abuse and killing reveals less then it obscures. Except the fact that the statistical data point at a 90% certainty it is a male offender, which presents no anomaly in terms of crime statistics about other types of crimes, all other traits (living conditions, family and economic situation, profession, employment) are in no way distinctive.

Croatia’s introduction of the new criminal offence of animal abuse and its development in terms of expanded definition and harshened sanction was therefore instigated by historic and legal trends, growing expertise on the matter and law-makers but to the broader public it was mediated by the media. Criminological discursive reality of animal abuse represented in this thesis through the analysis of the statistical reports on the one hand and the media news on the other presents just one outlook on the issue through which we might understand how animal abuse become a crime, or how any act
of behavior becomes a crime in the society’s perception, but it is not the only outlook or approach. Both the official data of the criminal justice system and the portrayal of animal cruelty in the media are mediated information, first through imperfect collection of data from the field that often tells us more on what is hidden then revealed (the grey numbers), and the second through narrative logic of story-telling with all of its archetypes and familiar dynamics. The difference between them is that the media stories about a crime are much more available and influential source of knowledge about crime, making media and cultural studies essentially important contributions to contemporary criminology.
7. THE MEDIA AND ANIMAL CRUELTY: ANALYSIS OF MEDIA REPORTING ON ANIMAL CRUELTY FROM 2004 TO 2018

7.1 Introduction

Researching animal cruelty from a criminological perspective today unavoidably includes the media dimension as news, entertainment media (TV and film), and increasingly important social media overwhelmingly determine the way we receive basic information and perceive reality. Moreover, contemporary criminological research has become more and more intertwined with the media and cultural studies, making a sort of “cultural” turn and establishing what today is called “cultural criminology” in which scholarship attempts to “prioritize the experiences of everyday life within the processes of crime and criminality” (Presdee 2004, p. 275). For criminology scholars today, the increasing “convergence of cultural and criminal processes in contemporary social life” entails the necessity of using media and textual analysis as research methods, as these highlight the importance of “image, meaning, and representation in the interplay of crime and crime control” (Ferrell 1999, p. 395). Our everyday lives and experiences of crime, security, and justice are to a greater extent mediated constructions of crime, policing, and the overall justice system and as such not only represent but create criminal reality.

Using a grounded theory approach, this chapter analyzes how the news media in Croatia report on the events and topics concerning animal cruelty as a crime in order to map and understand how the media has contributed to public understanding of the crime, the perpetrators and victims, the social response, and how the law and policing function. The chapter will present the results of software assisted content analysis of 445 online media articles from 6 mainstream internet news portals in the period of 2004-2018, mined with keywords relating to animal cruelty. The analysis includes both the text of the articles, the titles and subtitles, categories under which articles are labelled, the visuals, and, if available, the data on frequency of visits.

The key set of questions for analyzing the body of text were as follows:
1. What is the main focus of media reports on animal cruelty in the analyzed period? Is it the persona of the perpetrator, the legal framework (the policing, the procedure and sanctions, the change of laws), the reactions of the community, or other foci that the news pays special attention to and assigns space to across the analyzed period? Which species and types of animals, types of perpetrators, or involvement of other participants draw more attention of the media? What contributes to popularity, such as frequency of clicks and comments, repeated topics, or follow up stories? How were the stories narrated: were they instigated by police reports, journalistic/media inquiry, social media influence, or actions of individuals (activists) or social groups?

2. How are crimes depicted (the act, the perpetrator, and the community) and labelled? How are perpetrators perceived and represented? What explanations are given about the nature and motives of the crimes, e.g. nature vs. nurture, socially or culturally conditioned behavior? What are the dimensions of the perceived identities (gender, class, regional) and culture (rural/urban, civilized/uncivilized, etc.) by the media in relation to the depictions of events, perpetrators, and the community? How do news reports relate to or create the reactions of “the public,” such as statements by neighbors, random interviewees, experts, journalists’ own commentary, editing of the titles and subtitles, and other media techniques aimed at representing public opinion?

3. How do the media report on the legal framework? How frequently and at what length? How was the reporting on the introduction of the new law framed (before and around 2013, when the new criminal code entered into force)? Finally, how correct and informed were the news stories on the legal changes and to what level of specificity and understanding did these stories go in terms of the definition of animal cruelty, the legal processes, and proscribed sanctions?

7.2 Media, deviance, and crime

The importance of the media is unquestionably growing, and the influence (direct or indirect) that media have on people and their attitudes no longer represents the sole interest of scholars of social sciences but has become an interdisciplinary field of research with a strong research impact in criminology and is referred to as news or media
criminology, cultural criminology, and more recently as narrative criminology. George Gerbner’s influential theory in the 1970s, the cultivation theory, contributed to the development of many behavioral and social scientists who had an interest in how the media influences personal development (Gerbner 1969, 1976; Gerbner, Gross, Morgan & Signiorelli, 1986; Gerbner, Gross, Morgan, Signorielli & Shanahan, 2002). As a result of a broader theoretical framework in which social and economic indicators are to be complemented by the cultural indicators (Gerbner, 1969), cultivation theory was constructed on the premise that exposure to media contents (primarily to television in the 1970s) influences how we perceive reality. Some of his general contributions were the conclusion that media exposure aligns our individual sense of reality with the one provided by the media and in such a way “cultivates” viewer’s perception of events and people. Cultivation in that sense is no different than being cultivated into a physical cultural reality. Therefore, people who watch crime TV in abundance might be inclined to assume that there is more crime committed in society than there actually is (or that specific countries and cities are very dangerous places to live), or they might understand crime in a specific way and the criminal as specific personalities based on the prototypes offered by (US) crime shows. These prototypes, in cultivation theory, often represent stereotypical or standardized roles and behaviors that viewers are, to a “heavier” or “lighter” extent, susceptible to, depending on their individual traits and context. Furthermore, violence and television have an important place in Gerbner’s theory as they are used to demonstrate the co-dependent relationship of behavior and continuous exposure to TV violence. Gerbner et al. (1986, p. 18) argue that “[t]elevision cultivates from infancy the very predispositions and preferences that used to be acquired from other primary sources.” This “repetitive pattern of television’s mass-produced messages and images” form “the mainstream of a common symbolic environment” (p. 18). “Thus, the cultivation of a general conception of social reality (e.g. about women’s place or violence in the world) may lead to a certain position on public issues or to some marketing decision, but it need not result in other behavior consonant with that conception” (p. 29).

Mainstreaming represents the theoretical elaboration and empirical verification of our assertion that television cultivates common perspectives. Mainstreaming means that television viewing may absorb or override differences in perspectives and behavior that stem from other social, cultural, and demographic influences.
It represents a homogenization of divergent views and a convergence of disparate viewers (Gerbner, Gross, Morgan & Signorielli, 1986, p. 31).

Despite some criticism, Gerbner’s findings on the influence of the media, particularly television, remain at the core of later studies on the effects of the media on perception of reality and formation of behaviors, and consequently the perception of crime, opening new avenues of cultural and media studies within criminology research.

In researching the perception of crime and creation of deviance in media reporting, Stanley Cohen’s *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* in 1972 was ground-breaking work, setting a milestone at the crossroad that brings together media and criminological or deviance research. Cohen’s long analysis of the news media’s reporting on youth deviance provided insights on how reporting molded and articulated the identities of different youth groups, such as the mods and rockers, not only associating them with crime and instigating moral panic, but providing a tangible and somewhat fixed image of a subculture. The book opened up the doors of criminological scholarship to media studies further, looking into not only how crime is perceived and mediated in public space but the relevance and influence of the news, television, and movie industry in creating societal, cultural, and individual identities and the public’s perception of reality in a specific way. As Cohen argues, “a crucial dimension for understanding the reaction to deviance both by the public as a whole and by agents of social control, is the nature of the information that is received about the behaviour in question” (Cohen, 1972, p. 9). “The importance of the media lies not in their role as transmitters of moral panics nor as campaigners but in the way they reproduce and sustain the dominant ideology” (xxxvi). Cohen’s views on the nature of reporting and media reproduced ideology is in line with Gerbner’s findings, particularly those on mainstreaming by the media as a way to develop a uniformed view on the world through continued exposure to the same depictions, therefore, creating a reality as a backbone of a single or multiple ideologies.

The influence of media studies in criminology appears to be growing. Today, an increasing number of authors analyze how accurate media’s representations of laws and crimes are, how perpetrators are depicted, and how public outrage is described, looking
into how the media builds on populism, sensationalism, and scandalization (Cavender, 2004; Kappeler & Potter, 2005; Surette, 2014; Kort-Butler, 2016). Kort-Butler’s overview (2016) of the methodological use of media content analysis in criminology points out how “[m]edia and popular culture sources are viewed as repositories of cultural knowledge, which capture past and present ideas about crime, while creating and reinforcing a culture’s shared understanding about crime” (Kort-Butler, 2016, p. 13) and, therefore, should be the primary source of data. The growing popularity of televised series and movies in the crime genre that specifically focus on criminal justice and criminological dilemmas, such as forensics and the profiling of perpetrators (but also other genres such as talk shows, reality TV, cartoons, etc.), has contributed to criminologists’ interest in dealing with the media and how they construct certain criminological phenomena and traits, such as violence, sentencing, perpetrators’ traits, race, gender, and so on (Gerbner & Gross, 1976; van Dijk, 1991; Barak, 1994; Fishman and Cavender, 1998; Potter and Kappeler, 2006; Morgan & Shanahan, 2010; Welsh, Fleming, and Dowler, 2011; Kort-Butler, 2013). Television crime drama and movie analyses are particularly in focus of some research (Cavender & Deutsh, 2007), as well as documentaries on serial killers and reality TV (Cecil, 2010) while internet media reporting on crime scarcely appear (Sjøvaag & Stavelin, 2012).

For a growing number of people, “fast” and short online media is the only source of knowledge and information. Everyday media exposure and the rise and popularity of social networks and its influence on the creation and distribution of news is central to understanding our social reality. Therefore, there is growing interest in the importance, consumption, and influence of media in criminology, particularly in terms of truthful and verified facts, but also in terms of public perception and misconceptions of crime. Williams (2008) finds that although there are several styles or forms of presentation which journalists use in reporting crime, two seem most common: the direct and straightforward presentation of factual accounts, “where the information is documented and presented as reliable”; and contrary to that, the sensationalist presentation of crime, usually of only certain types of crime, presented “in [the] most graphic terms which are expected both to attract readers and to rouse strong emotions of anger, revenge or fear” (Williams, 2008, p. 45). Most commonly called the tabloid press, sensationalist media is “not generally
interested in the most common crimes,” but “rather concentrate on more serious crimes or on ones whose victims are particularly vulnerable or “newsworthy”” (Williams, 2008, p. 46). In such a way, some media “present crime in [a] shocking, blunt or brutal manner,” simplifying the events with shocking headlines and presenting the story as good threatened by evil (p. 46).

According to Petrovec (2003, p. 7), certain media report on crime in sensationalistic ways by giving the topic of violence disproportional space with crime statistics, particularly on their cover pages. In his study on reporting about violence in printed media and television station, Petrovec shows how newspapers such as Slovenskih novicah represent the topic of violence in 29% of their content, while the topic is presented on the cover page of the same newspaper in over 66.7% of the them. In other newspapers, the percentage is significantly lower (Dnevnik 8.6% and Delo 3.1%). Similar patterns can be noticed with TV where POP TV, for instance, covers violent topics much more frequently compared in comparison to TV SLO (p. 7). Petrovec argues excessive reporting on such topics with the bitter comments of journalists on the ineffective justice system leads the reader in the direction of wanting to uphold stricter and harsher laws and shapes the politics of the issue (p. 7). When the public feels insecure and failed by the system, they become more prone to vigilantism and other help-your-self strategies. Petrovec rejects the possibility of solving the appearance of sensationalism with censorship, recommending instead the adoption of responsible reporting and the introduction of professionals in TV and news, who would inform the public.

Although at present in almost all of the media outlets, though to differing degrees, sensationalism is not the only force within the media’s construction of social reality, there are intrinsic and ideological structures that persist in the creation of news. The concept of newsworthiness and the question of what/who is presented or omitted from the news and how it draws the special attention of the media criminologists and media researchers is of great importance. Similar to sensationalism, newsworthiness in the news media is shaped by basic psychology, (e.g. it entails subjects that are geographically close) thus connecting the media research findings to those on viewer empathy. The news outlets often put to the forefront and depict victims who can be empathized with or who are known to the
audience (Williams, 2008, p. 46). Like with empathy in general, the consumers of the news also relate better to events that are culturally relevant to the audience addressed. Closeness is not always measured in distance but by cultural (class, race, gender, other) similarity and mutual understanding, and this particularly matters in media representations of the victims, but also of the perpetrators and crime events as well.

Perpetrators are, therefore, often labelled as criminals in a specific way. “The criminal is often labelled as a psychopath, a beast, a madman or just a bored yobbo. In these ways the crime and criminals are simplified, and the intricacies necessary to provide a full picture are almost never provided” (Williams, 2008, p. 47). Moreover, a perpetrator can be depicted in a positive manner, based on cultural, geographical, or other types of proximity. Williams claims that due to the media’s interest in the true nature of the criminal, its reporting is often shaped by the fact that a person who is interviewed about the event knows the perpetrator, and that in such situations, the perpetrator is often perceived differently by the media too, for instance “not a true criminal but rather someone basically good who has perhaps been led astray by others” (p. 44). Therefore, one’s awareness of any social phenomenon (crime) and social actors (perpetrators and victims) is clearly affected by personal experiences and modelled by a story that is mediated by a news reporter, the audience, or the characters of that story themselves.

Criminological research on the role and influence of the media in public perception, public opinion, behavior and on the criminal justice system as a whole has expanded in ways so that we today talk about “newsmaking criminology”. Barak (1994, p. 10) argues that although today we witness the expansion of so-called media pluralism, in the sense that we are provided with countless publishers, channels, and sources; the “message pluralism (diversity of content) has not grown accordingly”. This is particularly so in the media’s coverage of political, racial, ethnic, class, or sexual diversity. “Instead of reflecting the increasingly greater diversity of the world societies,” Barack states, “the media has continued to provide homogenized, mainstream, and uniform versions of reality that tend to avoid fundamental controversy” (p. 10).
The media’s depictions of identities related to race and ethnicity, but also class and gender, generally subscribe to a basic principle of under-representing minorities in the “good news” or over-representing them in the bad ones (Barak, 2008, p. 10). Moreover, the “bad news” is often thought to be more newsworthy than “good news.” In this way, minorities (and lower income populations) are more likely to be identified in negative contexts (related to crime), even when they are victims themselves (p. 10). Similar kinds of patterns exist with representations of class. When it comes to class (both occupation and social status), the same kinds of news reporting prevail as the “media portrayals accentuate higher skilled, better paid and higher status occupations, both in terms of frequency and often in direction of valuation,” while “routine or normal working class jobs are rarely seen, except for service roles” (McQuail 1992, as cited in Barak, 2008, p. 11). Furthermore, news media consistently underplay white-collar offenses while they overplay violent and sexual crimes. The media portray the criminals as “one-dimensional reflections of the crimes commonly committed by the poor and the powerless and not those crimes commonly committed by the rich and powerful” (Barak, 2008, p. 11).

The depictions of women in the news are related to gender stereotypes, but also connected to class and race. “For example, the economic role of women is usually underestimated, while media typically reports on women of lower status, in subordinate positions to men, or in some statistically uncommon negative role like mistress or prostitute, compared to other roles of women which are no less common in real life” (Miller 1975; Blackwood & Smith 1983, as cited in Barak 1994, p. 10-11). Female sex crime victims tend to be confined and moulded into one of two images: morally suspicious female who provoked the assailant with her explicit sexuality or an innocent victim attacked by maniacs. As Benedict (1992, p. 5) argues “[b]ecause rape is a crime, and because crime reporters are traditionally male, rape is covered mostly by men.” Journalist driven by the rape myths (rape seen as sex) then portray the victims as “virgins or vamps” (p. 24). Victim is “either pure and innocent, a true victim attacked by monsters –the “virgin”, […] or she is a wanton female who provoked the assailant with her sexuality – the “vamp” (p.18). Related to this is the portrayal of perpetrators as inhuman monsters (Barak 1994, p. 28-29), which is not only sensationalist, but also points to the incorrect reality where sex offenders are unreal and distant to victims.
Current research on media representations of social reality, fear, and crime, and how certain identities and categories of society are depicted as perpetrators or victims is abundant. While earlier research concentrated on television and print news, today the sources of news are more numerous, although perhaps not more diverse in style. Current levels of emersion in social media and constant exposure to immediate and available news online surely exacerbates trends that previous research already found, which is that the media environment strongly influences our emotional relationship with reality and our fear and desire for safety. Salmi, Smolej & Kivivuori (2007) researched the link between different types and frequency of media consumption and the fear of crime. They found that viewing regularly reality TV crime programs and exposure to TV crime news was related to lower levels of interpersonal trust, while reading crime news in the newspapers did not exhibit such link (p. 264). They argue that in general “the use of crime media seems to cultivate distrust when the cultivation effect is limited to television” (p. 267). Although this research confirmed the link between the amount of exposure to crime news in media and lack of trust and fear of crime, they argue that this link is particularly strong if the media is more interactive and visually engaging such as when it appears on TV, and if there is a factor of isolation present (e.g. living alone and loneliness).

Boda and Szabo’s (2011, p. 330) research on perception of crime in Hungarian youth furthers the intersectionality of media and criminology research, in particular pointing to the fact that audience research is generally lacking in media criminology. The authors argue that “the media create a picture of a society in which crime is frequent and is constantly and overwhelmingly on the increase, no matter what statistics show” (p. 330). Media (mis)representations of the nature of crime, particularly violent crimes, by tabloid papers and commercial television programs are often presented as the normal, serving millions of people a daily ration of murder, rape, and drug abuse (p. 330). Based on focus group research with young media consumers of different backgrounds, the authors investigate audience perceptions and attitudes about security, crime, and the reliability of news. Boda and Szabo’s findings show that (young) participants do not consume traditional media nor fictional crime series (although they spent quite a lot of time watching television, they preferred sit-coms, sports, reality series, and music TV),
and they have very little trust in mass media (Boda & Szabo, 2011, p. 335). Participants were extremely critical of the knowledge, skills, and moral integrity of journalists and are aware of the tremendous power the media has to manipulate audiences, especially young and elderly, but were firm in claiming that they themselves were unsusceptible (p. 335). The research showed that the audience focus groups were inclined to confirm the validity of media content only if these accorded with their existing beliefs on a topic. For instance, participants stated that crime was one of the biggest problems in Hungary, that it was more frequent now than a decade ago (which was contrary to the official statistics), and agreed that there was a link between crime and Roma people or accepted extreme viewpoints about the Roma population’s involvement in crime and supported firm action against lawbreakers (p. 336). Moreover, participants had very little precise knowledge of the criminal justice system (public prosecutors’ and judges’ work was almost unknown to them) and, therefore, had no developed opinions on these segments, but by contrast they did have very negative judgements on police work (despite the fact that they had very limited personal experience with the police). The police, in particular, had a very bad reputation because of the poor quality of the workforce: police officers were perceived as “dumb or corrupt”, and drove poor quality cars (p. 336). In brief, the audience to some extent seemed to echo the “cruel world” frame of the media that they as consumers do not trust but seem to think they are immune to, which portrays life as dangerous and unpredictable, with (racialized) crime as something that can strike anyone at any time and requires swift justice.

An alternative explanation of the commonalities between public opinion and media would be that the media for the most part reflects and reproduces general public opinion. In essence, this argument would imply that the media does not influence people nor have any agenda of their own and that journalists, editors, and owners have no personal, political, or economic interests, but simply reflect public opinion and trends that emerge in social space or social media. Although this would run against numerous findings of media studies, many media mission statements today rely on this approach, claiming they bring the opinions of the participants, the audience, or social media discussants. Without getting deeper into this debate, the media by definition reinforce and reinvent the existing frames; that is, there is an interplay between the media and public. As Barak (1994, p. 13)
argues, “sometimes the media follow social trends and the dictates of their audiences; sometimes they are out in front of their audiences, creating social trends”. Boda and Szabo further argue that “public perceptions of the effectiveness and fairness of institutions are social constructs, originating from different information sources and shaped by social filters and interpretive and sense-giving procedures” (Boda & Szabo, 2011, p. 339). Therefore, the media often employ communication campaigns against certain institutions, or all of them, holding them accountable and creating public perceptions of institutional fairness, crime rates, safety, and public order.

Recently, more research is dedicated to establishing and understanding the links between the consumption of media, perceptions of crime, and criminal justice policies that influence our daily lives. Dolliver, Kenney, Reid & Prohaska (2018, p. 412), for instance, examined the relationship between the fear that media consumers acquire and their support for national punitive and defence policies, specifically stricter punishments (such as three-strike laws) that would protect them from perceived future crimes. Interestingly, the authors found that age and race did not make a significant difference, but women and those with higher income were more susceptible to this link. The authors concluded that “[i]ronically, this fear is rooted in media messages that do not accurately represent the decreasing levels of violent and property crime” (p. 415).

All and all, the role of the criminologist in the media century, to conclude with Barak (1994, XIII), is not merely to investigate the truth, but to apply “conscious efforts and activities [...] to interpret, influence, or shape the presentation of “newsworthy” items about crime and justice”. Barak argues that “newsmaking criminologists can deconstruct and reconstruct the perceptions of crime and justice, and provide the necessary public service of assisting to demystify both the causes of crime and the obstacles to social and economic justice” (p. 18). This role and assignment is not just a public service assigned to any researcher, but its absence in criminology would lead to a lack of basic understanding about the creation of social reality through media and, therefore, the nature and logic the perception of crime in general. Consequently, the media and the public play a central role in modelling not just the legal framework of the criminal justice system, but to a significant extent the actions of the police and other actors in criminal justice system.
Finally, in answering some of the previously posed questions, some criminologists found it useful to focus on the “power of storytelling,” by asking what is behind the story, how many times it was recycled, and what are the consequences of anonymity and increasing number of media creators present in social media; all questions that aim to uncover the power of media to provoke action and reaction of public. Namely, treating the media reports as a story in a narrative sense allows for the analysts to uncover the traits and meanings constructed in the narrative, regardless of truth. Presser & Sandberg (2014, p. 8) point out that “stories told by elites -called ideology or propaganda, particularly when observers deem those stories to be false“. Although we rarely consider the media to be propaganda today, the media are not always telling the story in order to report the truth, whatever the truth may be, but to tell stories about the world we live in and attract listeners. The authors claim that “people tell stories to influence others”, but “stories give transcendent, emotional energy to action” (p. 8). The media has the power to “mobilize large numbers of people to support harmful action, either with direct participation, enthusiastic consent or relatively disengaged tolerance” (p. 8). Hence, the authors argue that we need to consider “the outsized theoretical jurisdiction of narrative criminology,” as it is not just the crime and illegality that the criminologists should be concerned about, but the harm as well, both individual and mass harm (p. 8). Narrative criminology can be helpful in analyzing mass media and crime not only through its interest in the influence on perceptions of crime, but through its approach to media content as a story about crime, and its interest in the process of “telling and sharing of stories” and what role it “plays in committing, upholding and effecting desistance from crime and other harmful acts” (Sandberg & Ugelvik, 2016, p. 129). Afterall, as Gerbner argues, “[h]umans are the only species that lives in a world erected by the stories we tell” (Gerbner, 1998, p. 175).

As a part of cultural criminology, narrative criminology as well as media criminology all share the understanding of “culture” to be the stuff of collective meaning and collective identity; within it and by way of it, the government claims authority, the consumer considers brands of bread – and “the criminal”, as both person and perception, comes alive” (Ferrell, Hayward & Young, 2008, p. 2). As Ferrell, Hayward & Young
write, culture suggests “the search for meaning, and the meaning of the search itself, as it reveals the capacity of people, acting together over time, to animate even the lowliest of objects,” human, animal, or inanimate, “with importance and implication” (Ferrell, Hayward & Young, 2008, p. 2). For cultural criminologists, they argue, “the symbolic environment occupied by individuals and groups – is not simply a product of social class, ethnicity, or occupation; it cannot be reduced to a residue of social structure,” but is precisely, as stated, a symbolic environment, constructed and reconstructed though stories we tell about it (p. 2). “This shifting relationship between cultural negotiation and individual experience affirms another of cultural criminology’s principle assumptions: that crime and deviance constitute more than the simple enactment of a static group culture” (p. 3).

7.3 Media and crimes against animals

Media reporting on crimes against animals or crimes involving animals is alike how media report on crime in general as well as specifically to sensationalism. Most of the earlier media scholars, such as Gerbner (1995), marginally focused on the ways the media report on animals. Most commonly, however, their main interests related to how the media portrayed social movements or media sensationalism, and these two issues are not disconnected. Jones (1996, p. 78) wrote an overview of more than hundred years of American media coverage, showing how positive media coverage peaked in times of peace and economic development when the focus of the readership could be brought closer to home to topics such as domesticity, social protection, and other social issues. The development of animal protection and criminal persecution of animal cruelty were in many ways instigated precisely by the media as much as by societies and activists. The commercial logic of the media and sensationalism brought animals as victims close to the readership’s sympathetic eye and animal protection groups consequently used this. Other media scholars emphasize the connection of media coverage to social movements or the correlation between the appearance of animal stories in the media with tabloids and sensationalism (e.g. Baker, 1993), but all and all research relevant to criminological topics remains scarce.
Within the Cultural Indicators Research Project, Gerbner (1995) conducted research on the media coverage of animals on TV and in printed media over a period of 33 years. The report *Animal Issues in the Media: A Groundbreaking Report*, published in 1995, presented the results of the research material, which categorized the main topics within “major animal issues in the news” as: activism; policy, legislation, and law enforcement; treatment of animals; animal welfare; science; and media and education (Gerbner, 1995, p. 13-18). The results of the analysis showed that after activism, which was represented by 22.1% of the content, policy and legislation presented the most frequent category or context in which animals were mentioned or reported on (20.5%) (p. 29). Analyzing more closely the reports coded under the “animal welfare” category, which represented 16.2% of the material, Gerbner found that news on crimes against animals was as one of predominant topics, and increasingly so after the 1970s (p. 28). Gerbner found that reporting on animals peaked during the passing of important laws, such as those for the protection of animals (e.g. in 1966 with the Animal Welfare Act and in 1973 with the Marine Mammal Protection and Endangered Species Acts), and more recently (1989) during intensive animal rights protests (against the wearing of fur and the use of animals in research) (p. 14-16). His findings can be summarized with the following points: the largest single source of everyday information and imagery about animals and their (mis)treatment is television (news), and the coverage on animals (and their rights) as well as positive images of them increases over time, unless they are depicted as mistreated and killed. All and all, Gerbner reports that the “[s]tories of activism and legislation account for nearly half of all news about animals. Violence, conflict, and opposition to animal rights claim much press attention. However, over time, news of activism stimulates policy, legislative and other types of print media attention” (p. 1).

Further research on media representations of animals has predominantly taken place in the U.S. (e.g. Herzog and Galvin 1992; Baker 1993; Garner 1993) and has noted, for instance, that it is more often than not the tabloid press that abundantly reports on animals, representing them as either “cute” or “horrific.” Some media scholars even suggest that the amount of animal stories indicates or correlates with the degree of sensationalism, populism and nature of tabloids. Baker (1993), for instance, argues that “the serious
cannot countenance, and only the popular can countenance the animal” (p. 193). In other words, “[i]t is the tabloid press which attends with delight to animal stories and, more particularly, to pictures of animals, but most often without any serious message related to animal protection or other social issue” (Baker, 1993, p. 193). Jones (1996, p. 79), on the other hand, highlights that, precisely due to the degree of attention, “[t]he media has played an important role in focusing the public’s attention on animal exploitation and suffering during the early […] movements and again during the current animal rights movement”. This increasingly growing trend continues partly because, as Jones argues, activist organizations have chosen mass communication as a primary strategy, but also due to the fact that crime itself has increasingly become a media event; and in the case of animal cruelty, the media has strongly influenced its criminalization. In another article, Jones (2015, p. 8) analyzes in more depth how the media has influenced public affairs, political agendas, and instigates policies. She gives examples where animals advocates, but also other public actors, working towards animal protection were perceived as “being representatives of the public at large”. Jones does not ignore the fact that the media and mass communication can also ignore serious social issues or present only superficial coverage, seeking out and presenting the most extreme positions; but the importance of media in the proliferation of animal protection measures and the social issues surrounding it overall is unquestionable (p. 9).

From the criminological perspective, the topic of animal abuse is no different than any other topic related to violence that is covered by newspapers. Petrovec (2003, p. 28-31) analyzed a set of articles that were about the abuse of cats that various newspapers named “cats affair” (mačja afera). While describing the cases in detail, especially one about a case involving three grammar school students who tortured cats and kept a diary of abuse, the newspapers started publishing the diary, attracting a crowd of commentators and followers and causing a nation-wide public event. The readers demanded that the newspaper reveal the identities of the abusers, as well as their parents’, and the publication of their photos, demanding that all of those who were involved to be put in a mental institution, if not prison. Petrovec claims that the aggression that the media provoked was not just directed towards the perpetrators, but quickly spilled over and spread to include parents, schools, the ministry of education, and the entire social system. This seems to be
the case not only with reporting on violence against animals. It also points to a more general logic of sensationalist news media that reports on violence, focuses on the depiction of certain victims, particularly if they are a representative of a social group that is deemed to be weak or sensitive (animals or human), and facilitates public outrage against a demonized perpetrator that quickly spills into condemnation of the entire society, particularly public institutions such as the police and the justice (penal) system.

In conclusion, while the triangle of criminology, media/cultural studies, and animal protection studies still need to intersect more, most of the present research at this crossroad points to the media, particularly the news media, as a central figure in building public imagery on the status and treatment of animals, as well as crimes and violence against them. The aforementioned literature points out that the media has the power to shape and reshape social reality, including both individual and group identities, and to depict crime, perpetrators, and victims within a mainstreamed framework of values and ideologies. Therefore, ideologies reflected in cultural habits, legislation, and policies present a crucial point in creating both the context and the content of news reports. Secondly, reporting on animals should be seen within the function of the media. Historic and present overviews of reporting on animals reveal that animals are instrumental and instrumentalized in different ways and for different purposes: commercial goals of the market-driven media logic, sensationalism, depictions of animal protection groups, or a political agenda at large. All and all, the nature of media reporting on animals and crimes against them opens up a variety of relevant avenues for cultural criminology in general, such as exploring how the media have established the mistreatment and killing of animals as a crime (animals as victims and perpetrators as dangerous elements), increasing fear about the dangerous aspects and subjects of human society, and, aside from raising their viewership, influenced public reactions or even social actions related to the issue.

7.4 News media reporting on animal cruelty in Croatia

The internet news media in Croatia today, is marked by global changes occurring in the profession of journalism. A study done by Metykova (1992) based on the findings
of 89 interviews conducted with journalists in eleven countries (the Czech Republic, France, Great Britain, Hungary, Ireland, Italy, the Netherlands, Serbia, Slovakia, Slovenia and Spain) identifies two main points of the changing relationship between journalist and their audience crucially important today: competitive pressures and technological changes. The article discusses the findings within a context of increasing neoliberalism of the European Union area on one side and “War on Terror” on the other, arguing that competitive pressures shapes the relationship between journalists and audiences similarly as does the impact of technological changes. Namely, both aim at attracting larger audiences, making journalists “more sensitive to their (perceived) needs, demands and interests” (Metykova, 1992, p. 45-46). The study showed that email and text messaging “had opened up the lines of communication between media producers and consumers, and that the use of new technologies allowed editors to know which stories were generating most interest among viewers/readers (this is enabled by simple devices monitoring traffic on the website)” (p. 49).

Such enhanced knowledge about their audiences was often understood as crucial to the commercial success of a medium […] but also to fulfilling the obligations that public service broadcasters have. (Metykova, 1992, p. 49)

Besides perceived demands of the audiences and direct influence of the editors, the journalists, as Metykova reports, acknowledged a number of other indirect influences on media content, such as pressure form advertisers and politicians and overall consequences of market competition (p. 53). These conditions, according to interviewed journalists, brought about the decline of trust and respect for journalism, disconnecting them from the public. Digital technologies and increased competition 20 years later prove to be even more influential factors that shape journalism and newsmaking.

Marketing research (Ipsos Connect, 2017) on media habits in Croatia done on 800 participants has shown that most of the news consumers in Croatia use the internet to get their news and stay informed, and while the trend of using printed news media is on the downfall, the use of internet news is increasing. Even while watching TV news programs, people surf the net. Internet is the most frequently used media for news. It was reportedly used multiple times a day by 72.8% of the research participants, more than watching TV
62.8%. It is also the most informative news as, according to audience research, 69.3% of participants claimed that internet was the only source where they could find information that they could not find elsewhere.

According to internet domain ranking by Gemius Audience, the top news portals in Croatia in the period between 2016 and 2018 (since the start of the metrics) (excluding portals that do not provide nation-wide news or are TV news websites) were 24sata, Jutarnji list, Večernji list, T portal, and Slobodna Dalmacija. Another source of metrics by Alexa ranks the said news portals in a similar order, but also includes Index, placing it on the top as the most visited news portal. Consequently, the material for content analysis of news reporting on animal cruelty was sourced from the six most visited online news providers, incorporating in total 445 articles with text and images (without the comments of the readers) that could be retrieved from their online archives. The article distribution by year and news provider is shown in Table 8.

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5 Retrieved from: [https://rating.gemius.com/hr/tree/8](https://rating.gemius.com/hr/tree/8)
Table 8.
Primary material (news articles on animal cruelty) distribution by year and news provider

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of articles on animal cruelty per year by source</th>
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<tbody>
<tr>
<td></td>
<td>Index</td>
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<tr>
<td>2003-2008</td>
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<tr>
<td>2009</td>
<td>4</td>
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<td>2010</td>
<td>35</td>
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<td>12</td>
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<td>2017</td>
<td>13</td>
</tr>
<tr>
<td>2018</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>129</td>
</tr>
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</table>

The criteria for choosing the six news portals was not only the readership size or internet visitation data but also based on the fact that they provide the news nation-wide and that they were operational and currently provide archives for a longer period of time. Although one or more of the included news portals have a regional focus as an additional feature to their national coverage, they are still read nation-wide and are reporting news providers. The timeframe for the materials, 2004-2018, was determined by the goal to capture the biggest possible timeframe for which articles and data are available from most of the major online news portals, with the exception of a few news providers whose archives were not fully functional and online for the earlier years. All news outlets but one provide news article archives dating back to 2010, which in principle represents the most relevant timeframe. During the latter part of the timeframe, some news providers that were not included in the analysis started to become more relevant, and perhaps today...
rank among the top, most influential news providers, but these were either not relevant in earlier times or did not exist then.

Finally, the articles were filtered from online available archives under the following key words: animal torture, animal abuse, and animal cruelty. Texts were then filtered in a way that all articles that did not deal more substantially with acts of animal cruelty were excluded. The analysis included both the text of the articles, the titling and subtitling, the category under which the articles were labelled, the visuals (photographs), and, if available, the data on frequency of visits.

The content analysis included 445 online news articles and was software assisted by using NVIVO to identify key analytical categories that were related to the research question, and, therefore, included the following foci:

- crime, violence, cruelty (the definitions and features of the crime in reporting and connection to other forms of violence and crime),
- the perpetrator (the features and definitions of the criminal, offender, perpetrator),
- the dimension of identity, culture, and values in relation to the treatment of animals/crime against animals and public reactions and outrage as reported in the texts,
- social actors (individuals and groups),
- legal provisions and the role of the justice system (particularly around the period of the new law, before and after 2012/2013).

The material was analyzed using software that assisted the grounded theory approach. Grounded theory (Glaser and Strauss 1967, Strauss and Corbin 1990, Glaser 1992, Charmaz 2006) allows for creativity in approaching the material without pre-set analytical categories by creating and re-creating a theoretical approach based on repeated coding. The general idea of the founders of grounded theory, Barney Glaser and Anselm Strauss (1967), was that the theory would be generated from collected data and materials. The data material is first coded and compared in order to allow for a concept to take shape, which can then be integrated into categories on which the theory is built. Elements of this approach to research include data gathering, description, analysis, interpretation, and generation of the theory; and while the data collection can be diverse, ranging from
interviews, observations, archive materials, or visual and audio materials, the principle idea is that the researcher is the main instrument of research (an *inductive approach* to grounded theory). Grounded theorists “collect data to develop theoretical analyses from the beginning of a project” (Charmaz, 2006, p. 2). Therefore, it is not the method that prescribes set instruments of analysis, but it is the researcher who constantly compares data and shapes concepts, recognises deviations, writes notes, and makes discoveries. According to Charmaz, “grounded theory methods [should be understood] as a set of principles and practices, not as prescriptions or packages” (p. 9).

Coding is the only set method of this approach. Still, codes are not set before, but rather during the analysis, changing throughout the research with new ones appearing and some disappearing, until so-called *theoretical saturation* is achieved. According to Strauss and Corbin, coding includes different phases for different types of coding such as open coding, axial coding, and selective coding. Charmaz (2006) further developed the phases of coding, which according to her, essentially include initial coding and focused coding, while axial coding depends on the topic, the discipline, and flexibility of the researcher, or whether she wants to stay closer or further way from hierarchically organizing codes. The initial coding is preliminary analytics, similar to the brainstorming of ideas, making notes and labels, and beginning to separate, sort, or synthesize data through qualitative coding (p. 2). According to Charmaz, “[t]hrough studying data, comparing them, and writing memos, we define ideas that best fit and interpret the data as tentative analytic categories” (p. 3). This is often done through a software. The second phase is then focused coding, which is secondary coding that entails selective analysis, and the checking of data and categories. Axial coding is the method used to define relationships between categories, and theoretical coding is the process of integrating codes that generate a theoretical framework. “Axial coding provides a frame for researchers to apply. The frame may extend or limit your vision, depending on your subject matter and ability to tolerate ambiguity” (p. 61). Overall, coding provides “the link between collected data and developing an emergent theory explaining these data” (p. 46).
7.5 Analysis and discussion

Using the grounded theory approach and software assisted analysis, two rounds of coding were conducted. Based on the preliminary overview of the media texts - labelled or searched using the keywords animal torture, animal abuse, and animal cruelty - source material was coded under the following themes:

1. Acts of crime
2. Perpetrator
3. Identity and culture
4. Social initiatives and activists
5. Legislation and sanctions

Based on the coding, a general mind map was created, which was later used in the analysis (Figure 32).

Figure 32.
Mental map of source material before coding in vivo.
When looking at the total amount of text, the words that appear the most are animal, torture, killing, law, abuse, penalty, penal, and perpetrator.

Figure 33.
Word frequency in total (animal, law, cruelty, killing, abuse, dogs, humans, penalty, criminal, etc.).

When looking only through titles, the words that appear the most are animal, torture, police, horror, prison, killing, cruelty, accused, video, abuse, brutal, penal, monster, criminal (offense), crime, Kuna (fine), rape, (criminal) report, and prison.
The frequency of certain words points to the use of numerous and various words to characterize acts of animal torture, then police and prison (penalty), but also words such as the accused, law/act, crime, fine, and report. Based on the most frequently used words and further contextual analysis of the most frequent words in the texts, social media’s presence seems overwhelming and words such as video, photos, Facebook, internet, and YouTube appear in most of the news articles.

The usage of these words point to the fact that the legal framework appears at the forefront of the media messages. The legal framework is foregrounded in all the media messages. The authors of the news articles point to the fact that penalties are too low, and this is particularly so in articles before 2013. Articles during and after 2013 focus on the passing of the new law and new penalty system, putting heavy attention on the prison sentence that was introduced (although the possibility of a prison sentence was present in the previous law as well). Therefore, the frequency of articles that mention or include words such as prison, bars, harsher penalties, and the new law in the accompanying titles increased in 2013-2014. Alongside this trend, there is also a trend of increasing attention (visitation measured by the number of clicks) to the articles that report on animal abuse.
Aside from those that relate to the legal framework, the most frequently used words are torture, horror, cruelty, brutal, killing and murder, monster, hanging, rape, and crime. These words are particularly frequent in titles and subtitles. When looking more closely at the most frequent words that characterize the act of abuse, besides torture which is synonymously used, the most frequently used word *horror* is most commonly connected to other linking words in such a way that it points to different forms of violence (e.g. to killing of ethnic minorities or rape of women). The usage of the word also strongly suggests the laudable reactions of the police, which is, as previously mentioned by the literature, an anomaly in media reporting on crime.

Figure 35.  
“Horror” and connecting words and phrases.
Horror is often additionally emphasized by visual effects and photos that are characterized as “disturbing content.” Murder is described with photos from the crime scene and science, including forensic experts’ assessments, add to seriousness of the crime presented.

Figure 36.
Example of the visuals in animal abuse reports.

Source: “Disturbing content. Unseen cruelty, two live dogs dumped in deserted well; Dogs drowned before firefighters arrive, dead bodies recovered” (Palijan, 2012).

Figure 37.
Police and crime scene.

Source: “18.000 kuna reward for revealing who murdered the dog with a firecracker” (Sprečić & Maletić, 2013, photo by Žućko, 2013).
Besides horror, the two most frequently used words are *murder* and *monster*. Unlike the appreciated role of the police in these reports, these words are connected to words and parts of the texts in such a way that they point at the extremely negative characterization of the perpetrator.

Figures 38 and 39.
Connecting words and phrases to “killing” and “monster.”
The perpetrator is labelled a murderer, killer, criminal villain, a monster, and paradoxically even a beast or an animal (*bestial sadism*). Their actions in the articles are often connected to other forms of disturbing behavior such as hate, violence towards weaker beings, and sadism. He is depicted as a menace to society, a psychopath, a member of a youth group with delinquent tendencies or groups with fascist political attitudes, a domestic abuser, or a deranged backward farmer.

**Figure 40.**
Depictions of animal cruelty in deviant youth.

Source: “Suspect for torturing his dog bragged on Facebook with Nazi salute: Nobody believed him that the dog jumped himself” (Prerad, 2017).

The most common words used in the descriptions of perpetrators are maniac, monstrous abuser, maniacal sadist, serial criminal, unknown sadist, psychopath, and lunatic. Often catchy nicknames are given to animal abusers such as Cruel Red Riding Hood or Monster from Pula or Maniac from Zadar, pointing to the psychopathologicalization that is used to raise fear and panic among readership. Some examples are the following:

“Monsters tied a dog with thick wire and set it on fire. I saw many nasty things done to animals but never have I had a case like this. He has burns on his back, head, and nose, said the vet Miroslav Vukićević” (Flego, 2010).
“Sadists in Međimurje: Unfortunate kitty shot by arrow.” (Horvat & Negovetić, 2014)

“Monster from Pula attempts to kill his two dogs by throwing them into a quarry from 10m height.” (R. I., 2016)

“Abusers never rest: Monster breaks Miki’s (dog) back. Save him!” (Marić Banje, 2016).

“Disturbing photos: Maniac from Zadar region killed a dog and threw it by the road in a plastic bag.” (D. H., 2017).


“Disturbing photos: Monsters beat up a small female dog and buried her alive. Starving, famished, beaten, looked in a case.” (2017)

“Bludgeoned a dog with a hammer and buried it. Monster from Velika, in Požega region: “This I did because I don’t have a need for female dog.” Female doggy has blooded eyes and pees uncontrollably from fear.” (Vašarević, 2017)

“Brutal abuse. Disturbing photos. Who is the monster driver? Bestial sadism: Owner of grey SUV in Borovo Selo tied a dog to his car and dragged it on the road.” (2017)

“Maniacal sadist. Unseen bestiality in Novi Zagreb. A villain throws two dogs from third story killing them. He almost got away, but finally he was caught!” (Korljan, 2017)

“Bestial torture. What kind of people live among us? Someone tried to cut off the paws of a kitty leaving it next to a kindergarten.” (Topić, 2018)

The psychosocial “profiles” provided by the news involve the follow features: description of lack of empathy, psychopathy, or some form of mental illness with dangerous intentions, references to a public menace who commits crime against humanity; references to violent crimes committed against females, partners, and children; alcoholism and trauma from previous events, or description as a newcomer from a primitive region. In other words, the “abnormal” subject is constructed as someone not belonging to “us,” the general public and readership.

The psychopathologization of perpetrators is often underlined by journalists who interview experts from the medical profession, such as psychiatrists and psychologists:
“Psychologist: This girl could in the future abuse humans. Cruel Red Riding Hood: The video of the girl throwing puppies into the river and grinning overflow the internet. Psychologists agree, she needs help.” (Kvarantan & Markoč, 2010)

Another report, not labelled under the animal abuse category due to it being a story about the trial of a young man accused of brutally murdering his ex-girlfriend, was titled “Psychologist comments on the profile of the girl killer: Psychopaths as children torture animals and do not empathize with the suffering of others” (Novak, 2017). Although the case of this murder had no mention of previous animal cruelty, the news found it important to make the connection of psychopathy, animal abuse, and the actual vicious murder.

Figure 41.
Psychopathologization of perpetrators.


The news reports often underline the connection between animal abuse and violence against women and children even if the connection itself is not apparent or does not exist, in order to make the point that animal abusers are a menace to the public or that humans are the potential future victims of the perpetrators. The connection of animal abuse to domestic, partner, or sexual abuse and rape is particularly visible in most cases that are
covered and most articles, as the appearance or mention of violence or abuse against women or children creates moral panic.

“Young man throws Beijingese from third floor because his girlfriend left him.” (R.R./V.L.M., 2011)

“Three months of prison for throwing the dog through the window: When his pregnant wife told him she was leaving, he threw their little dog through the window, the wife told him he was not normal and left.” (D.I.J., 2012).

“Rapists of the minor girl previously gutted the mare and left her foal to die: Did the police cover up the criminal past of the 17-year old Zadar girl’s rapists? When we inquired about previous criminal offences of the rapists, the police replied they were only charged with meat theft, not animal torture.” (Šarić, 2013)

“After slaughtering the dogs, he threatened in front of the police. Next time I will kill the children too.” (Balen, 2014)

“After axing down a dog, he threatened to kill members of family.” (Lepan Štefančić, 2015)

“Horror in Zagreb: Raped the dogs and distributed the video online. The accused is an upper-class Zagrebian, employee of the European Parliament and owner of a company for dog breeding and trading. […] 24hours news reported on this incident earlier in September 2015 when the 41-year old was detected by police in an operation against paedophiles.” (2017).

The fact that the perpetrator was additionally described by class and profession underlines the impression that a crime of this type is not to be expected in an urban, “cultured,” educated, upper-class context. More commonly the perpetrators and animal abuse crime are labelled as culturally abnormal, framed by the usage of words such as primitivism, barbarity, uncivilized, village-like, Balkan-like, backwards, and built on local, nesting orientalisms (Bakić-Hayden, 1995) that have been perpetuated on the axes of North/South, West/East, old/new generations and city/village, underlining dichotomous, hierarchical, and globally oppressive cultural values.
In addition to the imaginary of the place, time also plays a role in the cultural hierarchy of crime news reporting, and this is particularly visible in the dichotomy of old and new generations. In the news report, “I reported my mother because she needs to know that killing a dog is not allowed” (Beti, 2016) the story first depicts a community in which the event appears as rural and backwards, portraying the majority of old people as getting rid of animals by killing them. The individual (a 46-old male who lives there too), who reported his mother, justifies his actions of reporting his own mother by the “law being equal for all,” and referring to the fact that he “had no doubt whether or not to go to the police.” Although such killings are deemed normal in the village and “the mother not being aware of what she has done,” the times have changed, he claims, and old people, like his mother, refuse to adopt. This example points to the overall moral message of the articles, similarly represented in other examples that were previously mentioned. However, it also opens up an angle of “knowing what the law is” and a “no excuse” argument underlining the media’s role of informing the general public. This is particularly visible in the articles appearing in the period of 2012-2013 when the new law was introduced. Around that time and afterwards, most of the articles insinuated that the general audience did not know about the new definition of the crime that included animal
abuse despite the fact that this was actually not true, and that the previous law had already
criminalized animal abuse and penalized it with prison.

In contrast to the image of the perpetrator, the media equally focused on the figure
of the animal protector, which further underlines the hyperbolic and imaginary nature of
news crime reporting. Animal or victim protectors are most often animal rights activists.
_Prijatelji životinja_ (Friends of animals), who speak out against animal cruelty and for
animal protection, were particularly present in the media throughout the analyzed period.
Moreover, there is a strong appearance of engaged citizens that had “had enough”. Law
in general, juridical organizations, and, to a certain extent, police officers are, contrary to
the general conclusions in the depictions of the police in crime reporting, shown in a
positive light and as savior-like. Although police and other justice system institutions in
the media do not enjoy laudable depictions in general, particularly in terms of crime
prevention or being efficient; in cases of animal cruelty, police often appear to be doing
their job well. With pictures of “Police doing their job”, some news articles seem to
insinuate that the otherwise ineffective police system, in these cases, were surprisingly
effective and professional. Images of crime scenes with police officers’ involvement
present the conviction of the media that the police and the law are finally treating animal
abuse as a serious crime. Images depict police officers personally involved in saving
animals, and often symbolism is used, for example, in one picture of a caring young
officer holding a hurt puppy who is held up to the camera.
Figure 43.
Depictions of the police.

Source: “61-year old arrested for killing his dog by throwing him into the sea with a weight around his neck” (Šarić, 2010, photo by Stanin).

Figure 44.
Police saving puppies.

Source: “Video: Maniac from Zagreb breaks both of his puppy’s legs. He was throwing the puppy into the air, hitting, and kicking him. It’s a pit-bull, this is how you train them” (Vašarević, 2018, photo by Facebook).
Still, there are visible limits of the positive depictions of police officers and the police force in general, and this is particularly so in news articles where the authors of the articles interviewed citizens or civil groups who expressed dissatisfaction with the police force and the protection from violence that they provide.

“Kills neighbor’s dog and the police charged him for “destruction of property”: “Destruction of property” took place on Monday night in Škare behind 44-year-old owner’s house.” (Škiljić Ravenščak, 2012)

Media or public figures most commonly resort to criticizing the juridical and police system by calling for stricter laws or stricter sentencing, while simultaneously showing a serious lack of necessary understanding of law enforcement or the juridical and penal system, particularly in terms of understanding what already exists and whether certain aspect or measures have been evaluated as efficient, just, or purposeful by experts. For instance, when reporting on the legal changes in the 2012-2013 period, the media never reported on the fact that the previous criminal code also proscribed prison sentences under criminal persecution or that the new law improved other aspects of the definition of animal abuse rather than just increasing prison sentences, such as the possibility to charge someone under the criminal code if the animal was killed, which was absent in the previous law. These issues had nothing to do with the police, the public prosecutor, or the courts and, therefore, were not within their control, as the media suggested with titles that insinuated that the police were finally doing their job.

A particularly interesting vigilante group that drew special media attention was a group of dog and cat protectors called Leviathan, which was composed of, as the media depicted them, lovable street thugs. Aside from the media’s sensationalist interest in extremist groups in general, Leviathan drew interest as it was first presented as a Serbian mafia “gone good,” using their brutality and illegal ways of “persuading people” for the common and a good cause by protecting the weak, implying that this fits their general agenda.
Figure 45.
Leviathan group first mentioned in the news.

Source: “Mysterious group Leviathan causes fear and trembling among animal abusers. They have become a Balkan sensation: “If the police won’t do it, dogs and cats are under our protection now!”” (Korljan, 2017, photo by Facebook).

It can be concluded from the material analyzed that since 2012 in particular the news reporting on the public’s outrage against animal abuse related crimes has been growing and that the media have often given more space to animal rights activists while also praising the police for doing their job and expressing understanding and support for individuals who act alone as vigilantes. The media attention has slowly shifted from reporting on the brutality of the crime and dysfunctionality of the system to reporting on “regular” citizens who take matters into their own hands, which are often local enthusiasts and volunteers, local politicians, neighbors, and some elderly women sent to protect animals against the dysfunctional system. Local politicians, as well as those at the national level, surely find the media attention to be motivation to act on these matters, calculating the potential political gain. Intentionally or not, the image of a pet-loving mayor, minister, or president who adopts a dog from the shelter is increasingly present in the media in the last half decade.
A longitudinal analysis of the reporting and changes in titles, foci, categorization of the sections under which the articles are placed, main social actors, depictions of law and order, emotional investment, and the connotation of words (particularly looking at one of the sources, Večernji list, as the news provider with the most longstanding reporting that also provides information on the frequency of visits), it can be concluded that articles before 2012 are most commonly descriptive, short, and report facts based on the police media releases and have very few visits. The articles before 2012 are usually categorized under zanimljivosti (curiosities) and not under crna kronika (crime reports), nor labelled to evoke strong emotions. With time, the keywords that are listed under each article become more descriptive and emotionally invested, listing words such as torture, savagery, public disgust. After 2013, the keywords are becoming even more emotionally invested: killing, murder, abuse, horror, terrifying, and public disgust. The police, public attorney, court and jail are mentioned more often in the 2011-2013 period and the media frequently report on the new law in terms of stricter punishments. While articles on the legal framework were not very common until 2012, since then they appear not as side information on the incidents of animal abuse, but as the news itself. Overall, since 2012, there has been a noticeable presence of new legal provisions in reporting, and particularly in 2013, the fact that the prison sentence was introduced has become the main news in all articles that appear within a search on animal abuse related articles.

Further on, around and since 2013, the length of the texts has increased from a few sentences to page or more. In that period, the increase of visits to articles on the subject of animal abuse has also been noticeably visible (noting here that the use of internet news has been increasing but not nearly as rapidly as the increase of clicks on animal abuse articles): from under 1,000 visits (clicks) an average in the earlier period to approximately 12,000 clicks on average after 2012. There is also a correlation between the category under which the articles are labelled and the frequency of visits. For instance, categories such as the “torture of animals” has drawn the attention of over 12,000 clicks, compared to categories, keywords, or tags such as just “animals” that do not feature nearly as many clicks. The popularity or visitation of articles also greatly depends on the species of animal. Articles on abuse or cruelty to chickens, cows, and other farm animals were not as visited as articles on horses or on young horses (even more), which became
increasingly viewed in 2012 and after (over 12,000 visits). Articles about dogs and especially small female dogs and puppies were the most popular in terms of visits, and these articles draw the most vigorous response (in terms of the amount of comments on the article). In such cases, many of the stories reported were accompanied by a follow-up report with journalists and readership to follow the fate of the victim to the (more commonly) happy ending. Finally, article popularity also depends on how the article depicts the perpetrator. In the 2012-2013 period and after the reports increasingly resort to depicting offenders (or communicate public opinion about them) as psychopaths, monsters, “a case for psychiatry”, criminals “against humanity,” or a danger to public safety. Consequently, animal abuse reporting does not differ in any significant way from what earlier findings report, particularly in terms of moral panic, populism, and sensationalism in (crime) news-making. The outrage is most commonly expressed through calls for stricter laws and punishments, forced imprisonment, and medicalization, or the condoning of vigilantism and physical retribution in the name of society. From “public outrage” to populist penal politics, the news-making creates both the community and the crime (against the community) and influences politicians and legal changes. In Gerbner’s terms, cultivating and mainstreaming (by the media as a way to develop a common outlook on the world through continuous exposure to the same messages and labels, creating a reality) the readership into a unified social actor that at any point has the right and duty to act, at the same time, creates an image of an ineffective and weak justice, law enforcement, and political system, that ends up being culpable.

After the initial analysis was done, and based on preliminary findings, more sub codes were added into the scheme of emerging topics. One code that was added in the second analysis was the topic of the social media, both as a source of stories and as a catalyst for action. The findings in the initial analysis pointed to the importance of social media/networks (Facebook and Twitter in particular, but also YouTube) particularly in terms of their instrumental role in revealing the crime (posting pictures, videos) and raising attention and pressure on the media and institutions. Social networks and similar media sharing websites such as YouTube become increasingly the platform through which individuals and groups report crime. These platforms are also by the media when
communicating and co-creating the news, influencing and sometimes determining newsworthiness of topics and its development. Social media in some instances even seems to have taken over the reporting as the journalists and editors often merely reproduce the content, including the narrative about the perpetrators, the crime, and the appropriate public response that is taken from social media. News providers more often than not follow more closely and report on the stories published on social networks than official police or justice system statements. The fact is that by the time the media report on the story through their usual outlets, even if it is though internet news, the real-time events have already been revealed on different social media platforms: the perpetrator is often “found,” their picture and “profile” excavated from social networks, and the public revolt or reaction already organized. On such as way, the social media impact the actions of the police and the institutions, and not just the news reporting. For instance, in the article titled:

“Dogs taken away from the abuser based on a [recently published] video of the event 2 years ago: B. O. (62) from Muć will be criminally prosecuted for animal abuse. He was expelled from his hunting society, while his unvaccinated dogs were taken into shelter.” (Matana, 2018)

The man in the article was arrested after social media revealed the video of animal abuse. Zadar police reacted based on a video made in October 2016 in Zadar County, and he was arrested in neighboring Split County. Although the event had happened more than two years prior, it was the video and social media that prompted the police stations of a few different counties to react and a veterinary inspection, as well as two hunting societies to expel the man, all actions taken in a single day. The reactions of the community - the village where the perpetrator lived - seem to be sympathetic towards his actions, justifying his abuse with poor income (which the perpetrator spent on his dogs) or training (“animals need to know who the boss is”), although all the interviewees also condemned the abuse on the video as too much, too long, and too tough.

From more focused analysis of the role of social media and public engagement, it is evident that both the media and the readership depend on social networks and video websites to create news, public opinion, provoke action, and even solve cases. For instance, in the article “Horror in Smiljan: Attempted to throw a bag full of puppies in a
“Psychologist: This girl could in the future abuse humans. The video of the girl throwing puppies into the river and grinning overflow the internet. […] Soon after (the video appeared) a group was formed on Facebook mounting to 2500 members.” (Kvarantan & Markoč, 2010)

“Omiš: They hung a stone around his neck and threw him into the Cetina river: (a bystander) took a photo and posted it on Facebook to raise the attention of the animal protectors. They grasp for answers until animal cruelty is no longer condoned without sanction.” (V.L.M., 2013)

“5000 kunas reward to the one who discovers who killed the dog with a firecracker! The news of the tragedy of poor Beba passing away in pain from being hit by a firecracker instigated revolted citizen to contact the association Friends of Animals and offer a reward for detecting, testifying, and sentencing the perpetrator for wounding and killing a dog. Police are still looking for the perpetrator.” (2013)

“Dog abusers from Pula and Slavonski Brod await prison sentences. The new criminal code enacted the first day of 2013 abolishes the possibility for fines for killing or torturing of animals.[…] Citizens, more than 36,000 of them, demand through Facebook group that the names of the perpetrators who fed the dog a firecracker be made public.” (Nekić, 2013)

Vigilantes are a particularly interesting subject in media and criminology research. In his book *A cult of victim*, Petrovec (2005) explains how the media contribute to the
emergence of vigilantes (49). Calling for lynching and creating moral panic “in the name of the victim”, the media produce a great number of “protectors,” which in reality are vigilantes hiding behind the anonymous comments that call for blood and brutal retribution, through acts such as castration and capital punishment. In this way, the focus of the reporting is no longer anchored by the aim to inform or warn against the dangers of the crime, but in the failed expectations for the law and institutions to act. The news providers consequently report on the social media-led process of detecting and sometimes even punishing the perpetrator, creating negative public opinions about institutions as ineffective, inert, and consequently unfair.

The emergence and the importance of such spontaneous social actors, a hero or a vigilante, proved to be greater than first thought in the initial analysis. Their appearance is often or even as a rule directly related to social media, where a social response is enabled more easily and public outrage grows more quickly than through classical or even digital media. Moreover, concrete (re)actions are additionally instigated by the audience, documented immediately, and reported back within the same story line. Although the news media frequently reports on general “public opinion,” usually through interviewing the neighbors, citizens, or activists; recently, the media are often particularly drawn to spontaneous groups or individual actions that start the story and distribute it via social media and frame it as a social justice issue. The appearance of such social actors is always coupled with criticism about the ineffectiveness of the system and to some extent about the limited effects of classical media. For instance, in an article “Today it was a little duck, tomorrow it will be a human being: Splitian filed a criminal report against the parents of children that bludgeoned the innocent animals” (P.S.D., 2018) about an engaged individual who reported the abuse of a little duck, the news was first published on Facebook. Even after the news was picked it up by other outlets, the events still continued to unravel though Facebook first. The individual, who reported the event to the police, the media, and posted it on Facebook, wrote that when family upbringing fails, the state institutions should act as a moral watchdog. Moreover, the journalist wrote, “after the media continued reporting and pointing to the problem, the institutions did not react, so today I filed a criminal report against the unknown perpetrators, which I attach here. I hope that the media coverage will raise awareness of the citizens on the subject of
abuse, humiliation, torture, and killing of animals, but also of all other disempowered and weaker”.

Social media facilitates the appearance of sensationalist groups and violent vigilantes. These social actors usually communicate through social media and video websites, setting the agenda that the news and more recently the police follow, and very often resolve it themselves by reporting to institutions, identifying perpetrators, reporting the locations of the incidents, documenting and collecting evidence, and applying social pressure.

As mentioned earlier, one exemplary news event in the reporting on animal abuse crimes that highlights the role of spontaneous citizen actions appeared in the article about the group called Leviathan. In the article “Leviathan - The movement is growing: Leviathan is arriving to Croatia! These “gentle thugs” strike fear among animal abusers, the boys in black have only one message for them: We will find you!” (J.L., 2018), the group was presented as an organization brought about by public outrage and that first appeared on and communicated through social networks. They are perceived to be thugs who solve problems when the system fails and have a strong social network presence (also a sign of the justice system’s out-datedness).

“Don’t touch the animals, we will find you” was the message of the men from Serbia wearing balaclavas. They call themselves the Leviathan and they cherish the image of thugs fighting for animal rights. Admittedly, we are late to the party as they started working 2 years ago, and now the entire Balkans talks about them. (J.L., 2018)

How unavoidable they have become proves best the fact that when someone posts a picture of a dog in harsh conditions or as a victim of abuse, someone writes, “Call the Leviathan, let them help. (J.L., 2018).

The article further states that the “activists have greeted their image [in the media] with joy” as the justice system for them also proved to be a failure.

We need someone like that who will send a message to those sadists and lunatics who abuse animals, that if violence is the only language they understand, there will be violence in response. We are all for peace […] but if some ass will think twice before
cutting off some dog’s paws or throwing him into the river, because the big boys from Leviathan might come and beat him up, then it is a success. (J.L., 2018).

Leviathan is, based on their Facebook profile, “a reaction of so-called civil society that was created when the state did not respond to expectations of tax-payers, or citizens, and did not resolve their problems. Therefore, according to news coverage, it was this spontaneous citizen group that provided a service to the public, a service that is defined in the domain of security and justice, using effective and innovative methods, even recognized as novel and a curiosity throughout Europe.

This public service of protection to victimized animals started an avalanche which today we call the Leviathan Movement […] known for its ‘particular/specific way of educating’. The final outcome is nevertheless very effective and there are no repeat offenders […]. (J.L., 2018)

We gave people a sense of security and trust, but the goal is to keep them feeling that way. (J.L., 2018)

We get messages from the whole of Europe, it is unbelievable how many follow our work. This approach is not known throughout Europe so we are a curiosity. (J.L., 2018)

Referring to earlier article “Who is behind Leviathan movement. The story is much darker than first thought” (Ba. M., 2018) that first represented the group as criminals who might even be connected to organized crime (“working on the edge of the law,” “masked, dangerous, tattooed Serbs”), this article, as many others that followed, repaints the picture of the group in a positive tone, posting photos that no longer depict them as criminals but as a group of both men and women with animals, as a group that was a “logical response” to the public opinion - the voice of the people and of the weak and social justice warriors against dysfunctional institutions and primitive/uncivilized regions/cultures.
Figure 46.
Leviathan as depicted in 2018.

Source: “Leviathan is arriving to Croatia! These “gentle thugs” strike fear among animal abusers, the boys in black have only one message for them: “We will find you!”” (J.L., 2018)

The Leviathans are actually the voice of the suppressed and abused who cannot speak for themselves. In a region such as the Balkans where animals are so unimportant that the law treats them as objects and where many people find it normal to put a dog on a short chain its entire life, feed it with bones and dry bread, kick it when it barks, miserable in the mud and misery of life, the Leviathans are a logical societal response. (J.L., 2018)

Finally, in the second analysis, special attention was paid to the legal framework in reported on in terms of how correct and objective reporting was on the legal provisions and how blame/guilt and needed sanction is established. The provisions, procedures, and sanctions as reported in the media overwhelmingly take precedence during the period when the new legal framework was introduced in 2012-3013. Still, the increasing prevalence of the topic of the new legal provisions, stricter sanctions, and more vigilant police action did not influence to great extent the types of reporting, which, aside from
some sensationalizing the so-called introduction of the prison sentence (which was, in fact, one possible sanction based on the previous law as well), is in general characterized by a shallow and partial understanding of the law (both the new and old laws).

Although the reporting on the law appears “objective” in style, i.e. it mostly cites the legal provisions or quotes officials from law enforcement and the justice system, the impression that it created, that of the new legal framework being “stricter,” was false. Namely, the news predominantly reported on the fact that the new law introduced a prison sentence, while in fact the prison sentence was also a part of the old law. Moreover, the articles failed to report on the fact that a prison sentence does not necessarily mean going to prison, as the short duration of a typical sentence usually results in a suspended sentence or is replaced by a fine. Not reporting on some of the important novelties that were actually introduced, such as the expanded definition of the act, confiscation of the abuse animal, or sanctions that involves measures other than prison, among others, seemed to contribute to the disappointment of the audience, which expected more sentences that included prison time. As a consequence, the positive reactions from the readership or random interviewees faded quickly, and public opinion reverted back to calling for even stricter sanctions.

An article on dog abusers, which was published at the time when the new law was introduced, sums up the previously stated conclusions in an exemplarily way.

A dog abuser from Pula and Slavonski Brod is awaiting a prison sentence. The new criminal code that entered into force on the 1st day of 2013 abolished fines for killing or torturing animals: It is quite certain that the abuser(s) that fed Miško the dog a firecracker in Ližnjan, Pula, will be punished with prison and not a fine. The same goes for maniacs in Slavonski Brod that blew off a puppy's paws. (Nekić, 2013).

Although not all the participants in the reports shared a positive attitude on the increase of fines and penalties, this remains a strong message from the journalists. In another article in the same year, the authors wrote in the title “Court epilogue: sadist that threw the cat over the roof fined with 1000 kuna,” (Korljan, 2013), which reports on the abuse of an animal by a young man bragging on Facebook. Other Facebook group participants expressed their dissatisfaction that the fine was harsher than, for instance, fines for driving
without a driver’s license, and this was reported in the article as well. This event took place before the new law was introduced and was processed under the Protection of Animals Act, although this was not reported by the article. Regardless or even contrary to some of the dissatisfied Facebook commentators, the author of the article continues to criticize the fact that the act was labelled as a misdemeanor and not a criminal offence and further explains that if the act had been committed a few months later, after January 1, 2013, the perpetrator would have been punished as a criminal and sentenced to prison. The article stated that “[d]epending on the ruling of the judge, he could have gone to prison for up to a year,” failing to inform that the previous Criminal Code also proscribed prison sentences. The article also fails to inform that the new code also allows for the suspended sentence or sentenced turned into a fine. The article goes on to conclude with the demand that the sanction be more appropriate, i.e. stricter, and that the sanctioning of animal abuse be done so routinely, claiming that in reality and due to the non-functioning system, most of the perpetrators get away. The article points out that the prosecutions happen only due to the media, although this report, as many others, only followed what was posted on Facebook. Namely, it was actually one of the Facebook readers that took a screenshot of the bragging perpetrator, which included evidence of the abuse, that was used to assure police action and eventually the sanction. The article’s conclusions about the law were only partly true, in that the new law brought about stricter sentences in terms of the maximum prison sentence allowed, but it fails to mention that the new law expanded the definition of abuse to include killing and that it introduced the confiscation of the animal, two truly important novelties. Namely, the case could have not been tried based on the Criminal Code, because it did not include the act of killing an animal (only torture); and thus, the Protection of Animals Act, which does not include prison sentence, was used.

Analyzing further the factuality and objectivity of reporting on the legal framework, particularly in the period around the introduction of the new Criminal Code, it can be concluded that the majority of reports use a factual style of reporting and cite or quote legal provisions or police statements; but, at the same time, a significant proportion of analyzed reports narrate the abuse event and legal prosecution and misinform the public by using an emotional or even zealous tone. For instance, in the follow-up article about
Miško the dog, “Posthumous justice for Miško. For killing or torturing of the animals from now on – prison!” (Čulić, 2014), the author again misinforms the audience about the novelties of the new, stricter law by claiming that “for such acts the old law proscribed only fines and treated it as a misdemeanor,” or that “from the New Year, such abnormal and brutal behavior is finally covered in the criminal code, which entirely excluded fines that were the amount of a parking fine.” The article further provides the elaborate personal opinion of the journalist on the legal framework, who expresses outrage, calling for stricter sentencing and societal retaliation towards the perpetrator:

The next time someone decides to have “fun” by hanging a cat, fenestrate a dog from the 4th floor, or burn their rabbit with gasoline and watch it run, dying in pain, they should know they will probably end up in […] [prison] where they will peal the walls with serial killers, dealers, rapists, and other mother’s children that derailed. (Čulić, 2014)

Future animal abusers should also have in mind that they will first be ridiculed and then these people with whom they will be spending their nice year-long holiday might just play with them the same way they did with the poor animals, within these high walls and in the dark of the cells that they will be sharing. This might sound like a threat – but not compared to what Miško went through and thousands like him that deserve justice, something that “guys” in prison fully respect, so (go ahead) you eat what you served.

Finally, it can be concluded that although a great majority of the articles represent an engaged and positive attitude towards the protection of (some) animals, and this is particularly so after the 2012-2013 legal change; it can also be concluded that the crime news reporting on animal abuse underscores some of the negative aspects of the current media culture. Namely, the sensationalist and populist tendencies of media content can be seen in the combination of misinformation, calling for public outrage and stricter prison sentences, while at the same time ignoring the overall prevention, treatment, and rehabilitation of perpetrators, the interconnectivity of other violent behaviors, as well as better animal welfare, or the specificities of the justice and prison system as it is.
7.6 Conclusion

Using a grounded theory approach to analyze contemporary internet news media reporting on animal abuse crimes, I aimed to approach the topic in an informed but theoretically unstructured way, allowing the text to speak about its own foci and narratives, which may or may not confirm earlier scholarly findings on media reporting of crimes. I paid particular attention to the how this type of violence has been depicted by the media during the period that animal abuse only started to be perceived as a serious crime, and I looked into the ways the media constructed the events of violence against animals, the perpetrator, the society, and the justice system. I found some of the expected narrative techniques of negatively depicting perpetrators on the one hand and positive depictions of the animal protectors on the other hand, as well as how changes and (mis)information around the legal framework and social media played a central role in how the justice system is perceived. We can, with high certainty, assume that, as in many other cases of social changes in society, it is the media that has overwhelmingly contributed to changing societal approaches to animal protection. It certainly is a fact that the media increasingly reported on animal abuse, shifting more and more towards socially engaged ways of reporting on it and taking it more seriously and more frequently negatively depicting animal abusers than many or most other crimes reported on, thereby putting animal abusers on the top of the delinquent and dangerous criminals list. The seriousness of animal abuse crimes grew together with increasing public attention to psychopathology, anger, and fear of animal abusers. This also increased interest in the legal provisions and changes; and although, in general, the media reported on it incorrectly, the law seemed to be an important focus particularly in the 2012-2013 period and afterwards. Still, once initiated as a media story worth reporting, sensationalism and populism continued even after the change of the law that proscribes to some extent stricter sentencing. Social media contributed immensely to the sensationalism and populism, as the news often unraveled somewhere else, in a public forum, where labelling, blaming, and retribution seem quick, to the determent of the justice system’s reputation. Finally, the emergence of social actors such as retribution groups, although not new in the history of animal rights protection, seems to be directly intertwined with both the media reporting and public perceptions of the law and security in such a way that in the media space, it is
possible to witness thugs or negatively depicted social groups that are prone to and practicing violence as means of solving social problems as heroes. In these circumstances, both the media, the law, and the police seem to be inevitably perceived as merely catching up.

The analysis presented in this chapter focused on how the news media in Croatia in the period of 2004-2018 reported on the events and topics concerning animal cruelty, and if and how these crimes were categorized as harm or crime and how the main agents of the stories were depicted: the victim, the perpetrator, and the community. Content analysis of the mainstream internet news portals included two rounds of coding and was conducted based on three main questions. The first question about the main focus of the media reports on animal cruelty in the analyzed period brought me to several findings that varied though the process of coding. Namely, after a preliminary overview of the texts, labelled or searched under the keywords animal torture, animal abuse, and animal cruelty, source material was first coded under acts, perpetrators, victims and communities, social initiatives, and legislation. These categories were confirmed after the analysis as relevant but more topics were added, such as social media and vigilantes. Some of the more important findings after posing the second question on how the crime was depicted (the act, the perpetrator, and the community) were the overwhelming criminalization, pathologization, and demonization of the perpetrators, sympathy for the victims, and fear from simultaneous or future human violence by perpetrators. Similar to Petrovec’s (2003) findings, animal cruelty is reported in detail and depicted more brutally than in other usual reports on crime and violence among persons. Fear and anger are also raised by reports against not only perpetrators but the police, courts, lawmakers, and the justice and penal systems. The third question about how the media reported on the legal framework found that the legal framework, as Gerbner (1995) found, presented the most important correlation with the articles on animal cruelty, more particularly in the period of 2012-2013. Furthermore, the reports were rife with legal misinformation and sensationalism, particularly in the titles, even if they reported correctly in the main text by quoting activists or experts. The criminalization of animal cruelty and harsher sentencing that has included longer prison times appeared to be the most important issues for the media, although both were reported on very often falsely. Based on these findings, there are two
important, mutually related and inseparable, theoretical conclusions to be discussed further: factuality and sensationalism in the reporting on animal cruelty, violence, crime, criminals, and the law; and the cultural conditioning and construction of the criminal space.

Today’s fast-paced and short form online media is not only the most popular but also, for a growing number of people, the only source of information. Telling a story in 100 words is the approach of news media today. Online news media is, furthermore, available at any moment for most of the population and enables us to check it several times a day. Noting the influence, media reports are created with responsibility for facts. In fact, as in any genre, news reporting, in particular crime news, are stories that are told within a broader human narrative, but are shaped by commercial and market principles. Whether the sensationalist mode of reporting on crime and violence, featured by a lack of factual consistency, is due to the commercial nature of the media or the narrative and genre structure of storytelling remains an open question, but the style of reporting on animal cruelty cases in this analysis is in accordance with previous research on sensationalism in crime reporting (Petrovec, 2003; Cavender, 2004; Kappeler & Potter, 2005; Williams, 2008; Surette, 2014; Kort-Butler, 2016). Superficial and populist styles of reporting seem to be present in a majority of the articles, particularly in terms of depicting perpetrators, victims, and instigating action, such as public outrage and panic and calling for harsher laws, revenge, and vigilantism. With no regard for comprehensive or correct criminogenesis, such as criminal history, profile, quality of previous education, prevention, or rehabilitation, the focus of the stories is clearly not on facts or the accuracy of information, but on newsworthiness.

The sensationalist mode of reporting in the analyzed content manifests in bombastic headlines followed by horrific photos from crime scenes, which are characterized as “disturbing content,” and by shallowness in describing the act and labelling the perpetrators as psychopaths, maniacs, lunatics, monsters, sadists, or ironically “beasts.” Firstly, the psychologization of perpetrators is only seemingly based in expert opinions, as the journalists sometimes interviewed the experts from the medical profession (psychiatries or psychologists) to develop a psychological profile of the perpetrators.
However, these are more often than not then used in arbitrary contexts. Criminal profiles frequently include “expert” terminology to create the impression of professionalism, such as a lack of empathy, psychopathy, or some form of mental illness with dangerous intentions. Secondly, media depictions of implied future danger aim to cause fear, and the animal abuser is often put into a context of broader violence, particularly violence against women and children and is referred to as an alcoholic and sometimes observed as a potential serial killer. Danger and fear are, furthermore, created by the repeated use of the same symbolic vocabulary. The most frequently used word horror is often followed by other metaphoric words or connotations of different forms of violence, such as mass killing, slaughter, genocide, murder of ethnic minorities, and the rape of women. The news reports often underline the connection between animal abuse and other types of violence, usually violence against the “weak” members of society, even if the connection itself is not apparent or does not exist, in order to point to animal abusers as a menace to the public or to imply that humans are their next victims. Furthermore, the class and particularly cultural identity of the perpetrator or criminal context are also important in the depictions of the crime. Both the perpetrators and the animal abuse crimes as a whole are labelled not only as abnormal, but also as culturally backward, primitive, barbaric, uncivilized, village-like, or Balkan-like, which, as mentioned earlier, builds on already present local, nesting orientalisms (Bakić-Hayden, 1995) that perpetuate hierarchical and discriminatory opposites such as West/East, North/South, old/new, and city/village. Nesting orientalisms serve here to mark the dominant norm, whether about specific rules of play or behavior in general, that is to be implemented in a community and keeps the Other out.

Labeling the perpetrators in such a quasi-psychopathological, demonizing, or ostracizing way, the news creates a public image of the crime and criminal where there once was none (i.e., killing of animals was in the recent past and still is in most situations entirely acceptable social and legal behavior). In my analysis of the media material, I have found that all the mechanisms in the story serve the purpose of sending a single message in the crime news article, that of pinpointing the crime and the criminal among “Us” as abnormal to ostracize them. This is what makes a topic newsworthy in the crime news genre. Depicting abnormality and the otherness of the criminal and the crime is further
underscored through moral panic. Reproducing the imaginary and mainstreaming it to the wider population through media, according to Cohen (1972) and Gerbner (1969), presents the essence of a functioning ideology. The repeated negative labelling of the perpetrators by the media sows fear, panic, and revolt, until the public perception of the crime becomes unified, which is very present in the media content of animal cruelty. Moreover, although my analysis covered six mainstream internet news portals, the content of the articles and headlines were very similar, sometimes copy-pasted, confirming Barak’s (1994) argument about the lack of pluralism in messaging, despite growing pluralism of sources and channels.

The connection between newsworthiness and the cultural in media constructions of animal cruelty crimes is clearly inseparable, as the story and the message must be culturally understandable and formulated in a style that is relevant to the cultural context. If we go back to Barak’s argument (1994, p. 13) that the media sometimes follow social trends and sometimes dictate them to their audiences, creating social trends, we might further elaborate that in both cases the media always build on existing cultural norms, offering or following topics “close to heart.” Williams (2008) defined newsworthiness in geographically cultural terms, claiming it requires the subjects to be “geographically close thus connecting the media research findings to those in viewer empathy” (p. 46); but clearly geographic closeness is just one of many conditions of empathy which is, in fact, based on similarity and recognition. Through empathy with the victim and revolt against the perpetrator, the community is continuously being established and re-established. In that sense, this analysis confirms that animals do play the same role as do human victims in crime news reports, to the extent that empathy is established. Empathy is not the same to all types of victims, be it human or animals. Similar to the correlation of the level of empathy to geographically or culturally more distance human victims, the analyzed media content points to differences in established empathy depending on the types or species of animals. Namely, species that get more attention in media spaces are those closer to us and, therefore, higher on “our empathy list.”

When it comes to trust in the justice system and other institutions, my findings were in line with Petrovec’s (2003, 2005) findings that media raise fear and anger against not
only the perpetrator but also the entire security, justice, penal, educational, and social system, which are then traditionally followed by calls for harsher sentencing and vigilantes, all in the name of the victim. It also confirms the findings in Boda and Szabo’s (2011) research on the perception of crime in Hungary, which contributed to broader research on the perception of crime as an ever-increasing activity (which is in most cases incorrect), except in part on perception of police. While in Boda and Szabo’s findings, as in most similar perception research, the police are perceived negatively, as incompetent and insufficiently equipped, in this analysis, that was not the case - although the police (and laws) in Croatia do not enjoy positive depictions in general, particularly in terms of crime prevention and being efficient. Again, the reason could be in the fact that animal abuse, particularly in earlier media reporting, was not necessarily considered to be a real crime - at least there was little trust that the police and the courts would consider it as such. We could say that the media on some occasions almost ridiculed the police for their serious treatment of animal abuse as a crime. Although the media overwhelmingly contributed to making it a serious crime, perhaps the positive image of the police was, in fact, the media’s initial surprise with the police doing their job. Similarly, as in the case with the role of the law, people in Croatia are often surprised to hear that laws are being obeyed. Such assumptions could be substantiated by the fact that both the laws and the police were depicted quite laudably in the period of 2012-2013 when the new harsher law was introduced, while this positive image of the police and justice system decreases in later and more recent periods, in which the media again reverts to blaming the ineffective police and lenient laws. All and all, the media, as much as the public and private figures who participate in public space through the media, most commonly resort to uninformed criticism of the juridical and police systems and to populist calls for stricter laws and harsher sentencing, while simultaneously showing a serious lack of necessary understanding of the law enforcement and the juridical and penal systems.

Finally, on the subject of the law and justice in the media, although the reporting on the law appears “objective” in style, the impression was created that the new legal framework is “stricter,” which in most aspects is false. Namely, the news often reported the “fact” that the new law introduced a prison sentence, while in fact the prison sentence was part of the old law. Furthermore, articles repeatedly failed to inform the public that
the prison sentence does not necessarily always result in the perpetrator going to prison, as the short duration of possible prison time usually results in a suspended sentence or is replaced by a fine. Additionally, no news reported on some of the most important novelties that were introduced in the new law, such as the expanded definition of the act of animal cruelty, the confiscation/seizure of the abused animal, or measures other than prison, which, if mentioned, might provoke disappointment if the audience expected a prison sentence for every conviction. As a consequence to the overemphasis on harsher prison sentencing, positive reactions to the new law faded quickly and reverted back to calling for even stricter sanctions. Dolliver et al. (2018) found a correlation between the amount of fear that media consumers develop and their support for national punitive and defense policies, specifically stricter punishments (such as three-strike laws) that would protect them from perceived future crimes.

In conclusion, the penal aspect of the legal and justice systems is at the forefront of the media messages, which are coupled with demonized images of the perpetrator. With the appearance and influence of social media in news reporting, crime news stories start to function outside the authorial, editorial, or commercial control of news providers. This so-called democratization of news-making brings about a new side of the crime story, in which it is no longer the crime, the criminal, and the victim that are in focus. They are overshadowed by appeals to collective action, from assisting the police to civic initiatives and activism, vigilantism, and other forms of “retribution.” It seems that violence against the weak (women, children, and animals) has the most power to energize the audience into socially organizing against the crime and injustice, which is perceived as larger than legal issues and can easily turn into calls for violence itself.

Social networks become not just the platform for reporting crime or organizing, but also co-create the news and influence and sometimes determine newsworthiness, and, therefore, strongly influence what is perceived to be a just course of action. Social media facilitates even more the appearance of sensationalism, as it is no longer in the hands of the journalists and editors who are responsible for investigating and checking facts and informing the public on expert opinions and such, but in the hands of anonymous individuals or groups that may have violent intentions. Besides being uninformed by
having incorrect knowledge or lacking knowledge of the already existing mechanisms of security and social justice, they also lay on the appearance and moment on which the criticism towards the system is based. Vigilantism and other forms of “just” calls for violence and retribution go hand in hand with the previously mentioned populism and never-ending process of calling for harsher sentencing, as both are based on extremely simplified, uninformed, and destructive notions of justice. In the analysis, I found that this was best exemplified in the media portrayal of the group called Leviathan. Presented as a public outrage initiative (and not typical activists) that, unlike the police, exists and persists “in the shadows” among us, both in the physical world and through social networks, this group was created by the media. It was the media that repeatedly reported vivid stories of the “gentle thugs” who solve problems when the system fails, protecting the weak and upholding real justice, and underlining once more that crime news today is more than ever just a story to be told.

Animal abuse reporting does not differ in any significant way from the findings of other researched crimes, particularly in terms of depictions of crimes, victims, and criminals; and populism and sensationalism in (crime) news-making increases moral panic or condones vigilantism and physical retribution in the name of society. With the exception of a temporary positive imaginary of the police and the role of the law, the findings are in line with theoretical discussions of the cultural situatedness of the perception of crime as well as cultural and narrative aspects of telling a story about the crime. From the cult of the victim and demonization of the criminal to panic and want of retribution, the most significant finding of this research was not the differences and similarities to the other crimes, but in observing how the media and the community creates a crime where, in terms of perception, there was none before, and influences more than just politicians and legal changes. In Gerbner’s terms, cultivating and mainstreaming by the media as a way to develop a common outlook on the world through continuous exposure to the same messages and labels presumes the creation of a reality. For audience and readership, this is the only reality that exists.
8. CONCLUSION

Relevant psychological research univocally agrees that animal cruelty in children and adults is concerning and that it is connected to other forms of violent offences, anti-social behavior or behavioral and personality disorders. Although appearing in many different and complex situations, violence against animals almost always points to some form of interpersonal violence and trauma. Psychological and, more recently, criminological research rightly points at animal cruelty as a red flag for a variety of other criminal behaviors. Many historic social movements placed animal rights at the center of their struggle for eliminating interpersonal violence or violence against children. While the history of marginalized human groups and their legal status and protection was often found similar to those of animals, culturally this has been considered insulting for marginalized human groups. The inherited hierarchical order is often reflected in language, and in it the animals often have the role of a subaltern mirror for human society. Expressions that include being treated, captured, beaten or neglected like an animal are often used in human struggles for equality without thinking that this is wrong not only for humans, but also for animals. This discrepancy, paradox or a hypocrisy persists in our everyday language, in our popular culture and media as in our laws. Animals are treated like inanimate objects in the majority of legal provisions in any society, while in some cases, such as in criminal codes, they are indirectly granted the protection of the law. We may argue that this protection is granted solely due to fears of animal cruelty progressing onto humans, or we may say that it arose from empathy. In either case, it is a fact that human society and its laws are anthropocentric and treat the world as its resource for exploitation. It is also true that animals are similar to us and are in principle not objects to us, or otherwise we would not fear or condemn cruelty against them.

This thesis argued that the historical and social formation of animal abuse as a crime and its consequent criminalization are essentially connected not only to expert studies univocally warning of its dangers, but also to the cultural and historic formation of the status animals in human societies and consequently in the law. It further looked at the formation of animal abuse as crime in public, particularly media, discourse. Taking into
account many possible approaches to the issue of animal cruelty and criminal justice responses to it, this research has focused on the way in which active cruelty against animals becomes a crime through analyzing historical changes in the perception of animals and crimes against them in language and culture, including recent media representations. Therefore, the study has taken the cultural criminology approach in which the formation of meaning and the representations of crime, law and criminal justice are as important for studying crime as legal definitions, institutions and their statistical data.

The general hypothesis of this research was that the global trend of outlawing cruelty towards animals as an act of social harm and a crime against society, recently found in laws of numerous countries, is a part of a broader legal, political and cultural discourse shaped historically and culturally beyond recent expert findings or activist efforts. Furthermore, the thesis tried to establish current connections between the legal, social and cultural (popular culture and the media) depictions of animal cruelty as a dangerous and criminal social behavior. Therefore, the thesis asked whether, through appropriating expert findings on animal cruelty as a dangerous and concerning behavior, as well as the demands of social movements combating animal cruelty, it was the popular culture - and the media in particular – that shaped a mainstream narrative on animal cruelty as a crime, and consequently steered the laws themselves. Repeated and coherent depictions of animal cruelty as monstrous and demonic are quite often present in our everyday lives, in the news as well as fictional narratives such as crime shows. Popular culture, therefore, cannot be excluded from investigating how and what is perceived as a crime and consequently how somethings becomes one. The tendency of the popular culture and the media to appropriate emerging topics to amuse, gain attention or interpret for and inform their audience makes a difference in the way in which animal cruelty is treated in legal and scholarly discourses. Therefore, in order to understand how crime is perceived in the cultural i.e. everyday context, we are required to look beyond historical or descriptive development of the laws.

Researching how certain human acts become criminal therefore necessarily involves an inquiry that expands towards public discourses and perceptions that situate
criminological landscapes. In that respect, the developments in scholarship such as critical, cultural, feminist, and narrative criminology, point at the importance of public discourses, popular culture and the media in shaping and reshaping criminological reality, including its legal and criminal justice system. This thesis research questions asked in particular about how the socio-legal change in which cruelty to animals become perceived as a crime against society was shaped and influenced by historical, cultural and legal discourses. Alongside an overview of relevant social research on animal cruelty and theoretical discussions on animals’ position in the law, the thesis offered a historical and discursive insight into what animals are to humans today in broader social terms. Animals’ position and status in language, history and culture is central to understanding how they become protected by the criminal law instead of treated by various property or other specialized laws (such as agricultural or on public safety). Using the case study of the legal development of the criminalization of animal abuse in Croatia from 1997 to 2018, the thesis investigated how animal abuse became a new form of criminal behavior in a particular time and place, situated in history and development of legal provisions on the one hand and the media discourse on animal cruelty on the other. The main findings are as follows.

Analyzing some of the many and diverse relevant psychological studies on animal cruelty, I offer one possible approach to understanding the role of the animal in the spectrum of human violent or criminal behavior and explaining animal cruelty for the purposes of criminological research. The studies discussed investigated the connections of animal abuse to other forms of violent offences such as domestic violence, bullying and inter-personal violence. Both national and comparative studies show that domestic and partner violence often include pets, and children often participate in it. The expanding “triad” of domestic violence (women, children, pets, elderly, live-in maids) points to some shared characteristics and similarities in victimology, but also deepens our knowledge on the multiplicity of domestic violence. Other studies presented here further showed that children who experienced abuse in general became more frequently involved in acts of animal abuse. Witnessing or experiencing animal abuse influences children’s development and often disincentives them in terms of empathy. The bulk of research thus underlines that animal cruelty is a red flag for human violence, a warning sign for
detecting other forms of violence and recognizing hidden victims. It also points to the
need for more thorough approach to the rehabilitation of the victims of domestic violence
and prevention of future violent behavior. Therefore, studies point at animal abuse as a
sign and an alarm for other anti-social behavior and behavioral disorders in children and
adults. Intersectionality and interdisciplinarity of research enabled scholars to establish
links between animal abuse and preceding, simultaneous or concurrent violence, and
propose different alarming methods for institutions dealing with domestic and child
abuse.

Animal abuse, as Chapter 1 further discusses, can be understood through
understanding unappropriated use of defense mechanisms and lack of empathy, as both
relate to the position of animals as weak and available objects of release of stress and
trauma. Of particular interest here are the findings of studies that investigate the
connection of animal abuse to the use of three specific defense mechanisms most
commonly mentioned in the literature as used by children as well as adults in instances
of animal cruelty: projection, displacement and identification with the aggressor. These
allow for a transfer of aggression onto another object, usually weaker than the subject
employing the defenses, while boosting their self-esteem and relieving stress. Therefore,
the links established in domestic violence victimology are relevant here as well. Animals,
women and (other) children present weaker objects in our collective projections, which
further enables the abuse. This can lead to very weak situational empathy, with
mechanisms that depend on cultural norms allowing us to feel no remorse. On the other
hand, the lack of empathy may not necessarily be induced by stress but by physical, social
or situational factors, or it may be connected to a particular empathy-related disorder.
Still, lack of empathy, be it affective or cognitive, is never only inherited, but always
results from complex experiences and situations. Therefore, it is not a surprise that, as
stated earlier, some studies show that animal abusers ranked higher in cognitive empathy
than the general population.

Although animal cruelty has traditionally not been considered a symptomatic
indicator of any particular psychiatric disorder, research conducted in the past 25 years
has successfully argued that animal cruelty in children and adults is associated with
antisocial behavior and personality disorders (in adults, especially those with a criminal history). The pathological aspects of defense mechanisms and how they relate to certain emotions or (aggressive) behavior have been studied widely, but research on the direct connections between defense mechanisms and animal abuse seems to be scarce.

These studies consistently argue that animal cruelty is a dangerous and concerning behavior and an act of aggression that presents social harm and requires sanctions, prevention, alarming and treatment. They further underline that animals abuse is a complex phenomenon, present in both children and adults, without an exception, socially damaging, but also a possible symptom of a disorder or a consequence of social and other contributing factors. This points to conclusion that as a socially unacceptable behavior animal abuse should be treated beyond misdemeanor provisions, arguably as a criminal offence that requires prevention, alarming and sanction. It also means that it necessarily requires treatment outside the criminal justice system, such as by mental health, educational, social work and other professionals. Understanding the complexity of animal cruelty as a part of human violence and as a sign of serious concern for the welfare of both animals and humans should be the first step towards building informed and sustainable criminal policies in terms of prevention, intervention, education, sanction and treatment.

The review of psychological research presented here serves the purpose of providing a broader view on social harm of animal abuse for humans and animals alike. As the studies repeatedly show, animals are no different than other human victims to their abusers, in both psychological and criminological sense; i.e. they are considered weaker, of lower standing and therefore available or targeted for stress relief or deliberate aggression without serious concern for consequences. The position of animals in criminal or anti-social behavior and the position of animals in the law is closely related. The question of the status of animals as objects (property or protected goods) or subjects with certain rights in the law and in different human cultures and periods is central for understanding the role of animals in human behavior and violence as well for outlining the development of their protection through criminal code. Researching how certain
human acts towards animals become criminal offenses necessarily involves an inquiry beyond expert findings, and into the history of the status of animals in law and culture.

Pioneer research on animal abuse (Ascione & Webber; 1995; Ascione et al. 1997; Arluke et al., 1999; Arkow, 1999; Ascione, 2005) established a connection between animal cruelty and the way in which the society defines victims. Victimology of domestic violence, which according to these studies should include animal abuse, is marked by the fact that “women, children and animals have historical status under the law as property” (Lacroix, 1999, p. 63). The research identifies violence against children, women, and animals as part of a similar victimology, that of a “crime behind closed doors”, stating that these forms of violence are in fact historically intertwined and the recognition of one has always been tied to the awareness of the other. Animal protection societies had been involved in criminal recognition of child abuse. Similar collaborations between animal, children, and women’s rights efforts appeared throughout the 20th century. Similar to these and other marginalized or vulnerable human groups such as non-citizens and migrants, ethnic minorities, elderly and people with disabilities, animals have a complex history of the development of their legal status, their subjectivity and protection by the law. Historical, legal and cultural context of animal abuse is central to how it is defined by different discourses, what links are established and which methods are used to eliminate it.

What animals are to humans and how this is manifested in language, dominant ideology, culture and, consequently, in the law, is interdependent with the definition of crimes that involve animals as victims. Marginalized groups and animals are often invisible or unrepresented in the law as victims, and this invisibility makes their victimization marked by normality. The oppression of animals, women, minorities, subaltern and vulnerable groups of humans in language or law stems from similar mechanisms of power. Adams (2010) among others to a great extent discusses the link between discursive oppression of women and animals. This link is established not only though physical or legal oppression, but primarily through their position in the symbolic order. Metaphors and discursive practices equating women with animals and nature and men with culture, politics and science; cultural habits of consuming food with meat for men and vegetables for women; sexual nature of violence against animals and metaphors
of consumption of women as meat are some examples of this discursive link. As the most
development tool for creating and ordering reality, everyday language reveals the links that
exist in our everyday lives. Dominance over animals that includes cruelty appears to be
in the foundation of the social dominance itself. In spite of the contemporary trends in the
mainstream public discourse, which in principle does not tolerate outright sexism or
racism, animal abuse is in language still marked by simplicity and normality. In the
symbolic order of things, animals are absent and invisible, as in reality they have
disappeared from our sight, kept in facilities and factories and substituted by meat.
Women and slaves, similarly, had historically been considered empty vessels of
reproduction or tools of production. These are determining factors in our perception of
normality and crime, in which normality of animal abuse has only recently been
confronted by social movements’ demands for animal rights or liberation and media and
popular culture depictions on horrors of animal cruelty. This, simply expressed, apparent
contradiction of defining animal abuse as a crime or harm, while in the same time treating
animals as a symbolic subaltern, has subsequently been transferred into the legal and other
public discourses.

Today, in most of the world, animal cruelty is seen as particularly deviant,
endangering, and insulting behavior or act, not only a sign of fear from transgression of
violence onto humans but of un-civilized, immoral or otherwise socially inacceptable
crimen beyond the legal definition of crime. This was not so a decade or two ago when
even most of the countries that have now introduced criminalization of animal cruelty or
other more advanced criminal policies still treated the issue ambiguously. Ambiguity and
paradoxes in legal protection of animals and criminal treatment of their abuse remain
today particularly on the level of protection of some species in relation to other. In this
thesis I argued that they are, as is the issue of criminalization of animal abuse and its
depictions in popular and media discourses, a consequence of the historic and present
cultural position of animals in human society.

History of animals in the law is important for current legal landscape of animal
protection. It is a general opinion that animals historically have never been protected by
law, especially not as victims or subjects of the law. Although people might have feared
them, they have never before feared others who killed, tortured and treated animals as inanimate objects. In Chapter 3, I looked into legal history and theory of animals and law in order to rethink their legal position by looking into what might seem as some of the extraordinary points of the European legal history, such as animal trials. In this chapter I analyzed and discussed legal scholarship on the position and role of animals in the law from a theoretical point of view, in order to provide a context to contemporary European and Croatian legal framework dealing with animal cruelty and animal welfare. Contemporary legal debates on the status and protection of animals in law can be grouped around three general standpoints: those that consider animals cannot have legal rights due to the fact that they have no legal duties, those that support and propose the idea of animals as specially protected legal objects, and, finally, those proposing the idea of animals as legal subjects, calling for the abolition of ownership over animals and, instead, introduction of custody and legal representation of animals in legal matters. Historically, though, the status of animals in the law took many different forms in which animals were treated as invisible or even amnestied by the law (as the law cannot be imposed upon nature or divinity), as divine creatures, as a part of wildlife and nature that is then protected from or distributed to members of the society, as inanimate objects, property or communal resource, and as subjects of the law to its full extent, e. g. in criminal persecutions against them.

In European and European-influenced legal systems, the status of animals is usually seen as rooted in the Roman legal tradition in which historically animals, together with other living beings, including a wide range of marginalized groups of humans, were seen as property or were not subjects of the law defined by rights and obligations. From the Roman legal tradition onward, it is said that there have been very few developments in the status of animals unlike that of the other human members of the household or community who were not considered citizens or subjects of the Roman law. In other words, once having comparable legal status to that of children, women, and slaves in the classical era and the Middle Ages, in the modern European legal history, only animals have remained property. The status of animals as property is not entirely unquestionable. German Civic Code of 1896 - the first legal document that opened the possibility for the status of animals to rise above mere objects or property - stated explicitly that “Animals
are not things” and therefore will not be regulated by civic code. Some scholars today see
the change appearing systematically, with laws and courts drawing distinction between
animals and property. There are numerous examples in human history in which animals
were treated very differently from property, be it that they were protected or considered
as equally responsible subjects of the law. The “becoming” status of animals in the law is
closely related to the process in which animal abuse is “becoming” a crime and involves
not only legal but cultural shifts in conceiving animals as more than objects. Animal trails
are in that sense the most radical example.

Although it is a common belief today that the trials against animals in Europe,
similarly to those against witches, were of religious or sacrificial but definitely primitive
and barbaric nature, these trials lasted for almost 10 centuries, from Middle Ages to
modern times, were held for different but always non-supernatural and even common
reasons, such as damage or destruction or similar detrimental acts or behaviors. It seems
there were no cases of animals being put to trial as a kind of sacrificial ritual to please
divinity. Some scholars see these trials as examples of exceptions to the Roman legal
tradition of the objectivity of animals that took root throughout the modern legal history
in Europe and the region, and as example of people’s superstition and irrational folk
violence against animals that historically and still today conflicted with a serious legal
system. But these court cases were considered proper proceedings or were seriously
founded in the law. They consisted of extensive records including written verdicts and
involved prosecutors, legal representatives, defenders, and juries. Animals put on trial
were perceived as holding a criminal intent, and no punishment was allowed if due
process was not upheld. Regardless of the time or place (held all over Europe) of the trials
one can conclude that numerous European communities in different contexts and through
various institutions, certainly assigned a special importance to having a serious court
procedure. Animal trials fulfilled all the benefits of the trial for a community, it was a
mediated experience as it is today in the courtroom or in the crime show, in which cultural
needs for resolution extent beyond retaliation or reparation. Therefore, we can conclude
that by putting animals on trial, communities of the time considered animals to be some
version of subjects of the law.
Although drawing the line between the animal and the human world was a very important aspect of the majority of human cultures, in animal trials they were equals in crime and punishment. Whether this was so due to the social need to establish (human) order by law over all things equally or the collective need for theatrical resolution of damage suffered, one thing seems certain. It was very important to the lawmakers and the participants of these trials alike to prevent the rule of the masses, who may take the law into their own hands and condemn someone, an animal, without the law and the court itself. As retaliation may happen to animals and humans equally, it was necessary that they were equally protected and persecuted by the law. Similar to today’s expert studies warning that animal abuse may progress to human violence or media reports depicting society in danger from a maniacal animal abuser, historically at animal trials people feared uncontrolled violence and saw no difference between them and the animals in it. Hogarth’s prints *Four Stages of Cruelty* was an exemplary visualization of this fear.

Finally, in Chapters 4 and 5 the thesis discusses more recent developments of the legal protection of animals from cruelty and violence by the criminal code in Croatia as a case study. As most European countries, Croatia also passed provisions sanctioning acts such as torture of animals, first as misdemeanor and in 1997 as a criminal offense (Criminal Code of 1997). The introduction of the criminal definition of animal abuse, trends and features of reporting, indicting and convicting animal abuse as a criminal offense were discussed in detail in Chapter 4. The focus was on recent changes in criminalization and penalization of animal cruelty by the new Criminal Code of 2011, in effect since 2013. This particular development *de jure* proscribed harsher imprisonment penalties for killing and torturing animals, and seemingly removed fines. These two aspects were overwhelmingly reported in the media as the biggest improvement in protection of both animals and human society from what was reported as “monsters”.

In Chapter 4, the thesis analyzed the criminalization of animal abuse and its development starting from the introduction of criminal provisions into Criminal Code of 1997 that defined animal torture as a criminal offence punishable with fines and prison sentence to its present form in the Criminal Code of 2011, which eliminated fines *de jure*, expanded the definition of the offence, harshened sanctions and introduced other penal
measures. Similar trends of criminalization and harshening of sanctions can be observed globally and therefore have to be seen as a part of the socio-legal context of the legal developments discussed here. In particular, scholarly discussions of the trends of expanding criminalization and stricter and mandatory minimum sentencing were reviewed as the findings reflect on the influence of the perception of public, i.e. media and political actors, on changing the criminal justice system. Politicization and populism in policies regarding criminalization and sentencing, most often through deliberate or latent use of the fear of crime in political campaigns, and by creating a media frenzy, lead to harsher penal policies and an increase of the imprisoned population. On the other hand, the actual crime rates, depending on the country, often show a different and more complex picture. The abundant literature on the justification, proportionality and effectiveness of harsher and longer sentences reveals that these are in most cases not positive or effective policies. In fact, these policies only escalate sentencing and imprisonment without comprehensive solutions that include prevention and treatment.

While Croatia’s criminal justice system has often been depicted in the public as ineffective and mild in terms of criminalization and sentencing policy, crime rates and data on imprisoned population show positive results and a stable trend. For instance, the numbers show that crime rates have decreased steadily since 2012 and imprisonment rates are among the lowest in Europe. Violent crimes such as murder have decreased since 2007, as did the robberies and thefts. There was no decrease in resolving crime cases (steadily at around 60 to 70 %). Based on these statistics, it is difficult to justify a public outcry for the increase of prison sentences and imprisonment. In 2016 the numbers were as low as ten years earlier, in 2006 and in the past 35 years prison populations seem to be stable except in the short period preceding and during the enactment of the new Criminal Code in 2013 when it peaked. This period, though, needs to be looked into more carefully also when analyzing animal cruelty statistics.

The new 2011/2013 Criminal Code was without a doubt a significant and substantial development when it comes to animal protection and prevention and sanction of criminality in general. For the first time, it sanctioned not only torturing but also causing death of an animal (previously lacking) and defined negligence as a type animal
abuse (beyond already existing negligence in transport of animals). In terms of sanctions, it eliminated fines and doubled the prison sentence duration. The passage of the 2013 Criminal Code introduced the confiscation of the animal as a measure attached to the conviction. Since 2013, over a fourth of all cases of convicted acts of cruelty have included confiscation. This is particularly important as the status of the animal was changed and improved from mere property to a legal object with certain rights. Although one could argue that this percentage should be much higher, the implementation of this measure at all proves to be a significant development in the protection of animals and criminal policy alike.

The Croatian media and activist organizations in particular greeted the new code due to its elimination of fines and “introduction” of imprisonment although this was not true. The media discourse on animal cruelty, its focus on the legal framework in 2012-2013 and factuality of reporting are analyzed and discussed in more details in the following chapter, but a general feature of it is that it is erroneous. The data from “the field”, by the police, courts and other institutions of criminal justice show a more complex (although not entirely credible) picture. In the period from 2004 to 2018 the data points to several conclusions and some areas for further discussion.

Throughout the period there was a visible discrepancy between annually reported crimes on the hand, and indicted and convicted on the other. There was a large increase in reports during and around the period of the enactment of the new Criminal Code in 2013, the year when the number of adults reported for animal abuse more than doubled compared to the previous year. The trend of stable increase persists. This increase, however, was largely due to the increase in the number of unknown perpetrators. In more recent years the number of unknown reported persons coincided with or even surpassed that of the known. The data on indictments, therefore, are not as impressive. Since 2013 and the implementation of the new code, the annual number of indicted increased for a year, only to decrease since 2014. The percentage of successful indictments throughout the period was barely over 1/3 on average, decreasing after 2013 to 19% (in 2018). This is a cause for concern primarily for the police.
Geographic distribution of the reported criminal offences of animal cruelty further points at some interesting features. Large cities such as Zagreb, Split and Osijek (except Rijeka) and their counties reported the highest numbers of reported adults, but some counties, such as Osijek and lately Split, exhibited exceptionally high number of reported persons compared to their size. This too is troubling.

Secondly, the numbers of successful convictions present this part of the criminal justice system as the most effective. 86 % of all the accused were convicted and the average after 2013 is over 90%. In terms of type of sanction, before 2013, 60% of convictions were prison sentences, while after 2013, over 90% of convictions included prison. However, it seems that most of these prison sentences were suspended and it is not clear whether these individuals ever entered the prison system, or they were appointed with an alternative sentence. Therefore, although obligatory and minimum imprisonment clause in the new criminal code did increase the ratio of prison sentences in statistics and decreased the ratio of fines, it did not eliminate fines nor did it significantly increase real imprisonment as a type of sanction for this offense.

Unlike the media profile of monster (discussed in more detail in the following chapter), the profile of the convicted offender for the offense of animal abuse and killing reveals less then it obscures. Except the fact that the statistical data point to a 90% certainty that the offender is male, which presents no anomaly in terms of other crime statistics, other traits (living conditions, family and economic situation, profession, employment) are in no way distinctive.

Finally, Croatia’s experience with the introduction of new criminal code that expanded the definition and harshened the sanction is mediated by the media and public space on one side, and the official data on the other. Both present a legal and criminological discursive reality through which we understand crime and punishment and both are to some extent removed from “the truth”. In the previous sections of this chapter, I shared the details of how the official data on the criminal justice system help to portray animal cruelty. In the following chapter, I analyzed the media response to the law and the crime it sanctions in terms of the influence on and interdependence of the public discourse.
with criminal justice system and our notion of (a newly emerging) crime. The media discourse as the most powerful public discourse was analyzed in the light of the already mentioned novel animal abuse provisions, but also in the light of global trends that include the dynamics of public outrage, populism, selective use of statistics and the media’s influence on the perception of crime and the criminal justice system.

The inquiry into criminological aspects of animal cruelty today unavoidably includes the media dimension as news, entertainment media (TV and film) and, increasingly, social media overwhelmingly determine the way we receive basic information and perceive reality. Moreover, contemporary criminological research becomes more and more intertwined with the media and cultural studies making a sort of a cultural turn and establishing what today is called ‘cultural criminology’ defined as a scholarly attempt to “prioritize the experiences of everyday life within the processes of crime and criminality” (Presdee, 2004, p. 275). For criminology scholars today, the increasing “convergence of cultural and criminal processes in contemporary social life” entails the necessity of using media and textual analysis as its research methods, as these highlight the importance of “image, meaning, and representation in the interplay of crime and crime control” (Ferrell, 1999, p. 395). Our everyday lives and experiences of crime, security and justice are to a great extent mediated constructions of crime, policing and the overall justice system and as such not only represent but create criminal reality.

The question of how the news media in Croatia report on the events and topics concerning animal cruelty as a crime was posed in order to map and understand how the media contributed to public understanding of what crime is, who the perpetrators and victims are, what is the social response, how law and policing function. Using software assisted content analysis with grounded theory approach I analyzed 445 online media articles from 6 mainstream internet news portals in the period between 2004 and 2018, keyword mined for animal cruelty. The analysis includes both the text of the articles, the titling and subtitling, the category under which articles were labelled, the visuals, and, if available, the data on frequency of visits and the amount of comments posted.
The analysis primarily looked at the main focus of the media reports on animal cruelty, the depictions of the perpetrator and the portrayal of the legal framework (the policing, the procedure and sanctions, the change of laws). The analysis included the species and types of animals reported on, the types of perpetrators or involvement of other participants that draw attention, the popularity traits, such as frequency of klicks and comments, repeated topics or follow up stories. In general, the analysis looked into how the stories were narrated; was it instigated by police reports, journalist/media individual inquiry, social media influence or actions of individuals (activists) or social groups. Finally, the reactions of the community and activists and the role of social media was analyzed in more detail.

The discussion on analyzed material was focused on how the crime was depicted (the act, the perpetrator and the community) and labelled, how perpetrators were perceived and represented, and with what explanations of the nature and motives of crimes, e.g. nature vs. nurture, socially or culturally conditioned behavior. The discussion also included the dimension of perceived identity (gender, class, regional) and culture (rural/urban, civilized/uncivilized, etc.) by the media in relation to the depictions of the events, perpetrators and the community. Finally, the discussion concentrated on how the media reported on the legal framework, how frequently and at what length, the way in which the reporting on the introduction of the new law was framed and if the news stories reported on legal changes, legal process and proscribed sanction correctly and informatively.

Analyzing contemporary internet news media reporting on the animal abuse crime, I aimed to approach the topic in an informed but theoretically unstructured way, allowing the text to speak about its own foci and narratives that might or might not confirm earlier scholarly findings on the media and the crime. Being interested in particular in how this type of violence is being perceived by the media in the period when animal abuse is merely starting “to become” a crime, I looked into the way the media constructed the events of violence against animals, the perpetrator, the society and the justice system. I found some of the expected narrative techniques of negative depictions of the perpetrator on the one hand and positive depictions of the animal protectors on the other as well as
established that changes in the legal framework and (mis)information about them, together with the social media play a central role in how justice system is perceived. We can, with high certainty, assume that, as in many other cases of social changes in the society, it is the media that overwhelmingly contributed to the change of the approach to animal protection. It certainly is a fact that the media increasingly reported on animal abuse, shifting more and more towards socially engaged ways of reporting on it, even providing more serious and more frequent negative depictions of animal abusers when compared to many or even most other crimes reported on, putting animal abusers on the top of the list of delinquent and dangerous criminals. The seriousness of animal abuse as a crime grew together with public attention to psychopathology, and the connected anger and fear from animal abuser. This also raised interest in legal provisions and changes, and although in general reported on incorrectly, the law seemed to be an important focus particularly in the 2012-2013 period and afterwards. Still, once initiated as a media story worth reporting, sensationalism and populism continued after the change of the law proscribed stricter sentences to an extent. Social media contributed immensely to such sensationalism and populism, as the news unraveled in a public forum where labelling, blaming and retribution action seem to be quick, on the determent of the justice system reputation. Finally, the emergence of social actors such as retribution groups, although not new in the history of animal rights protection, seems to be directly intertwined with both the media reporting and public perceptions of the law and security. Thus, in the media space it is possible to witness usually negatively depicted groups and individuals prone to and practicing violence as means of solving problems, i.e. thugs as heroes. On a stage set in that way, both the media and the law and the police seem to inevitably be perceived as merely catching up.

The analysis presented in the chapter focused on how the news media in the period of 2004-2018 in Croatia reported on the events and topics concerning animal cruelty, if and how it was categorized as harm or crime and how, the main agents of the story were depicted: the victim, the perpetrator and the community. Content analysis of the mainstream internet news portals included two rounds of coding conducted on the basis of three main questions. The first question on the main focus of media reports on animal cruelty in the analyzed period brought me to several findings that varied though the
process of coding. Namely, after preliminary overview of the texts, labelled or searched under keywords of animal torture, animal abuse and animal cruelty, source material was first coded under: act, perpetrator, victim and community, social initiatives and legislation. These categories were confirmed after the analysis as relevant but more topics were added, such as social media and vigilantes. Some of the more important findings in posing the second question on how the crime was depicted (the act, the perpetrator and the community) were the overwhelming criminalization, pathologization and demonization of the perpetrators, sympathy for the victims and fear from simultaneous or future violence towards humans by the perpetrators. Similar to Petrovec (2003) findings, animal cruelty is reported in detail, depicted as more brutal than the usual reports on crime and violence among humans, and fear and anger is raised by reports not only against the perpetrator but also the police, courts, lawmakers, justice and the penal system. The third question on how the media reported on the legal framework led to the conclusion that the legal framework, as Gerbner found, presented the most important correlate to peaking of the articles on animal cruelty, more particularly in the period of 2012-2013. Furthermore, the reports were swerving with legal misinformation and sensationalism, particularly in titles, even if they reported correctly in the main text, usually by quoting activists or experts. Criminalization of animal cruelty and harsher sentences that included longer prison times appeared to be the most important issues for the media, although both were mostly reported on falsely. Based on these findings, there are two important, mutually related and inseparable theoretical conclusions to be disuses further: factuality and sensationalism of reporting on animal cruelty, violence, crime, criminal and law; and cultural conditioning and construction of the criminal space.

Today’s fast and short on-line media is not only the most popular but also, for a growing number of people, the only source of information. Telling a story in 100 words is the genre of the news media today. Online news media is, further on, available in any moment for most of the population and the social context enables us to check it several times a day. Noting their influence, it is expected that the media reports are created with responsibility for facts, but in fact, as in any genre, news reports and crime news in particular are stories that are told within a broader human narrative tradition but here run by commercial and market principles. It is an open question if the sensationalist mode of
reporting on crime and violence are featured by a lack of factual consistency due to the commercial nature of the media or to the narrative and genre structure, but the style of reporting on animal cruelty in this analysis is in accordance with previous research on sensationalism in crime reporting (Petrovec, 2003; Cavender, 2004; Kappeler & Potter, 2005; Williams, 2008; Surette, 2014; Kort-Butler, 2016). Superficial and populist style of reporting seems to be present in the majority of articles, particularly in terms of depicting perpetrators and victims and raising action such as public outrage and panics, calling for harsher laws, revenge and vigilantism. With no regards for comprehensive or correct criminogenesis, such as criminal history, profile, quality of previous education, prevention or rehabilitation, the focus of the stories is clearly not on facts or verity of information, but on newsworthiness.

The sensationalist mode of reporting was manifested in the analyzed content in bombastic headlines followed by horror photos from crime scenes or characterized under “disturbing content”, shallowness in describing the act, labelling the perpetrators as psychopath, maniac, lunatic, monsters, sadist or, ironically, “beasts”. Firstly, psychologization of perpetrators is only seemingly based in expert opinions. Seldom, the journalists interview experts such as psychiatrists or psychologists to make a psychological profile of perpetrators, but these are more often than not then used in an arbitrary and sensationalist context. Criminal profiles frequently include expert terminology to create an impression of professionalism such as “lack of empathy”, “psychopathy” or some form of mental illness with dangerous intentions. Secondly, depictions of danger are aimed at causing fear for humans, so the animal abuser is often put into context of a broader violence, violence against women and children, observed as an alcoholic and sometimes a potential serial killer. Danger and fear are furthermore created by repeated use of the same symbolic vocabulary. The most frequently used word “horror” is often followed by other metaphoric words with connotations of different forms of violence, such as mass killing, slaughter, genocide, murder of ethnic minorities, rape of women. The news reports often underline the connection between animal abuse and other types of violence, usually violence against the “weak” members of our society even if the connection itself is not apparent or even existing, in order to point that animal abusers are a menace to public or that humans are next. Furthermore, class and
particularly cultural identity of the perpetrator or the criminal context are important in
depictions of crime. Both the perpetrators and the animal abuse crime as a whole is
labelled not only as abnormal, but also as culturally backward, primitive, barbaric,
uncivilized, village-like, Balkan-like, which, as mentioned earlier, is only building on the
already present local, nesting, orientalisms (Bakić-Hayden, 1995) that perpetuate
hierarchical and discriminatory opposites such as West/East/, North/South, old /new and
city/village. Nesting orientalisms serve here to mark the dominant norm, be it about
specific rules of play or behavior in general, that is to be implemented in a community
and to keep the other out.

Labelling the perpetrators in such a quasi-psychopathological, demonizing or
ostracizing way, the news is creating a public image of the crime and criminal where there
once was none (i.e. killing of animals was in the recent past an entirely acceptable social
and legal behavior and still is in most situations). In my analysis of the media material I
have found that all the mechanisms in the story serve the purpose of sending a single
message in the crime news article, that of pinpointing the crime and the criminal among
“Us” as abnormality and ostracizing it. This is what makes a topic newsworthy in the
crime news genre. Depicting abnormality and otherness of the criminal and the crime is
further underlined by causing panic. Reproducing repeated imaginary and mainstreaming
it in a wider range of population through media, according to Cohen (1972) and Gerbner
(1969), presents the essence of functioning of the ideology. Repeated negative labelling
of the perpetrators by the media that sows fear, panic and revolt, until the public
perception of the crime becomes unified, is very present in the media content on animal
cruelty. Moreover, although my analysis covered 6 mainstream internet news portals, the
content of articles and headlines were very similar, sometimes just copy pasted,
confirming Barak’s (1994) argument about lacking pluralism of message despite a
growing pluralism of sources and channels.

Therefore, the connection of the newsworthy and the cultural is clearly inseparable
in the media construction of crime, as the story and the message must be culturally
understandable and formulated in a style relevant to the cultural context. If we go back to
Barak’s argument (1994, 13) that sometimes the media follow social trends and
sometimes they dictate them to their audiences creating social trends, we might further elaborate that in both cases the media build on existing cultural norms, offering or following topics “close to heart”. Williams (2008, p. 46) defined newsworthiness in geographically cultural terms by claiming it requires the subjects to be “geographically close thus connecting the media research findings to those in viewer empathy “but clearly geographic closeness is just one of many conditions of empathy which is in fact based on similarity and recognition. Through empathy with the victim and revolt against the perpetrator, community is continuously being established and re-established. In that sense, this analysis confirms that animals do play the same role as human victims in crime news reports, if and to the extent in which empathy is established. This further means that the empathy is not the same to all types of victims, be it human or animals. Similar to correlation of the level of empathy to geographically or culturally more distant human victims, analyzed media content points to a difference in established empathy to different types or species of animals. Namely, species that get more attention in media space are those closer to us and therefore higher on our “empathy list”.

Secondly, when it comes to trust in the justice system and other institutions my findings were in line with Petrovec’s (2003, 2005) findings on the media raising fear and anger against not only the perpetrator but also the entire security, justice, penal, educational and social system, traditionally followed by claims for harsher sentences and vigilantes, all in the name of the victim. It also confirms findings in Boda and Szabo’s (2011) research on the perception of crime in Hungary, contributing to the broader research on perception of crime as an ever-increasing activity (which is in most cases incorrect), except with regard to the perception of police. While in Boda and Szabo’s findings, as in most of the similar perception research, the police are perceived negatively, as incompetent and insufficiently equipped, in this analysis it was not the case, even though the police (and laws) do not normally receive positive depictions in the Croatian media, particularly in terms of prevention and being efficient. Again, the reason could be the fact that animal abuse, particularly in earlier media reporting, was not necessarily considered as a real crime, or at least there was no trust that the police and the courts would consider it as such. We could say that the media on some occasions almost ridiculed the police in their overtly serious treatment of animal abuse as a crime scene.
Although the media overwhelmingly contributed to making it a serious crime, perhaps the positive image of the police was in fact media’s initial surprise in the police doing their job. The same thing can be said on the role of the laws, as people in Croatia are often surprised to hear that laws are being obeyed. These assumptions could be substantiated by the fact that both the laws and the police were depicted quite laudably in the period of 2012-2013 when the new harsher law was introduced, while this positive image of the police and justice system decreased in the later, more recent, period in which the media again reverted to the overall blaming of the ineffective police and lenient laws. All and all the media, as much as the public and private figures participating in the public space through media, most commonly resorted to uninformed criticism of the juridical and police system and the populism of calling for stricter laws and harsher sentences, while simultaneously showing a serious lack of necessary understanding of the law enforcement, the juridical and the penal system.

Although the reporting on the law appeared “objective” in style, the impression was created that the new legal framework is “stricter”, which is largely false. Namely, the news greeted the “fact” that the new law introduced a prison sentence, while in fact the prison sentence had already been part of the old law. Further on, the articles repeatedly failed to inform that prison sentences do not necessarily mean going to prison, now or before the legal change, as the sentences of shorter duration usually result in suspended sentences, or are replaced by a fine. Additionally, no news reported on some of the most important novelties that were introduced, such as the expanded definition of the act, the removal of the abused animal or measures other than prison which, if mentioned, might have provoked disappointment of the audience expecting only prison sentencing. As a consequence, positive reactions on the new law faded quickly and reverted back to calling for even stricter sanctions.

Overall it can be concluded that the penal aspect of the legal and justice system is at the forefront of the media messages together with a demonized image of the perpetrator. With the appearance and influence of social media on news reporting, crime news stories start to function outside the authorial, editorial or commercial control of news providers. This so-called democratization of news-making brings up a new side of the crime story
in which it is no longer the crime, the criminal and the victim that are in the focus. They are overshadowed by appeals to collective action starting from just assisting the police to civic initiatives and activism, vigilantism and other forms of “retribution”. It seems that violence against the weak (women, children and animals) has the most power to energize the audience into social organizing against the crime and injustice that are perceived beyond their legal terms, and such mobilization can easily turn into call for violence itself.

Social networks become not just the platform for reporting crime or organizing, but also for co-creating the news, influencing and sometimes determining its newsworthiness, and therefore strongly influencing what is perceived to be the just course of justice. Social media further facilitate the appearance of sensationalism, as the news is no longer in the hands of the journalist and editors responsible for investigating and checking facts, informing the public on expert opinions and such, but in the hands of anonymous individuals or groups with sometimes violent intentions. Besides being uninformed in terms of incorrect or no knowledge of the already existing mechanisms of justice system, it also relays on the appearance and momentum on which any arbitrary criticism towards the system can be placed. Vigilantism and other forms of “just” calls for violence and retribution go hand in hand with the previously mentioned populism in criminal policy that entails the never-ending process of calling for harsher sentences as both are based on extremely simplified, uninformed and destructive notions of justice. In my analysis I found such role was best exemplified in the media portrayal of the group called Leviathan. Presented as a public outrage initiative (and not typical activists) that, unlike the police, exists and persists “in the shadows”, among us, both in the physical world and through social networks, this groups was created by the media. It was the media that repeatedly reported vivid stories of “gentle thugs” who solve problems when system fails, protect the weak and uphold the real justice, underlining once more that crime news today is more than ever just a story to be told.

To conclude, animal abuse reporting does not differ in any significant way from such media depictions of the crime that are marked by mainstreaming of the victim and the criminal, populism and sensationalism, raising moral panic or condoning of vigilantism and physical retribution in the name of the society. With the exception of the
temporary positive imaginary of the police and the role of the law, the findings go along theoretical discussions of the cultural situatedness of the perception of crime as well as the cultural and narrative aspects of telling a story about the crime. From the cult of the victim to demonizing the criminal and panic and want of retribution, the most significant finding of this research was not the differences and similarities to the other crimes but the observation of how the media and the community create a crime where, in terms of perception, there was none before, influencing more than just politicians and legal changes. In Gerbner’s terms, cultivating and mainstreaming by the media as a way to develop a common outlook on the world through continuous exposure to the same messages and labels presumes creating a reality. For audience and readership this is the only reality that exists.

From animal trials and Hogarth prints to the media coverage of animal cruelty, human societies have always feared those who without any particular economic, agricultural or other reason tortured animals or enjoyed in their suffering. This fear was not until recently articulated by the (criminal) law nor was there a consensual demand to harshly punish animal abusers. This particular collective and cultural step was significantly influenced not just by experts or social movements and activists, but by popular culture and the media, particularly in terms of creating a recognizable and collective image of the perpetrators, defining the act as a crime, and determining an appropriate social reaction to it. As a consequence, crime against animals and animal cruelty is not only a criminal offence today but is seen as particularly deviant and endangering behavior, provoking fear and moral panic, a crime against society itself. The dilemma whether this is so due to the fear from progressing aggression or a result of a moral, political and cultural shift in how we treat and see animals, remains unresolved in this thesis, but either way, whichever path we take in approaching the subject, there is a fundamental similarity of humans and animals in terms how pain, violence and damage against them is considered that brings animals closer to humans in an otherwise anthropocentric law and outside of it.
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