

A Spira Inspired Approach to Animal Protection Advocacy for Rabbits in the Australian Meat Industry

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Abstract: This paper explores the relevance of Henry Spira’s approach to the animal protection advocacy in the context of Australian rabbit meat farms. The Australian rabbit meat industry is a relatively unexplored area of animal protection scholarship. Of particular significance is the fact that, in contrast to the move towards ‘free range’ for other domestic species used for meat, there is no such thing, nor it seems will there ever be, ‘free range’ domestic rabbit meat. The status of ‘the rabbit’ as a pest species in Australia means that, in the domestic realm at least, the rabbit faces existence in a cage for eternity. The paper provides background on the legislative framework for rabbit welfare, sets out Spira’s ten-point approach to animal protection advocacy, and identifies the main animal welfare issues pertaining to the rabbit in the Australian meat industry. It then considers how Spira’s approach could be adapted to set an advocacy agenda for the Australian rabbit case study.

Keywords: Henry Spira; Australian Rabbit Meat Industry; Animal Protection Advocacy; Caged Animal Welfare; Animals and the Law

Introduction

‘You start with six albino rabbits’ (Spira 195). While the thought of six albino rabbits might evoke a scene from a children’s story book, it is in fact the opening line of Henry Spira’s 1985 article *Fighting to Win* (195). Spira, whom philosopher Peter Singer has described as ‘[t]he most effective activist of the modern animal rights movement’ (Singer, *Ten Ways to Make a Difference* 705) ‘starts with six albino rabbits’ in his description of the Draize test, by which a range of chemical-based products, including cosmetics, are tested on rabbits (195). Spira was known for his successful animal protection campaigns, including securing agreement from Revlon cosmetics company to fund research aimed at phasing out the Draize test. His later work included advocating against the treatment of caged hens and their use by fast food industry giant McDonalds (Singer, *Ethics into Action* 156-166).

Mercifully, since the 1980s there have been efforts to replace the Draize test with alternative methods.¹ Whereas Spira’s advocacy efforts centred on the use of rabbits in research, this paper explores the opportunities, challenges, and complexities involved in adapting Spira’s approach to the use of the rabbit in a different context: Australia’s intensive rabbit meat industry.

Henry Spira’s interest in animal protection was piqued in the early 1970s, after he read Singer’s essay *Animal Liberation* (Spira 196). According to Spira, the other significant event was that he ‘began living with a cat’ (Singer, *Ethics into Action* 47) and as a result wondered ‘about the appropriateness of cuddling one animal while sticking a knife and fork into others’ (Singer, *Ethics into Action* 47). Spira recognised animal liberation as a ‘logical extension’ of ‘what his life was all about – identifying with the powerless and vulnerable, the victims, dominated and oppressed’ (Spira 196).

While inspired by Singer, Spira did not explicitly identify as a preference utilitarian or speak about his work with reference to a welfare-rights dichotomy. His approach to animal protection was informed by his experience in the civil rights movement, during which he perceived that change came about step by step (Singer, *Ethics into Action* xiii, 50). Spira’s position is captured in his statement ‘I want to abolish the use of animals as much as anybody else, but I

say, let's do what we can today and then do more tomorrow' (Singer, 'Singer Speaks with Spira' 4). In this regard, Spira's step-by-step approach has a clear resonance with Robert Garner's arguments for an incremental approach to relieve animal suffering. In Garner's view advocates ought to continually push the boundaries of what is considered 'unnecessary suffering' ('Animal Ethics and Public Policy' 125). Overall, Spira was inspired by philosophy, though focused his efforts on strategic action. He said that while 'Singer based his priorities on the number of victims and the intensity of their suffering ... my personal concern was rather: what can we do about it' (Singer, *Ethics in Action* 51).

At the outset, it is important to note that Spira deployed 'liberal governance strategies' rather than 'critical governance strategies' (Newell, 2000, cited in Munro 175). As will become clear in the discussion that follows, the liberal governance approach is evident in Spira's campaigns, in which he sought to effect reform by working *with* the system and *with* his opponents. Newell explains that those working within a liberal governance framework 'do not require a radical rejection of the current global order; the preference is for responsible management rather than ideological confrontation' (124). While Spira did not reject the system *per se*, his vision, as stated above, was 'to abolish the use of animals': a radical goal. There is an interesting and possibly productive tension here in that Spira's work does not appear to be burdened by ideological posturing.

Spira preferred to identify common interests between his agenda and that of his opponent or 'target'. His gradual approach to reduce animal suffering and his steps in working with major companies and institutions drew criticism from some animal rights groups (Munro 176).

The paper proceeds as follows. Part i sets out the context of the rabbit's status as 'pest', and the nature of the rabbit meat industry in Australia. With regard to the nature of the industry, we use Europe as a comparator, as the European Union (EU) also embraces the battery cage system in rabbit meat farming. Part ii outlines the relevant animal welfare regimes for domestic rabbits bred for meat in Australia. The discussion is limited to Victoria (Vic) and Western Australia (WA). Victoria is home to many intensive rabbit farms (Freedom for Farmed

Rabbits). Western Australia was the first state to lift the ban on the prohibition on farming domestic rabbits and is home to the first Australian intensive rabbit meat farm (1987), which is still in operation (Foster 42). We highlight some of the animal welfare issues evident in the intensive rabbit meat industry. In the absence of any systematic Australian studies, these issues are identified on the basis of findings of studies of animal welfare in intensive rabbit meat farms in Europe. The European findings are triangulated with publicly available video and photographic images taken on Australian rabbit meat farms. Although the images do not support the assertion that these conditions are endemic in Australia, they indicate that such conditions do exist. Part iii considers how Spira's approach could be adapted in the context of Australia's intensive rabbit meat industry.

Part i: Background

A. Historical context: the rabbit's status as 'pest' in Australia

Domestic European rabbits were introduced in Australia in 1788 with the first fleet (Coman). By 1870, while rabbits were creating economic gains for some trappers and hunters, significant economic losses were experienced by the agricultural sector due to the loss of pasture areas for cattle, sheep and wool production (Eather and Warwick). This saw a push for the introduction of legislation to control rabbits (Eather and Warwick). Despite the declaration of the rabbit as a 'pest' in the late 19th century, the wild rabbit export industry thrived during war, depression, and drought, unlike other rural industries such as wool.

The rabbit export industry declined significantly by 1951 after the release of the Myxomatosis virus as a rabbit control strategy (Eather and Warwick). In the late 1950s there were attempts to instigate a domestic rabbit meat industry by rabbit breeders. These measures were opposed by relevant authorities for fear that such an industry would affect rabbit control, and by other farmed meat interests because of the threat of competition (Sobey). In 1987, WA lifted the ban on commercial domestic rabbit farming. New South Wales and Victoria followed suit in 1995 and 1997 respectively. Soon all states were farming rabbits with the exception of Queensland (Eady, 'Farmed Rabbits in Australia' 1).

The shift to domestic intensive farming is reflected in the gradual changes in legislation introducing permits for the control and confinement of domestic rabbits within enclosures and cages. Some Meat Acts were also amended to include domesticated farmed rabbits as ‘abattoir animals’.² Between 1987 and 1991, the creation of *Model Code of Practice for Animal Welfare: Intensive Husbandry of Rabbits* was developed (CSIRO) followed by the instigation, in 1999, of a Commonwealth research breeding program, ‘Crusader’, aimed at improving rabbit genetic breeding traits related to intensive rabbit commercialisation (Eady, ‘Farmed Rabbits in Australia’ 2).

The rabbit is declared a ‘pest’ species in all Australian jurisdictions.³ Provisions aimed at controlling rabbit populations require landowners to take action to control rabbits on their land. In addition, some local councils release lethal viruses annually to control wild rabbits, including several variants of the Rabbit Haemorrhagic Disease (RHD) (also known as Rabbit Calicivirus) and Myxomatosis.

B. The Rabbit Meat Industry: a snapshot of intensive rabbit farming in Europe and Australia

Across the globe, approximately 1.2 billion rabbits are slaughtered annually for meat (Compassion in World Farming). Rabbits are the fourth most farmed animal in the world (European Parliament Plenary sitting 3) and the second most farmed species in the European Union (EU) (European Parliament Plenary sitting 3). It is estimated that around 340 million rabbits are raised and slaughtered yearly in EU nations (European Parliament Plenary sitting 4). Despite these large numbers, the EU is yet to establish minimum standards for the protection of farmed rabbits (European Parliament Plenary sitting 13). A survey of the intensive rabbit meat industry in the EU published in 2017 (European Parliament Plenary sitting) found, amongst other things:

- the majority of rabbits were kept in barren environments, often in battery cages;
- intensive farming systems had severe negative implications for rabbit welfare;

- the breeding of rabbits was highly intensified, and its architecture resembled a high-output industrial production system; and
- a high rate of disease and mortality amongst caged farm rabbits (European Parliament Plenary sitting 8-10).

These findings were based on data examined by the European Food and Safety Agency's Scientific Panel on Animal Health and Welfare (European Parliament Plenary sitting 3).

In contrast to Europe, the domestic rabbit meat industry in Australia is small. It supplies niche markets such as European-style butchers, restaurants and delicatessens, with small amounts sold at meat and produce markets, and in supermarkets (Shim-Prydon and Camacho-Barreto 42).

In the early 2000s rabbit farming was reportedly one of the fastest growing industries in Australia (Shim-Prydon and Camacho-Barreto 41). However, today it is estimated that Australia has less than ten operating rabbit farms (Williams and Pattinson 5). For the period 2013-2018, although the demand for rabbit meat was strong, the industry turnover was down to \$3.1 million with negative growth prospects due to disease and welfare issues (Williams and Pattinson 5-6). This turnover roughly equated to 0.005% of the gross value of Australian farm production, with the latter estimated to be \$60 billion in 2016-2017 (National Farmers Federation).

The Australian domestic rabbit meat industry ranges from large-scale commercial rabbit meat farms and processors in which rabbits are caged indoors (Taylor 1-5), to small backyard farmers (Farmstyle) in which rabbits are confined in cages or 'rabbit-proof enclosures' (Taylor 1-5). The recommended industry practice is for rabbits to be confined in wire cages suspended above the floor (Taylor 1-5).

In breeding facilities and farms does and bucks are kept in isolation, and in separate cages. In intensive rabbit meat farms, a doe is expected to produce an average of eight litters per year consisting of around 40 weaners (Taylor 1-5). For breeding and grower rabbits the recommended practice is for rabbits to be kept in cages all their lives. The recommendation is to

provide grower rabbits with 0.07m² of space per rabbit, which is roughly the area of an A4 sheet of paper (CSIRO SCARM Report 33 4). Weaners are marketed for slaughter at the age of 11-13 weeks (Taylor 1-5), a small fraction of their expected lifespan of 8-12 years.

Part ii: The Animal Welfare Regime

A. The Legislative Framework

Domestic rabbits bred for meat in Australia fall within two animal welfare regimes. The first regime governs welfare for rabbits raised for food within systems of confinement under the husbandry practices set out in the *Model Code of Practice for Animal Welfare: Intensive Husbandry of Rabbits* (MCOPIHR). The second regime involves animal welfare requirements set out in slaughter standards.

1. *Model Codes of Practice*

In Australia, prima facie, animals are protected by state and territory anti-cruelty legislation.⁴ However, a significant number of species and several forms of animal use are excluded from the operation of anti-cruelty legislation by the application of Model Codes of Practice and Standards (Bruce, *Animal Law in Australia* 209). One example pertinent to this case study is the *Model Code of Practice for Animal Welfare: Intensive Husbandry of Rabbits* (MCOPIHR). Model Codes of Practice (MCOP) for the Welfare of Animals, of which the MCOPIHR is one example, may be adopted by a state or territory in part or in full. On adoption, a MCOP (or parts thereof) may be mandatory or voluntary (Bruce, *Animal Law in Australia* 81).

The MCOPIHR is ‘intended as a guide for persons responsible for the intensive husbandry of domestic-type rabbits for commercial purposes’ (CSIRO SCARM Report 33). Under the MCOPIHR the basic requirements for the welfare of rabbits are:

- readily accessible food and water;

- accommodation providing protection from the elements, and which does not harm or cause undue discomfort;
 - rapid recognition and treatment of injury and disease; and
 - freedom of movement in order to stand, stretch, turn around, and lie down.
- (CSIRO)

The MCOPIHR has been adopted, though is voluntary in all states except South Australia (Caulfield 68), where it is adopted and mandatory. Victoria and WA have both adopted and adapted the MCOPIHR. In Victoria, the *Code of Practice for the Intensive Husbandry of Rabbits Vic* (MCOPIHRV) is voluntary. However, under section 11(2) of the *Prevention of Cruelty to Animals Act 1986* (Vic) compliance with the MCOPIHRV provides a defence to a charge of animal cruelty. The *Code of Practice for Keeping of Rabbits in WA* (MCOPIHRWA) is also a voluntary code. Under section 25 of the *Animal Welfare Act 2002* (WA) compliance with accepted husbandry practices used in farming provides a defence to a charge of animal cruelty.

2. The Food Act and Standards for Hygienic Food Production.

Slaughter standards are set out in the *Australian Standard for Hygienic Production of Rabbit Meat for Human Consumption* (AS4466-1997) (or its more recent revision AS4466-1998) and the *Australian Standard for Hygienic Production and Transportation of Meat and Meat Products for Human Consumption* (AS 4696-2007). In Victoria, rabbits are defined as a ‘consumable animal’ under the *Meat Industry Act 1993* (Vic).⁵ The slaughter of rabbits is governed by this *Act*.⁶ In Western Australia, the *Food Regulations 2009* (WA) adopts standards AS 4466:1997 and AS 4696:2007⁷ which contain general animal welfare provisions such as those relating to transport, restraining, and stunning.⁸

With regard to slaughter, killing rabbits under standard AS 4466-1997 & AS 4466-1998 complies with methods listed under the *Model Code of Practice for Animal Welfare: Intensive Husbandry of Rabbits* (MCOPIHR) (CSIRO SCARM Report 33 11). The *MCOPIHR*, part 9 ‘Euthanasia’, specifies ‘cervical dislocation’ as ‘an acceptable method’ (CSIRO SCARM Report

33 11). However, the standard of slaughter set out in AS 4466:1998 has led to cross jurisdictional inconsistencies in procedures and processing methods (Cowie 1-5). Different states use different slaughter methods, ranging from operating completely without stunning, to other cases where rabbits are over-stunned by hitting them against an object, causing blood clots and bruising (Cowie 1-5). The inconsistencies in the adaptation of stunning procedures can potentially lead to the institution of practices that cause rabbits unnecessary harm and suffering.

B. Animal welfare problems in the Australian intensive rabbit meat industry

Unlike Europe, in Australia the rabbit is a declared ‘pest’. Early legislation that declared the rabbit a ‘pest’ introduced the concept of caged enclosures as key to allowing the possession of domestic rabbits for personal and commercial purposes.⁹ The commercial requirement of caging domesticated rabbits continues due to concerns on the part of rabbit control authorities that domesticated rabbit breeds could escape into the wild and establish colonies (Dept Primary Ind. NSW sec. 7.1). As noted above, in intensive rabbit farms rabbits are kept in cages, with roughly the area of an A4 sheet of paper provided per rabbit (CSIRO SCARM Report 33 4). These space allowances and the conditions in which rabbits in the Australian intensive rabbit meat industry are kept are similar to those in Europe (European Parliament. Plenary sitting 8).

In Europe, keeping rabbits in cages, as is done in the intensive rabbit meat industry, is widespread and causes intense suffering for millions of rabbits each year (European Parliament. Plenary sitting 13-14). While Australia has a MCOPIHR for rabbits kept in cages, it has only been adopted as a mandatory standard in South Australia (Caulfield, 68). In the absence of an independent, scientific and systematic examination of animal welfare in the intensive rabbit farming industry in Australia, we assume that the conditions that face rabbits in intensive farms in Europe are likely to be present in Australia. It is possible to triangulate the findings of the European Food and Safety Agency’s (EFSA) report on Animal Health and Welfare on different systems of caged rabbits in intensive farms (Scientific Panel on Animal Health and Welfare) with video footage and photographs taken on rabbit meat farms in Western Australia and Victoria. The footage was obtained by way of investigations undertaken by animal protection advocacy

groups¹⁰ between 2010 and 2016. The information and images have been published on websites available to the public.¹¹ Although this visual data does not support the assertion that these conditions are endemic in Australia, it does indicate that they exist.

Some of the animal welfare problems highlighted by video and photographic data reflecting the issues identified in intensive rabbit farms in Europe include a lack of space to move, stretch out and thermoregulate, thus depriving rabbits of the instinctive evolutionary behaviours (Scientific Panel on Animal Health and Welfare 13) and evidence of injuries such as splay legs, sore hocks, and injuries to paws which could be a result of wire cages used in farms. The Scientific Panel on Animal Health and Welfare has observed that under commercial conditions the incidence of sore hocks (footpad lesions) from wire flooring can be quite high and is the third most common reason for culling rabbits (Scientific Panel on Animal Health and Welfare 9). The visual data show what appear to be signs of diseases such *Coccidia diarrhoea*, which is highly contagious and common on meat farms. There were also rabbits with eye injuries and abscesses on the farms investigated in both Australian jurisdictions. The diseases and injuries observed in the video footage are some of the most common diseases known to affect farmed rabbits, as listed in the *Crusader Meat Rabbit Disease Tool Kit* (Eady, 'A Production System for Australian Farmed Rabbits' Appendix 9). Lastly, the images indicate psychological stress expressed by maladaptive behaviours such as hair-pulling, and stereotypies such as bar and wire-gnawing.

Part iii: Adapting Spira's Ten-Point plan in the context of Australia's intensive rabbit meat industry

Having set out the legislative background and some of the relevant animal welfare problems, the discussion now turns to consider Spira's approach in the context of Australia's intensive rabbit meat industry. Spira developed his ten-point system based on his experience as an advocate. He aimed to provide guidance for future animal protection campaigns.

A. Application of Spira's Advocacy Approach to Welfare in the Intensive Rabbit Meat Industry

1. A Defined Goal and a 'Good Target'

Spira held a conviction that 'a winnable campaign needs a specific target' (Singer, *Ethics in Action* 83). He developed advocacy strategies around a goal. For example, his first major foray into animal protection advocacy concerned experiments conducted at the American Museum of Natural History (AMNH) in which cats were mutilated (Singer, *Ethics in Action* 52). The experiments did not relate to the cure of a fatal disease and thus, Spira concluded, the researchers involved would have difficulty explaining how the research would benefit the community. Spira researched the issue, including sources of funding, and assessed all of the experiments using animals being conducted in New York. In doing so, he wanted to ensure he chose 'the best target' and was focusing his efforts on the campaign 'most likely to succeed' (Singer, *Ethics in Action* 52).

Perhaps the campaign for which Spira is best known was that aimed at stopping cosmetic company Revlon's use of the Draize test. The Draize test involves concentrated solutions of chemical products being dripped into (usually) a rabbit's eyes. The test can cause total loss of vision and causes extreme discomfort and pain (Bridgeport). Spira's Revlon campaign was on a much larger scale than that against the AMNH. As in the AMNH campaign, Spira undertook a thorough analysis of the issue before deciding the Draize test and Revlon would be a 'good target' (Singer, *Ethics in Action* 83). Spira spent almost two years attempting to enter into dialogue with Revlon, though a lack of engagement led Spira to publish a full-page campaign advertisement in the *New York Times* on 15 April 1980. Eventually, Revlon came to the negotiating table and subsequently provided USD \$750,000 for research aimed at replacing the Draize test.

Spira saw huge 'amorphous campaigns as invitations to failure' (Phelps 216). By contrast, success was the outcome of conducting a 'focused campaign against a specific atrocity ... carried out by an identifiable perpetrator' (Phelps 214). Spira's focus on a 'specific atrocity' and perpetrator is evident in the AMNH and Revlon campaigns.

2. *A Ten-Point System of Advocacy*

On the basis of campaign experience gained over two decades, Spira developed a ten-point system of advocacy (Singer, *Ethics into Action* 173-181) as follows:

1. Try to understand the public's current thinking and where it could be encouraged to go tomorrow. Above all, keep in touch with reality;
2. Select a target on the basis of vulnerabilities to public opinion, the intensity of suffering, and the opportunities for change;
3. Set goals that are achievable. Bring about meaningful change one step at a time. Raising awareness is not enough;
4. Establish credible sources of information and documentation. Never assume anything;
5. Don't divide the world into saints and sinners;
6. Seek dialogue and attempt to work together to solve problems. Position issues as problems with solutions. Present realistic alternatives;
7. Be ready for confrontation if your target is unresponsive. If accepted channels don't work, prepare an escalating public awareness campaign to place your adversary on the defensive;
8. Avoid bureaucracy;
9. Don't assume that only legislation or legal action can solve the problem; and
10. Ask yourself: 'Will it work?'

It is arguable as to whether a successful campaign requires that an individual advocate or advocacy group pursue Spira's ten-point plan in full and there are alternative ways of conceptualising his approach. For example, Munro has interpreted Spira's system as consisting of three frames: diagnosis, prognosis and 'call to action' (Munro 175). For Munro, diagnosis in the context of animal protection relates to making animal cruelty visible, and prognosis refers to exposing that cruelty. The 'call to action' involves either disintegrative or reintegrative shaming. There is an alternative way of understanding these frames, as phases. For example, before acting Spira would research the problem, and gain an understanding of his opponent's point of view

(Spira 194-208): the diagnosis phase. He would then seek out and attempt to engage in constructive dialogue with his opponents to find ways of reducing animal suffering (Munro 176): the prognosis phase which asks what can be done or achieved.

According to Munro, what makes Spira's approach unique amongst social movements is that he preferred to avoid the 'disintegrative shaming' that may come with calls to action and the 'them versus us' stance of 'many contemporary animal rights fundamentalists' (Munro 175). Spira preferred 'reintegrative shaming' which proposes that 'white collar offenders' will respond better to motivational shaming, persuasion, and threats to reputation, rather than coercion and the stigma of criminality (Munro 182, 185). In this sense Spira's approach mirrors the 'responsive regulation' pyramid developed by Ayres and Braithwaite (Ayres and Braithwaite; see also Munro 175) and applied to a range of industries in Australia, including animal use industries (see Goodfellow).

If one divides Spira's approach according to frames, or phases, the ten points can be understood as principles of practice that may inform some or all of those phases. When put into practice it is likely that the ten points will interlink and overlap.

3. Application

Australia's rabbit meat industry has received scant attention from animal protection advocacy groups until quite recently. One notable campaign was that conducted by animal protection organisation Freedom for Farmed Rabbits (FFR) with the outcome that celebrity chef George Calombaris took rabbit meat off the menu in his restaurants (Clench).

According to FFR, Mr Calombaris had been promoting the consumption of rabbit meat on a popular Australian television program. Freedom for Farmed Rabbits argued that the promotion of rabbit meat in this way had led to an increase in sales of domestic rabbits and the number of farming sheds (Piotrowski). The group called on Calombaris to make a 'compassionate decision' to 'stop endorsing and promoting this unfathomable cruelty' (Piotrowski). In response, according to media reports, Mr Calombaris's restaurant reviewed its

rabbit supplier. After discussions with the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and the Victorian Department of Primary Industries it was found the supplier was complying with industry guidelines (Piotrowski). The restaurant's position was that it may serve rabbit when requested, though only from accredited suppliers (Piotrowski).

At this point, the objective of the campaign seemed to expand to stopping the promotion of rabbit meat on a specific television program *and* advocating for Calombaris to stop serving rabbit at his restaurants. These two objectives are evident in the text accompanying the campaign's online petition, which obtained over 12,000 signatures (Change.org). In addition to a petition, advocates protested outside one of Calombaris's restaurant in Melbourne (Piotrowski).

After the protest Mr Calombaris met with FFR representatives (Clench). He agreed to an 'indefinite moratorium' on rabbit meat in his restaurants. Reportedly, Calombaris was 'keen to address the protesters' concerns' and would not 'put rabbit back on the menu until he had personally inspected the conditions at the suppliers'. According to Calombaris's representative, 'the meeting was a chance for both parties to sit down 'one on one' and better understand each other' (Clench).

On the face of it, the 'Calombaris campaign' aligns closely with Spira's view on what makes a successful campaign. It was a focused piece of advocacy, with a defined issue and specific target. It is useful to consider the extent to which the campaign reflects Spira's approach in terms of Munro's interpretation: diagnosis, prognosis, and 'call to action'.

Based on publicly available information, it is difficult to assess FFR's 'diagnosis' phase. In terms of identifying or scoping the specific issue, there was an assertion regarding a link between Mr Calombaris promoting rabbit meat and an expansion of the industry. As noted above, it was Spira's practice to undertake thorough research on an animal protection campaign topic before attempting to contact and negotiate with those whose practices he wished to influence. Based on publicly available information we are unable to assess the extent of research

FFR undertook before commencing its campaign, nor comment on the veracity of FFR's assertion.

Freedom for Farmed Rabbits' prognosis, or negotiating phase, appears to have been relatively brief. It appears to have focused on a call for a compassionate decision (Piotrowski). There was a response, in that Mr Calombaris checked the applicable industry welfare standards (Piotrowski). The issue then progressed to a call for action, consisting of an online petition and demonstration outside one of Mr Calombaris's restaurants (Piotrowski). From media reports, it appears that Mr Calombaris entered into negotiation with FFR after the demonstration. The campaign exhibited an element of reintegrative shaming, as Mr Calombaris was able to redeem himself by agreeing to take rabbit off the menu.

On the basis of this case study and reflecting on Spira's AMNH advocacy, it seems that often there are four frames or phases of advocacy: diagnosis, prognosis, a call to action, and then a return to negotiation. Although for Spira a call to action was the last resort that does not mean he did not use it. In fact, it is evident in many of his campaigns. It was often the case that the advocacy target came to the negotiating table after the call to action had been made, through advertisements, demonstrations, or other public advocacy strategies. In summary, it seems that advocacy comprises what may in effect be four phases or frames as attempts to negotiate often occur before, *and after*, a call to action. Having explored the case study in terms of diagnosis, prognosis, and call to action, the discussion now turns to consider how Spira's ten-point advocacy might apply in the context of intensive rabbit meat farms in Australia.

Campaign Selection

There is a clear overlap between Spira's first two points: 'understanding the public's current thinking and where it could be encouraged to go' (point 1) and 'selecting a target on the basis of vulnerabilities to public opinion, the intensity of suffering, and the opportunities for change' (point 2). For example, it seems logical to position a campaign at a nexus between where current thinking could be encouraged to go and an issue vulnerable to shifts in public opinion. In

normative terms, the public is generally open to shifting its opinion when exposed to evidence of intense animal suffering. In the context of intensive rabbit farming, the public might be willing to accept that intensive rabbit meat farming falls beyond what is morally necessary, especially when this sits at the nexus of widespread public support for phasing out cages for other animals bred for food.

In terms of understanding the public's current thinking, the Australian public's attitude toward the rabbit is no doubt influenced by the rabbit's status as a 'pest'. Ideas regarding the rabbit's reproductive capacity and the rabbit's presence across the continent has coloured the cultural imagination. It has also influenced the rabbit's position on Australia's continuum of moral consideration. Prejudice against the rabbit is long-standing. For example, one late 1940s newsreel urged soldiers returning from war to turn their attention to 'Public Enemy Number One': the rabbit (Dickenson 48) and encouraged returning soldiers to 'enlist in Australia's "rabbit war"' (Dickenson 49). More recently Thiriet (424) has argued that Australians' lack of compassion for a range of 'pest' species 'has been exacerbated by control agencies' use of 'demonising language'. Further, introduced species are often 'portrayed through negative emotive stereotypes' (Thiriet 424).

One important implication of the rabbit's status as 'pest' is that, in the meat industry, the species faces existence in a cage for eternity. For example, NSW Department of Primary Industries guidelines provide that rabbits must be kept within a rabbit-proof enclosure such as a secure shed and not be permitted to 'free-range' (Dept of Primary Ind. NSW Section 7.1). The rabbit's situation sits in contrast to the move towards 'free range' for other domestic species raised for food, such as battery hens. However, freeing rabbits from cages presents a more complex challenge that would require advocates to work constructively in at least two animal protection domains: pest management policy, and food industry regulatory reform.

Although there are challenges, there are also *vulnerabilities to public opinion and opportunities for change*. Firstly, advocacy work relating to caged chickens and the 'free-range movement' has provided a basis on which many consumers in Australia now consider life in a cage for any animal as amounting to 'unnecessary suffering' (Garner, 'Animal Ethics and Public

Policy’ 125). For example, a recent study undertaken by the Royal Society for the Prevention of Cruelty to Animals Australia (RSPCA) demonstrated that 65% of Australians were concerned about battery cages and this influenced their decision as to whether to buy or consume eggs (RSPCA, ‘Breakthrough Research’). Advocacy by animal protection organisations such as Animals Australia¹² and the RSPCA (Australia) have seen several supermarkets commit to removing cage-eggs from their shelves. Woolworths was the first Australian supermarket to commit to phasing out caged eggs (Whyte). Woolworths branded eggs have been cage free since 2015 and although it originally promised to be completely cage-egg free by 2018, Woolworth’s current position is that it is continuing its ‘work towards using only cage free eggs as an ingredient in Own Brand products by 2025’ as well as ‘committed to be cage free by 2025 in relation to all supplier branded eggs’ (Woolworths Group).

The push for animal-derived food produced free-range could be usefully extended to bring awareness of the welfare issues facing caged rabbits in the intensive rabbit meat industry. Focusing on the increasing popularity of the rabbit as a companion animal (Medicines Australia) would offer a suitable complementary strategy to a free-range welfare advocacy movement.

Achievability

Under point three Spira advises setting ‘goals that are achievable; bring about meaningful change one step at a time; raising awareness is not enough’. In Spira’s terms, releasing rabbits from a life in a cage would constitute *meaningful change* as it would decrease suffering for thousands of rabbits each year. However, given the rabbit’s ‘pest’ status, the challenges are substantial. Therefore, free-range for rabbits may not be an achievable goal, at least in the short term.

If the new norm for other comparable food animals, such as chickens, is ‘cage-free’ and rabbits cannot be free range, what is the appropriate advocacy goal? The logic perhaps is that the intensive rabbit meat farming itself ought to cease. Such a reform would not take into account backyard breeders who have larger enclosures and promote free range style to consumers. It follows that a free-range rabbit meat industry versus abolition is a topic that would require

careful consideration by advocates in order to identify a ‘good target’ that is sufficiently vulnerable to public opinion and ethical consumer choice. Indeed the rabbit, by virtue of its ‘pest’ status, brings Spira’s point regarding step-by step progress into stark relief. As a species that is simultaneously ‘pest’, food, and pet, the rabbit presents a particularly complex animal protection issue, requiring long term commitment and a multipronged approach. As noted above, a campaign aimed at releasing rabbits from lives in cages in the intensive meat industry would require engagement in pest management law and policy reform as prerequisite and co-requisite. The role ‘rabbit advocates’ have in pest management policy and practice is a vexed issue, as the interests of rabbits need to be balanced against those of other species living in the wild. This raises the difficult question of whether ‘freeing’ rabbits from the status of ‘pest’ means allowing them to reproduce freely and impact on native species in the wild, or to advocate that control measures be done in the most humane way possible. There will be a range of ethical positions on these questions within the animal protection community and a deeper consideration of these issues is beyond the scope of this article. Lastly, as part of a broad and long-term campaign program, there is work to be done to challenge dominant narratives around ‘pest’ animals (see for example McKiernan and Instone 476; Thiriet).

In sum, liberating rabbits from cages in the intensive rabbit meat industry may ultimately rely on advocacy in the area of pest management policy and practice. In this context, the utility of Spira’s approach is as a tool for reflection and identification of the complexities noted above. Identification, research, and discussion of these complexities will provide guidance in the development of future campaign strategies.

Knowledge

In Spira’s view, any campaign needs to be based on ‘credible sources of information and documentation; never assume anything’ (point four). In this context, some work has been done in relation to Australia’s animal welfare regime as it applies to domesticated rabbits in the meat industry (Lascelles). Another important advocacy goal might be to lobby government for an independent, scientific and systematic examination of animal welfare in the intensive rabbit

farming industry in Australia. Such a systematic analysis of rabbit welfare could include assessments of the effectiveness of the MCOPIHR and the Five Freedoms in the light of contemporary rabbit ethology evidence. Given the possibility of bias in animal welfare science (see for example van der Schot and Phillips 957; McEwan 175-176) it would be important that this assessment be undertaken by an independent body.

Modes of Engagement

Part of Spira's ethos was to engage constructively with his adversaries. He cautioned against 'dividing the world into saints and sinners' (point 5), a point that is closely connected to point six: 'seek dialogue and attempt to work together to solve problems; position issues as problems with solutions; present realistic alternatives'.

These are perhaps the most challenging of Spira's ten points, largely because they are reflective of the socio-political era in which Spira worked; to some extent Spira's successes were 'a sign of the times' that have now passed. Spira's advocacy took its cues from the civil rights movement and other social justice ideas that were at their pinnacle during the 1970s and early 1980s (Munro 180).

The past 30 years has seen a gradual political drift away from social democracy into more authoritarian forms of governance that privilege private property rights and economic freedoms (Norrie 15, 29; see also McEwan 2016). Also, the scale and intensity of animal use industries, especially meat production systems, has expanded. It is in this context that political divisions between some forms of animal protection advocacy and animal use industries seem to have deepened in Australia, as suggested by Victoria's current parliamentary inquiry into the impact of animal rights activism on Victorian agriculture (Parliament of Vic; RSPCA, 'What are Ag-Gag Laws'). In addition, under the current Australian regulatory system, government is increasingly taking on the role of risk-manager for animal use industries (Goodfellow 192-193). Overall, in contemporary Australia animal welfare has become an issue that regularly divides the nation within a cycle of animal cruelty exposés on various animal use industries.

The conditions noted above do not augur well for Spira's encouragement to 'seek dialogue and attempt to work together to solve problems and to position issues as problems with solutions'. There would be few opportunities for direct dialogue between animal use industry representatives and animal protection advocates in which the world is not divided into saints and sinners (from either or both perspectives). Largely, it is government that coordinates community input into animal welfare-related law and policy reform.

Having set out several caveats, how might it be possible to apply Spira's saint and sinner tenet in contemporary Australia? One must identify the relevant 'target', identify common ground and seek opportunities to negotiate. If the term 'opponent' or 'target' is taken to refer to those whose attitudes, beliefs and practices one is aiming to influence this could include intensive rabbit meat farmers, relevant government authorities, and consumers. Of these it seems that in the Australian context advocates would be seeking to influence government policy decisions, legislative reform, and consumer choice. Continuing the theme of welfare problems related to keeping rabbits in cages and free-range options, one of the major implications is to work towards having the issue debated in Parliament, in the jurisdiction with the largest intensive rabbit meat industry. In this vein, Spira led a successful campaign resulting in the repeal of the Metcalf-Hatch Act, which had allowed researchers to seize stray dogs and cats from pounds (Spira 1999). In Australia, advocates are able to have an issue debated in parliament. For example, in New South Wales, a petition with a required number of signatures is submitted to a Minister who has an interest in the issue and who sits in the Legislative Assembly (Parliament of NSW 'About Petitions').

For the Metcalf-Hatch Act and other campaigns, Spira formed coalitions. He brought people together to work towards an identified goal. This is what Spira meant by 'avoid bureaucracy, by keeping within necessary collaborative groups' (point 8). Spira's approach was relatively fluid, though it is unclear as to the potential personal liability each person in such a collaborative effort might carry.

Spira argued that advocates ought to 'be ready for confrontation if your target is unresponsive. If accepted channels don't work, prepare an escalating public awareness campaign

to place your adversary on the defensive’ (point 7). However, Spira’s style of ‘confrontation’ involved constructive dialogue and reintegrative shaming. In adapting or adopting Spira’s ten points, we submit that non-violence should form the foundational principle for practice. Perhaps now, more than ever, advocates need to think reflexively to identify and create opportunities for constructive dialogue with those they hope to persuade.

In terms of raising awareness, a call for action and events prompting public awareness are often one and the same, suggesting the veracity of our proposal that Spira’s advocacy involved four rather than three phases or frames. Spira used media well and the full-page advertisement he published in the *New York Times* for the Revlon Draize test campaign is iconic. While Spira dealt with print media, the 21st century equivalent is social media (Chen 208-209). Having said this, the use of social media raises a multitude of socio-legal challenges. Awareness-raising campaigns must be developed with adequate attention to legal developments relating to the use of social media. For example, the *Criminal Code Amendment (Agricultural Protection) Act 2019* (Cth) commenced operation on 20 September 2019 (Parliament of Australia). The *Act* amended the *Criminal Code Act 1995* (Cth), introducing offences related to the use of a carriage service (such as the internet) to incite certain activities on agricultural land (see sections 474.46 and 474.47). As noted above, Spira’s approach to advocacy has been defined as involving liberal governance strategies, in which he worked *with* industries and institutions (Munro 175). We therefore assume that campaigns adopting a Spira-inspired approach would also work within this framework.

Solutions that Work

While seeking improvements in animal welfare via legislative reform is important, Spira recognised that legislative change is not a panacea: ‘don’t assume legislation or legal action can solve the problem’ (point 9). In fact, most of Spira’s campaigns did not involve working directly on law reform. In part, he sought to influence consumer choice.

Influencing consumer choice has come to play a significant role in animal protection advocacy. Indeed, consumer demand for ethical choices has led to petitions for legislative

change.¹³ Increasing public awareness of animal suffering and animal welfare issues in animal use industries informs consumer choice (Bruce, ‘Labelling Illogic’). On this point, precedents related to other species, such as hens in battery cages, mean that advocacy efforts, including community education and awareness raising campaigns, could change attitudes towards the consumption of intensively farmed rabbit meat.

Finally, Spira encourages the advocates to ask themselves ‘Will it work?’ (point 10). Perhaps it will! On the basis of the foregoing discussion, there are some indicators of factors that, if paid attention to, may improve the likelihood of success. Firstly, advocates must do adequate research regarding the specific problem or practice they want to change or reform. Secondly, the reform or advocacy objective must be well-articulated with an appropriate reform target, in terms of a group, person, or entity that needs to be persuaded regarding the advocacy goal. With regard to consumer choice, it seems important to aim public awareness campaigns at the intersection between consumer self interest in terms of health, and the interests of animals. Spira was inspired by the idea that justice can mobilise people. He drew on different forms of expertise for specific, well-defined goals so that he could reach people and work towards change. He did not participate in violent strategies and we subscribe to the view that violence in any of its forms is not the way forward.

Conclusion

This paper explored the opportunities, challenges, and some of the complexities that would need to be taken into account in using Spira’s approach in the context of Australia’s intensive rabbit meat industry. It was inspired by the absence of any systematic examination of animal welfare within intensive rabbit meat farms in Australia and a relative lack of attention paid to rabbit welfare in Australia. ‘Thinking with’ Spira proved a valuable, structured reflective process. It allowed us to identify several features of the regulatory and cultural landscape that

would require careful consideration in developing effective rabbit welfare advocacy programs. In addition, we gained insights into the nature and nuances of Spira's advocacy.

Overall, rabbit welfare is a complex animal protection issue. To a large extent this complexity arises from tensions related to the rabbit's status as 'pest', and food animal. It is difficult to think of another species in Australia that is simultaneously 'pest', food, and increasingly, kept as a companion. Cutting across this narrative complexity, of 'rabbit wars', 'rabbit stew', and 'bunny rabbit', there is a relatively new discourse asserting that life in a cage for any animal amounts to 'unnecessary suffering'.

Spira encouraged advocates to identify and clearly articulate a goal. Apart from the problem of the use of cages in and of itself, most rabbit welfare problems arise from a short life spent in a cage. If freeing rabbits from cages is the stated goal, 'pest discourse' presents a barrier, while 'cages as morally unacceptable' presents a narrative of opportunity. Both aspects of the rabbit's status call for engagement with policy and regulatory reform. As a liberal governance strategist, Spira would support advocates petitioning and presenting their parliamentary representatives with research that takes up vulnerabilities to public opinion and offers solutions. Such submissions would need to be based on rigorous research, undertaken by independent bodies, and bringing contemporary rabbit ethology to the public's attention. A century or more of pest narratives have 'desentenced' the rabbit in the minds of many Australians and this needs to be challenged. If rabbit populations are to be controlled, sentience needs to be at the forefront of policy development. With regard to vulnerabilities to public opinion, there are opportunities for consumer research on caged rabbits that parallel studies by the RSPCA on consumer choice and battery hen cages. Rabbits bred for meat have not featured in public discourse relating to caged food animals. Therefore, advocacy aiming to raise awareness of the rabbit's life as confined to a cage would provide a sound basis for an animal protection campaign. It would also be useful to engage with advocates involved in these earlier campaigns to gain an understanding as to what has worked and the challenges.

Overall, it is highly likely that rabbit welfare advocates will need to work constructively in at least two animal protection domains: pest management policy and food industry regulatory

reform. However, there are numerous reasons why campaigning for rabbits may not succeed. For example, the fact that the intensive rabbit meat industry is small relative to other animal use industries may mean that it is more difficult to garner widespread public support. Another, more overarching, issue to consider is the significant shift in the socio-political landscape since the era in which Spira worked. Spira's campaigns took place at the height of social democracy when the broader population was open to reform in the light of civil rights and other social justice movements. The 21st century presents specific challenges. In a regulatory and social setting increasingly defined by neoliberal policy the emphasis is on supporting economic freedoms and private property rights at the cost of moral consideration for animals.

Despite these challenges, we believe there is much to commend in Spira's approach to advocacy. In terms of understanding the nature of Spira's advocacy, his ethos and practice align closely with Robert Garner's arguments for an incremental approach to relieve animal suffering by focusing on ways we can deploy current knowledge to push the boundaries of what is considered morally 'unnecessary suffering'. Spira's approach demonstrates that effective collaboration is the key to a successful advocacy. Without adequate collaboration and mutual understanding, the adoption of either a pure welfare reform approach, or a rights approach, may hamper advocacy efforts. On this point there are also synergies between Spira and Garner's incremental approach.

Beyond collaboration, Spira challenges us to continue to enter into constructive dialogue with those we identify as our 'opponents'. In this paper we used the term 'opponent' to refer to those whose attitudes, beliefs and practices one is aiming to influence. In the context of the rabbit meat industry, this might include intensive rabbit meat farmers, various relevant government authorities, rabbit meat consumers, and restaurateurs. Spira's ethos and practice was to approach opponents with an attitude of coming to shared understandings. This disposition reflects Spira's point about not dividing the world into saints and sinners. Perhaps it is in this respect that Spira presents advocates with their greatest challenge, one that ought to be taken up with creativity and optimism for the capacity for change in what may feel like dark times.

Notes

¹ According to the John Hopkins Bloomberg School of Public Health, ‘It has been suggested that in the U.S. Cosmetics Industry, the reduction of in vivo testing for eye irritation is currently at 87%’. [<http://caat.jhsph.edu/about/history.html>].

² See, for example, *Meat Industry Amendment Act 1998* (NSW) Schedule One.

³ See, for example, *Game and Feral Animal Control Act 2002* (NSW); *Local Lands Services Act 2013* (NSW); *Catchment and Land Protection Act 1994* (Vic); *Biosecurity and Agriculture Management Act 2007* (WA).

⁴ See, for example, the *Prevention of Cruelty to Animals Act 1986* (Vic); *Animal Welfare Act 2002* (WA).

⁵ See *Meat Industry Regulations 2015* (Vic) r 6; *Meat Industry Act 1993* (Vic) s 3(1).

⁶ Section 6(1)(a) of the *Prevention of Cruelty to Animals Act 1986* (Vic) states that the Act does not apply to the slaughter of animals in accordance with the *Meat Industry Act 1993* (Vic) or any Commonwealth Act.

⁷ *Food Regulations 2009* (WA) Division 2 under section 144(6) of the *Food Act 2008* (WA).

⁸ See Animal Welfare under *Australian Standard for Hygienic Production of Rabbit Meat for Human Consumption*, SCARM Report 59, AS 4466:1998; *Australian Standard for the Hygienic Production of Meat and Meat Products for Human Consumption*, FRSC Technical Report No. 3, AS 4696: 2007.

⁹ For example, under section 38 of *Rabbit Destruction Ordinance 1919* (NSW) people who wished to keep domestic rabbits for personal use such as pets, or for use as fur or food could do so with permission from the Minister, as long as rabbits were kept in a cage or enclosure.

¹⁰ Empirical data were collected by animal protection groups: Animal Liberation NSW, Aussie Farms, and Freedom for Farmed Rabbits Inc.

¹¹ See Aussie Farms, *The Aussie Farms Repository*

<<https://www.aussiefarms.org.au/facilities/food/rabbits>>; Freedom for Farmed Rabbits Inc., *Cruelty Evidence* <<http://www.freedomforfarmedrabbits.com.au/farms/cruelty-evidence/>>

¹² See for example, Animals Australia's 'Make it Possible' Campaign, 'That Ain't No Way to Treat a Lady' <<https://www.animalsaustralia.org/no-way-to-treat-a-lady>>.

¹³ For example, petitions have been submitted to the government as well as state/territory Premiers and Agricultural Ministers on behalf of the RSPCA advocacy for a ban of battery cages for egg laying hens. 'End the Battery Cage', *RSPCA*

<<https://www.rspca.org.au/campaigns/end-the-battery-cage-public-consultation>>.

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