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NUMBING THE PAIN OR DIFFUSING THE PRESSURE

## **Numbing the Pain or Diffusing the Pressure? The Co-optation of PETA's**

### **“Naming and Shaming” Campaign Against Mulesing**

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Numbing the Pain or Diffusing the Pressure? The Co-optation of PETA's "Naming and Shaming" Campaign against Mulesing

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This article examines a high-profile "naming and shaming" campaign launched by the activist group People for the Ethical Treatment of Animals (PETA) targeting the controversial sheep husbandry practice of mulesing. This campaign led to important changes to the "rules of the game" governing global merino wool production. This article suggests that contests between activists and other stakeholders over the framing of the policy problem and activists' choice of strategy can result in co-optation of activist ideas by corporate actors. The possibility of co-optation of ostensibly successful social movement campaigns highlights the importance of considering such campaigns in light of movements' values and longer-term goals.

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As public sentiment towards animals evolves, animal welfare regulation is becoming an increasingly contested space. Advocacy organizations and activists seek to problematize existing practices in order to exert influence over the law, practices, and norms. The events that are the focus of this article were set in motion in 2004 by a major campaign by the US-based activist group People for the Ethical Treatment of Animals (PETA) targeting the Australian wool industry. PETA, which characterizes itself as the “largest animal rights organization in the world” (PETA, n.d.a), threatened to “name and shame” retailers and brands that failed to respond to its calls to boycott Australian wool because of the “cruel” agricultural practice of mulesing and welfare concerns relating to the Australian live export industry. Mulesing—a painful procedure performed on sheep to reduce their susceptibility to the serious (and potentially deadly) condition of flystrike—is rarely performed, and is illegal, outside Australia (Neales, 2018; Phillips, 2009, 113). Although various painful procedures are performed on sheep worldwide (including castration, tail docking, and ear tagging) (Stafford, 2017, 212), the pain caused by mulesing has made it the most contentious ethical issue affecting the wool industry. PETA’s campaign involved a series of staged public protests and appeals from international celebrities and public figures, all of which generated extensive media coverage. The campaign prompted significant upheaval in the Australian wool industry, sparked public outrage internationally, and prompted a number of major brands to boycott Australian wool.

This article presents the conflict between PETA and the Australian wool industry as a contestation of values. It presents these events as a contest between animal activists and sheep farmers, which also drew in a range of other players, such as scientists, businesses, and politicians. The article contends that this contest culminated in important changes to industry practices, markets, and regulation. However, the article also argues that the campaign was eventually “corporatized” (King & Busa, 2017) by corporate and industry actors seeking to

capitalize on public concerns about animal welfare while legitimating prevailing industry practices.

Part I of the article sets out the conceptual framework. This article seeks to contribute to debates around animal welfare regulation as well as social movement activism more broadly. Firstly, this article provides an evocative illustration of the contested nature of animal welfare regulation. Secondly, the article argues that social movements influence (and are influenced by) industry practices, markets, and regulation through the process of corporatization (King and Busa, 2017). This article suggests that activists' tactics and strategies (their "repertoires of contention") (see Martin, 2015, 45–49)—including the framing (Snow et al., 1986) of policy problems in ways that allow for corporate buy-in—can make corporatization more likely. Corporatization can be pivotal in securing incremental regulatory reform; however, because corporatization does not challenge the fundamental assumptions underpinning production systems and regulation, corporatized solutions may not accord with activists' values. Thus, rather than making an argument for or against corporatization in general, this article stresses the importance of considering whether corporatization is in line with activists' values and movement's long-term goals in each particular case.

Part II provides background for the case study. It also describes the case study methodology and presents a timeline of key events.

Parts III–V present the findings of the case study, analyzing PETA's campaign against mulesing, the contestation engendered by the campaign, and the institutional settlement that emerged. Part III analyzes how the framing (Snow et al., 1986) of the "policy problem" of mulesing was constructed and contested by stakeholders, including activists. The episode of contention stemmed from efforts by activists to exploit what they perceived to be inadequate regulation in Australia. An important feature of animal welfare laws in Australia and elsewhere is that they forbid animal cruelty but allow "necessary suffering." As this article will illustrate,

views on what constitutes “necessary suffering” vary between stakeholders, leading to conflict. The article argues that the animal protection movement created scope for corporatization by framing the policy problem in a narrow way. The campaign was focused on problematizing mulesing by arguing that the practice caused “unnecessary suffering” to sheep, rather than pushing an animal rights agenda, seeking radical reforms, or posing fundamental questions about the commodification of animal bodies.

PETA’s novel repertoire of contention also played a pivotal role in this case, as discussed in Part IV. PETA’s “naming and shaming” strategy was a key reason why the international campaign—following two decades of campaigning for law reform by the Australian animal protection movement—succeeded in placing mulesing on the agenda. The conflict initiated by PETA inspired a period of contestation and a series of stakeholder dialogues—between activists, scientists, businesses, and agricultural representatives—that have subsequently shaped markets and industry practices, largely in the absence of state regulation.

The article argues that activists’ framing of the policy problem—and PETA’s novel repertoire of contention—paved the way for incremental reform and corporatization. In this case, as discussed in Part V, corporatization involved the development of “technological fixes” to the problem, most notably pain relief. Corporatization also transformed mulesing—framed by activists as a form of gratuitous and unnecessary cruelty, and by farmers as a necessary evil—into a commodifiable attribute of wool.

Part VI evaluates the effectiveness of PETA’s campaign with reference to activists’ and the broader animal protection movement’s values and broad objectives. PETA’s campaign—and its corporatization—resulted in animal welfare improvements and significant changes to the international wool market. In this sense, the campaign paved the way for improvements in animal welfare regulation without fundamentally altering the values that underpin such regulation, or

challenging animal production systems. The reconfigured institutional settlement presents new challenges for activists with more ambitious goals.

## I. Conceptual Framework

This article seeks to contribute to debates about animal welfare regulation as well as the interaction between regulation and social movement activism more broadly.

### A *Animal Welfare Regulation: Activists and Incremental Policy Reform*

Firstly, this article provides an evocative illustration of the contested nature of animal welfare regulation. Underpinning contests over animal welfare regulation are important moral questions such as what constitutes a good life for animals and what practices amount to unnecessary suffering. Another underlying moral question is whether animal exploitation can ever be justified. Some animal activists (“abolitionists”) level a critique at animal exploitation, arguing that it is rarely (if ever) justified (Francione & Garner, 2010). However, such claims have limited traction (and impact) in today’s capitalist systems where the commodification of animal bodies is ubiquitous and largely taken for granted. Indeed, animal activists face regular criticism (from others within the movement and external critics) for being overly idealistic or naïve—for letting the perfect be the enemy of the good (Garner, 2006). Critics argue that the lives of animals can be improved incrementally (including through regulation) and that more benign forms of animal use should continue (Francione & Garner, 2010).

This article also contributes to long-running debates within the animal protection movement—and social movements more broadly—in relation to campaigns targeting incremental policy reform. Social movement campaigns often seek incremental reforms because of a perception that campaigning against systemic issues—such as animal exploitation—is unlikely to succeed. In animal advocacy, this problem lies at the crux of arguments between “abolitionists” and “welfarists” (who typically seek incremental reform and the humane

treatment of animals) (Evans, 2010). Critics of campaigns targeting incremental reform argue that they only create the appearance of improvement while ultimately legitimating existing systems. For example, Gary Francione (1996, 3) argues that pragmatic campaigns by organizations such as PETA (wrongly) assume that incremental reforms lead to a cessation of animal exploitation: that there is “some causal connection between cleaner cages today and empty cages tomorrow.” A key dilemma faced by social movement activists in such situations is whether to campaign for incremental policy reforms (and risk co-optation and watered-down outcomes) or to eschew compromise by staying true to activists’ radical objectives and values (and risk failing to have an impact on broader society).

### ***B Social Movements and Regulatory Studies***

This article also contributes to social movement and regulatory studies. According to regulatory scholar Christine Parker (2008, 351), regulatory studies is interested in “‘mapping’ the interpenetration of, and competition between, different regulatory influences . . . in different social spaces.” In many regulatory regimes, regulation takes place “in many rooms,” the boundary between private and public is increasingly blurred, and there is not necessarily one central regulator (Black, 2002). Regulatory scholars have thus become increasingly interested in the dynamics of a regulatory environment in which the state continues to play an important role but is no longer seen to have a monopoly over governance (Black, 2001; Freeman, 2000).

Social movement campaigns can have important flow-on effects on law and public policy, and in this sense they constitute a form of governance (Parker, Carey, & Scrinis, 2018, 344). The contested nature of animal welfare regulation means that it provides a particularly fruitful arena for examining how social movements respond to what they perceive to be inadequate regulation. A trend within social movement studies has been to focus on the tactics of social movements (sometimes referred to as “repertoires of contention”) seeking to influence

the state and the political system (Martin, 2015, 36). Scholars are also turning their attention to social movement campaigns targeting companies and market actors (Dubuisson-Quellier, 2020). There has been increasing scholarly interest in social movement campaigns targeting businesses by “naming and shaming” them for poor practices (King & McDonnell, 2015, 432). Such strategies have been highly successful in persuading businesses to improve their practices, prompting some, such as King and McDonnell (2015, 432), to observe that businesses may be “even more open to policy innovation than are elected representatives of the state.” While activists commonly campaign for policy reform in order to change non-state institutions (Evans, 2016), what is different about the current case is that activists’ “repertoire of contention” focused on targeting *non-state actors* in order to open a new path to regulatory reform.

Three key concepts from social movement studies are used to explain the impact of PETA’s campaign: framing (Goffman, 1974; Snow et al., 1986), repertoires of contention, and corporatization (Busa & King, 2015). The concept of “corporatization,” developed by Leslie King and Julianne Busa (2017), is defined as “a subset of co-optation in which: (1) corporations come to dominate fields initiated by activists [and] (2) corporatized versions become widespread.” Corporatization typically involves business interests simplifying and scaling up the ideas of social movement activists (King & Busa, 2017).

The article argues that social movements can influence (and are influenced by) industry practices, markets, and regulation through the process of corporatization (King & Busa, 2017). It has been suggested that certain broad characteristics of social movements (Busa & King, 2015) may make them particularly susceptible to corporatization.<sup>i</sup> This article suggests that activists’ repertoires of contention—including the framing (Snow et al. 1986) of policy problems in ways that allow for corporate buy-in—can also play an important role. Drawing on the work of prominent animal welfare scientist David Fraser (2008), this article uses frame analysis (Goffman, 1974; Snow et al., 1986) to show how both proponents and opponents of mulesing



sought to construct narratives defining the “problem” of mulesing based on their own simplified (and competing) conceptions of animal welfare, as well as how this contestation over framing influenced the course of events. This article argues that while PETA’s naming and shaming strategy targeting wool retailers and fashion brands was pivotal in placing mulesing on the agenda, it also laid the groundwork for corporatization.

## II. Background and Methods

### A *Regulatory Framework: The Rules of the Game Governing Farmed Animal Welfare*

Farmed animal welfare is regulated in Australia by a combination of state and territory legislation, model codes of practice (MCOPs)<sup>ii</sup>, and private standards. Despite the changes in community sentiments and enhanced understandings of animal sentience, Australian animal welfare laws have not changed significantly since they were first introduced from England in the early 1800s. Animals have the legal status of property of their human owners under the law, although the laws and protections governing them have evolved in recent decades to include some qualified minimum “duties of care.” In most states and territories, a failure by the person in charge of an animal to comply with these standards constitutes an offence. The minimum standards of care in the legislation are based broadly on the “five freedoms” paradigm, which has been highly influential and widely accepted—at least in principle (Farm Animal Welfare Council, 2009). The five freedoms are:

- (1) Freedom from thirst, hunger, and malnutrition;
- (2) Freedom from discomfort and exposure;
- (3) Freedom from pain, injury, and disease;
- (4) Freedom from fear and distress;
- (5) Freedom to express normal behavior.

The stated purpose of animal welfare laws in each state and territory is to promote animal welfare. However, a feature of Australian animal welfare laws is the existence of various exemptions and defenses that apply to farmed animals and to other forms of animal use, such as the use of animals in sports and for research.

An important feature of animal welfare laws in Australia and elsewhere is that they do not forbid “necessary suffering.” As this article will illustrate, views on what constitutes good (and poor) animal welfare and what constitutes “necessary suffering” vary between stakeholders, leading to conflict.

Primarily during the 1980s and 1990s, MCOPs for various animal industries were developed by government ministers in consultation with industry. The MCOPs provide guidance on the types of practices considered by industry to be “necessary.” The MCOPs have an important impact on the way animal cruelty legislation can be applied to farmed animals. In most states and territories in Australia, there are exemptions in the animal cruelty legislation for conduct carried out in accordance with an adopted code of practice or industry standard. Thus, while compliance with the codes is voluntary, it does provide a defense against a breach of the animal welfare legislation, such as the criminal charge of animal cruelty.

## ***B Australian Wool Industry***

Australia is the world’s largest wool producer, with a share of around 23% of the global market and 80% of the merino wool market. Because 98% of Australian wool is exported, the Australian wool industry can be affected by a range of international factors. These include changes in the relative costs of other fibers, fashion trends, international trade developments, and changes in the supply chain (Australian Bureau of Agricultural and Resource Economics and Sciences, 2019; Pattinson et al., 2015, 3). More than two thirds of Australian wool exports flow

to China, where the wool is processed to produce textiles and clothing (Australian Bureau of Agricultural and Resource Economics and Sciences, 2019).

### **C     *People for the Ethical Treatment of Animals (PETA)***

The contemporary animal protection movement can be divided into the more radical animal rights (or animal liberation) activists commonly associated with ethical veganism and the more mainstream animal welfare movement. PETA, which claims to have over six million supporters and members, is a US-based non-profit charitable organization established in 1980 by Ingrid Newkirk, a former state law enforcement officer, with the objective of establishing and defending the rights of animals (PETA, n.d.a). While in the 1980s PETA had pursued a more radical agenda, and continues to describe its position as “uncompromising” on animal rights (PETA, 2010), in recent decades the organization has increasingly sought to work to achieve incremental changes and reforms (Pendergrast, 2014).

### **D     *Methodology***

This article examines a series of events that occurred over several decades to identify an episode of contention—“a period of emergent, sustained, contentious interaction between at least two collective actors utilizing new and innovative forms of action vis-à-vis one another” (McAdam, 2007, 253). A case study approach was employed to analyze the influence of social movement activists on markets, industry practices, and regulation.

The objective of the analysis was to investigate how the policy problem of mulesing was framed, constructed, and contested. This case study involved a content analysis of a range of publicly available sources. Firstly, a review of the academic literature, official reports, and media articles was completed in order to identify the key actors and construct a timeline of key events relating to mulesing. The second objective was to investigate the way the problem of mulesing was framed by key actors. A search of the media database Factiva was undertaken for all archived

Australian and international articles referring to “mulesing” dating to the end of 2019, yielding 6,095 media articles in total. Since the Factiva database does not maintain archives for many of the relevant media sources pre-dating the 1980s and 1990s, a search of the digitized newspaper archive on Trove—a free database managed by the National Library of Australia—was also conducted.<sup>iii</sup> The search yielded 572 articles— predominantly from local rural newspapers in Australia—that mentioned “mulesing.” Media releases and websites of the key players were also analyzed.

### *E Timeline of Key Developments*

Table 1 sets out the key timeline of developments that occurred in relation to mulesing according to the data.

Table 1: Key developments in relation to mulesing

Date	Event
1931	Mulesing procedure first performed
Late 1970s	Mulesing criticized by Australian Animal Liberation activists
1989	Australian Federal Senate Select Committee on Animal Welfare releases “Sheep Husbandry” report
Late 2003	PETA commences anti-mulesing campaign
October 2004	PETA launches international boycott
October 2004	Abercrombie and Fitch announces that it is boycotting Australian wool

## NUMBING THE PAIN OR DIFFUSING THE PRESSURE

November 2004	Wool industry taskforce commits to phasing out mulesing by end of 2010
August 2005	TriSolfen, a pain relief product, approved for mulesing
June 2008	National Wool Declaration, a voluntary certification scheme, launched
July 2009	Industry abandons commitment to mulesing phase-out deadline
May 2014	Australian animal welfare standards and guidelines for sheep developed to replace MCOP
December 2019	Australian state of Victoria announces new regulations mandating pain relief for mulesing

### III. Framing Mulesing: Gratuitous Cruelty or Necessary Evil?

How can a practice such as mulesing be perceived as a necessary and reasonable practice by some stakeholders and as a gratuitous (and unnecessary) form of mutilation by others? And why do stakeholders disagree on the availability of alternatives to mulesing? This article suggests that the framing of the policy problem—in this case, mulesing—played a key role in shaping the course of events. This section of the article discusses how the policy problem of mulesing was framed by proponents and opponents, who relied on two different conceptions of animal welfare.

#### A *The Policy Vacuum Surrounding Mulesing*

The wrinkly Vermont Merino sheep was introduced to Australia in the late 19th century and crossed with the Australian merino because it was thought that the increased skin area would

increase wool yields (Sneddon & Rollin, 2010, 376). Unfortunately, the large number of wrinkles made the sheep more vulnerable to flystrike (Scholtz et al., 2010; Sneddon & Rollin, 2010, 376). The risk of flystrike in non-mulesed sheep can range from negligible to very serious, depending principally on weather conditions in the region (Lee & Fisher, 2007).

The mulesing procedure, which was named after J. H. W. Mules, a sheep farmer who first performed it in the 1930s, involves the surgical removal of wool-bearing skin from either side of the sheep's breech and around the tail stump using straight- or curved-edge shears (Beveridge, 1984). Mulesing was developed to reduce the risk of flystrike among Merino breeds and Merino cross-bred sheep.

Since it was first performed, the mulesing procedure has been controversial. The content analysis of Australian media coverage reveals sustained debate between wool producers about the effectiveness of mulesing vis-à-vis other methods of flystrike control (see, e.g., *Weekly Times*, 1948). Some farmers (such as those with small flocks or those who did not have problems with flystrike) opposed the practice, and in some cases this opposition was on the basis of the pain caused to sheep (Hooper, 1948; Phillips, 2009, 114; Sneddon & Rollin, 2010).

Social attitudes to farmed animals began to change with the emergence of animal activism, which arose in response to citizen concerns about factory farming. The modern animal movement was kickstarted in the UK by Ruth Harrison's book, *Animal Machines* (1964), and it spread globally over the next decades. The release of the book had such a significant impact that it prompted the UK government to immediately undertake a major review of factory farming, which culminated in the release of the Brambell Report in 1965 (Brambell, 1965). This report played an important role in shaping the development of farmed animal welfare regulation by acknowledging the sentience of animals and setting out a series of aspects of animal welfare that it argued needed to be considered (Brambell, 1965, chap. 4). These aspects have been adopted as the highly influential "five freedoms" framework (Farm Animal Welfare Council, 2009, 2)

(discussed above). In Australia, the influence of animal activism rose in the mid-1970s, inspired by Peter Singer's renowned book *Animal Liberation* (1975).

Mulesing became a contentious topic for the Australian animal protection movement. Historically, activists' concerns about mulesing stemmed from what they considered to be inadequate animal welfare regulation, and in particular animal welfare laws that prohibit cruelty to animals but exempt a range of painful agricultural practices that constitute "necessary suffering." More radical groups, such as Animal Liberation, were critical of the practice, calling for pain relief to be provided for mulesing and for international boycotts of Australian wool (Hodgkinson, 1979; *Sydney Morning Herald*, 1986; Townend, 1981). Mainstream animal protection groups such as the RSPCA remained unopposed to mulesing on the basis that the practice was seen to be necessary and that there were no readily available alternatives (Browne, 1996).

The strategy of the animal protection movement throughout the 1980s and 1990s was focused on lobbying for legislative change and mandatory animal welfare standards (Villanueva, 2015). A key focus for animal activists was on engaging with the Federal Senate Select Committee on Animal Welfare ("CAW"), which published eleven reports on various aspects of animal welfare between 1985 and 1991 (Villanueva, 2015). CAW's *Report on Sheep Husbandry* observed that mulesing was the practice "which attracted the most vigorous condemnation" from critics of the wool industry (Federal Senate Select Committee on Animal Welfare, 1989, 56). Critics described the practice in highly impassioned terms—as a "crude and barbaric" practice, a "partial flaying," and "unnecessary and unacceptable mutilation" (Federal Senate Select Committee on Animal Welfare, 1989, 56). While there was unanimous support for mulesing among industry leaders, academics, and relevant government departments, it was acknowledged that the practice constituted "a painful procedure, and one which should and would be replaced

as soon as acceptable and effective alternatives were found” (Federal Senate Select Committee on Animal Welfare, 1989, 56).

Subsequently, several voluntary MCOPs were published. The first MCOP governing sheep welfare recommended that mulesing continue “until a more acceptable solution is found” (Standing Committee on Agriculture and Resource Management, 1991, 12). The second edition of the code, published in 2006, included new guidelines for performing the mulesing procedure (Primary Industries Ministerial Council, 2006).

These developments had little impact on animal husbandry practices, including mulesing (Chen 2016, 205, 216). As some scholars have suggested, achieving law and policy reform is a long and arduous process for social movement activists, whose demands are rarely granted in their entirety (see e.g., Evans, 2016). Calls by animal protection groups for mandatory animal welfare standards went unheeded. The MCOPs were neither mandatory nor prescriptive, on the basis that “good stockhandlers need to be flexible in their approach to caring for their animals” (Agriculture and Resource Management Council of Australia and New Zealand, 1991, 1). The effectiveness (and the *cost*-effectiveness) of mulesing in preventing flystrike had allowed producers to increase stocking rates and reduce labor costs (Sneddon & Rollin, 2010, 376). Thus, wool producers had no incentive to cease the practice. Indeed, including mulesing in the MCOPs had the effect of legitimating the practice (Sharman, 2004a) and provided farmers with an additional layer of protection, courtesy of the fact that in most Australian states compliance with an MCOP provides a defense against the criminal charge of animal cruelty.

## ***B Framing the Policy Problem of Mulesing: A Contest of Values***

The contest over whether mulesing constitutes “necessary suffering” touches on fundamental questions, such as the appropriateness of raising wrinkly breeds of sheep in regions where they are prone to becoming flystruck; perhaps most importantly, the contest hinges on



moral questions, such as whether the commodification of animal bodies is justified and what constitutes a good life for animals. Proponents and critics of mulesing fundamentally disagree on whether mulesing is necessary because animal advocates believe that the exploitation of animals is rarely (if ever) justified and that the welfare of animals should trump all other considerations. Producers face competing priorities, and there is considerable room for different opinions about how these are to be balanced. Many producers claim that they care for their animals' welfare, but they de-prioritize animal welfare in the pursuit of productivity, particularly in intensive animal production (Harvey & Hubbard, 2013, 107). For many producers, mulesing is "necessary" in the sense that it is effective and makes economic sense.

Rather than posing such broad questions, PETA homed in on mulesing, a practice they argued was "barbaric and gratuitous." As the contest unfolded, PETA's claims were refracted—and debated—through the lens of animal welfare science. Animal welfare science—which emerged in response to concerns of animal activists and philosophers such as Peter Singer—provides a framework for evaluating the welfare implications of agricultural practices such as mulesing. Influential animal welfare scientist David Fraser suggests that there are several different conceptions of animal welfare, which are based on "value-based ideas about what is important or desirable for animals to have a good life" (Fraser, 2008). As shown in Figure 1, the three primary conceptions of animal welfare can be categorized as relating to the animals' basic health and functioning (i.e., survival and productivity), their "affective state" (that is, human perceptions of what the animals feel), and what we perceive to be the "natural living" characteristics of the species. However, in practice, these dimensions of animal welfare may conflict with each other to some degree. There can be differing inflections towards negative aspects (avoiding suffering) or positive aspects (ensuring a life worth living), and different stakeholders will have different interpretations, perspectives, and evidence to bring to bear on these elements. Producers tend to rate animal welfare based on "basic health and functioning"

(Fraser, 2008; McInerney, 2004). Laypeople, however, prioritize animals being able to express natural behaviors (Lassen, Sandøe, & Forkman 2006, 228; Sørensen & Fraser 2010), or focus on animals' affective states (e.g., emphasizing the avoidance of suffering) (Coleman, 2018, 16).

Different stakeholders will have different perspectives on what constitutes reasonable forms of animal use, and this influences how practices such as mulesing are framed. Framing in social movement theory refers to a “process through which actors define problems, attribute causality and responsibility, and generally influence the *meaning* of issues or problems” (Elzen et al., 2011; see generally Goffman, 1974; Snow et al., 1986). Frame alignment — which involves “achieving a common definition of a social problem and a common prescription for solving it”—plays a crucial role for social movements (Goodwin, Jasper, & Polletta 2009, 6).

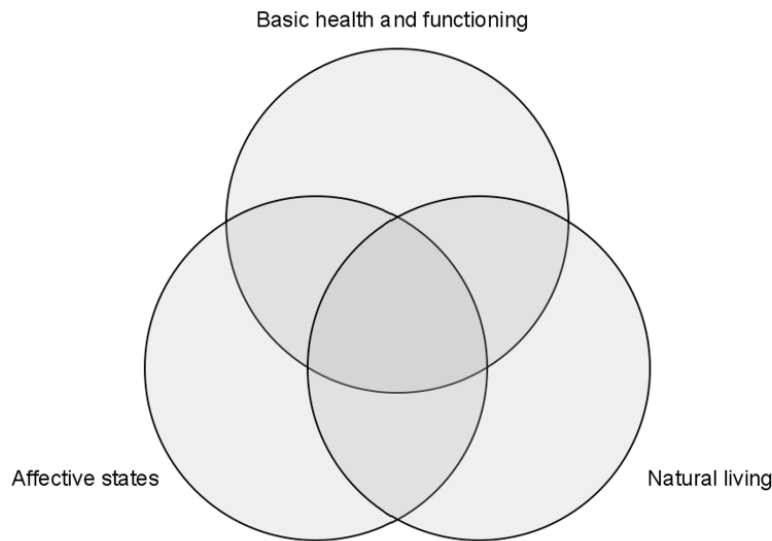
PETA's framing of the issue has mirrored that of other Australian animal activists since at least the 1970s (see, e.g., Townend, 1981). PETA's campaign focused on exposing to the world the suffering inflicted on sheep by the mulesing procedure, which the group claimed was tantamount to a legalized form of animal cruelty. PETA thus sought to frame mulesing as “barbaric,” “unnecessary,” and a form of mutilation (see e.g., Papps, 2004; PETA, 2018). PETA's concerns can be categorized as focusing on the animal's affective state (Fraser, 2008). While PETA's campaign was described by commentators, politicians, and industry groups as misleading, its concerns about the painful nature of mulesing were supported by a substantial body of scientific research (Fisher, 2011; Lee & Fisher, 2007; Phillips, 2009; Sneddon & Rollin 2010, 373).

Mulesing, conceptualized by activists as an outdated, barbaric husbandry practice, was historically characterized by proponents as being an example of agricultural innovation (Duff, 1999). This is not surprising—prior to the development of the mulesing procedure, flystrike management was costly for farmers, both in terms of time and effort. Morley and Johnson (1983, 4–5) observe that flystrike management involved the “regular drudgery of inspection, catching

and cleaning” sheep, as well as “emotional stress due to witnessing the suffering” of flystruck sheep.

The pro-mulesing argument thus tended to sidestep the uncomfortable issue of pain altogether, or to counterframe the problem as being about flystrike prevention, itself a serious welfare issue. For example, an Australian Senator characterized the welfare implications of mulesing as follows: “mulesing is a little painful to the sheep at times but the alternative is an excruciating, painful death from flystrike” (Senate, 2005, 34). Proponents of mulesing claimed that the procedure was necessary by equating good animal welfare with basic health and functioning of the animal (Fraser, 2008). Under this conception, a productive animal in adequate physical health exemplifies good animal welfare. Promoting the health and survival of animals is often correlated with improved productivity (McInerney, 2004). This conception of animal welfare is often held by producer groups, who argue—often in response to calls for animal welfare regulation—that some form of animal suffering is necessary, but that ultimately producers have an incentive to promote their animals’ welfare in order to remain profitable. As the contest went on, producer groups conceded that the practice was painful but disputed PETA’s claims that the practice was gratuitous. They relied on scientific evidence to support their claims about the potential seriousness of flystrike to show that mulesing was a necessary evil.

Figure 1: Main conceptions of animal welfare (Fraser 2008)



#### IV. PETA Campaign Sparks Episode of Contention

This part of the article discusses the strategies employed by animal activists seeking the cessation of mulesing, a practice they considered to be both barbaric and unnecessary. It is argued that the framing of the policy problem of mulesing and PETA's novel repertoire of contention were pivotal in setting the stage for policy reform and corporatization.

##### A *Normative Pressure: PETA's "Naming and Shaming" Campaign Places Mulesing on the Agenda.*

Prior to PETA's campaign, mulesing had failed to spark public interest. To the extent that the media analysis reveals concerns about sheep welfare, the problem of mulesing was historically viewed through the frame of basic health and survival, with little attention paid to the affective state of sheep.<sup>iv</sup> Under this dominant framing (illustrated in Figure 2), mulesing was characterized as a necessary solution to the serious problem of flystrike (see, e.g., Duff, 1999).

Outside of activist groups, awareness of mulesing was largely restricted to the small rural communities where it was practiced. A Factiva search (see Figure 3) shows that in the two decades before PETA's campaign, very few articles that mentioned "mulesing" were published in major news outlets. The few articles that were published only touched on mulesing as one of several practices that animal activists and organizations were concerned about.

PETA itself had been unaware of the mulesing procedure until early 2004, when Mark Pearson, the executive director of the Australian activist group Animal Liberation NSW, recorded a video of the practice (Marr, 2007; Savethesheep.com, 2004; Yallop, 2004a). At first, PETA implemented a conventional protest strategy, with the aim of pressuring the Australian government to ban mulesing and the controversial live export industry (Savethesheep.com, 2007). PETA's first public protest took place in February 2004, with Chrissie Hynde (lead singer of the popular English-American band the Pretenders) joining with a PETA activist dressed up as a sheep (*YEN Magazine* 2004). As part of another publicity stunt, both the Australian Prime Minister John Howard and the federal leader of the opposition were shadowed by a PETA campaigner dressed as "Lucy the Sheep" throughout the 2004 election campaign ("Australian Wool Boycotted," 2004). These initial protests received some media attention (Agence France Presse, 2004; Geelong Advertiser, 2004; Herald-Sun, 2004; World Entertainment News Network, 2004), but they were largely ignored by industry leaders and politicians (Yallop, 2004b). This reflected the fact that the practice had been entrenched in the Australian wool industry for many decades and was seen as a "necessary evil" by the industry, as well as by more moderate elements of the Australian animal protection movement (Browne, 1996). PETA protesters could be easily dismissed by the wool industry and its allies as representing fringe (and uninformed) views from a foreign country (Sharman, 2004a).

What was novel about PETA's campaign was its naming and shaming strategy. Rather than limiting its anti-mulesing campaign to conventional methods, PETA sought to enlist large multinational businesses to amplify its message.

The episode of contention (McAdam, 2007) was kicked off in October 2004, when PETA convinced a leading American fashion retailer Abercrombie & Fitch to boycott Australian wool in response to mulesing and live export. Abercrombie & Fitch, fresh from a previous (and unrelated) consumer boycott, was a "soft target" for PETA (*Australian Associated Press General News*, 2004). Abercrombie & Fitch's boycott followed three months of negotiations with PETA, during which time PETA activists provided the company with videos of mulesing as well as previews of a proposed advertising campaign that would target its business (Yallop, 2004a). In a letter to PETA, Abercrombie & Fitch's director of investor relations wrote that:

Abercrombie & Fitch considers the proper treatment of animals to be of critical concern and it is committed to that end. . . . A&F does not intend to knowingly sell products using Australian merino wool until both [the live export of sheep and mulesing] practices are ended (*Australian Associated Press Financial News Wire*, 2004).

The campaign markedly raised the profile of the issue among stakeholders—including farmers, scientists, and animal welfare advocates (Phillips et al. 2009, 1160)—and the general public. As illustrated in Figures 3 and 4, there was extensive media coverage—in print, on television, and online—of the PETA campaign. Most of the coverage took place in Australian rural-based newspapers. However, the controversy also generated significant interest internationally, including by major news organizations. The number of Factiva references to mulesing increased around 20-fold between 2003 and 2004. The Google Trends index shown in Figure 4—available from January 2004—indicates that the biggest spike of interest in mulesing occurred between October and December 2004, following the Abercrombie & Fitch announcement. Coleman found

that in 2000 only 3% of Australians disapproved of the practice; by 2006, at the height of the boycott, this percentage increased from 3% to 39% (Coleman, 2017).

PETA's international campaign, supported by a number of retailers and fashion brands, as well as celebrities and public figures, thrust the Australian wool industry into the limelight for all the wrong reasons. While businesses and governments often seek to diffuse normative pressure from activist campaigns by characterizing instances of animal suffering as unfortunate but isolated instances, this response was not available because mulesing was both widespread and legal in Australia. The following section discusses the strategies used by the wool industry and its supporters to blunt the impact of PETA's campaign by attacking PETA's credibility in the media and via the courts.

Figure 2: Example of Australian newspaper article promoting mulesing (*Weekly Times*, 1948)



Figure 3: Number of news articles including term “mulesing” (1986–2019)

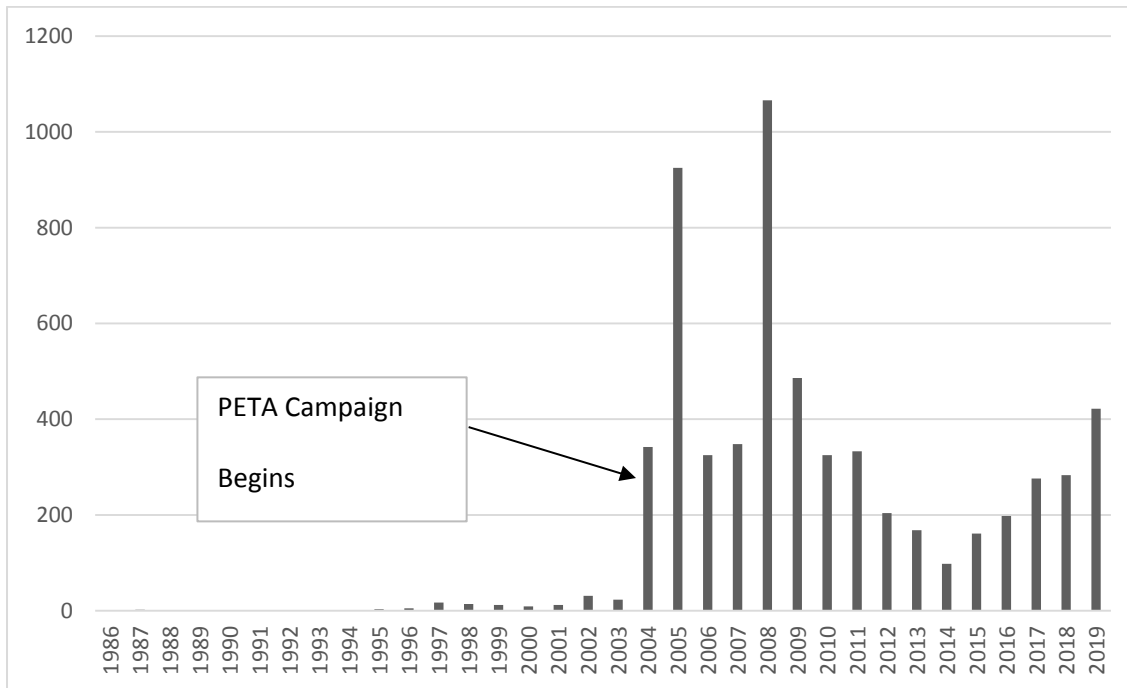
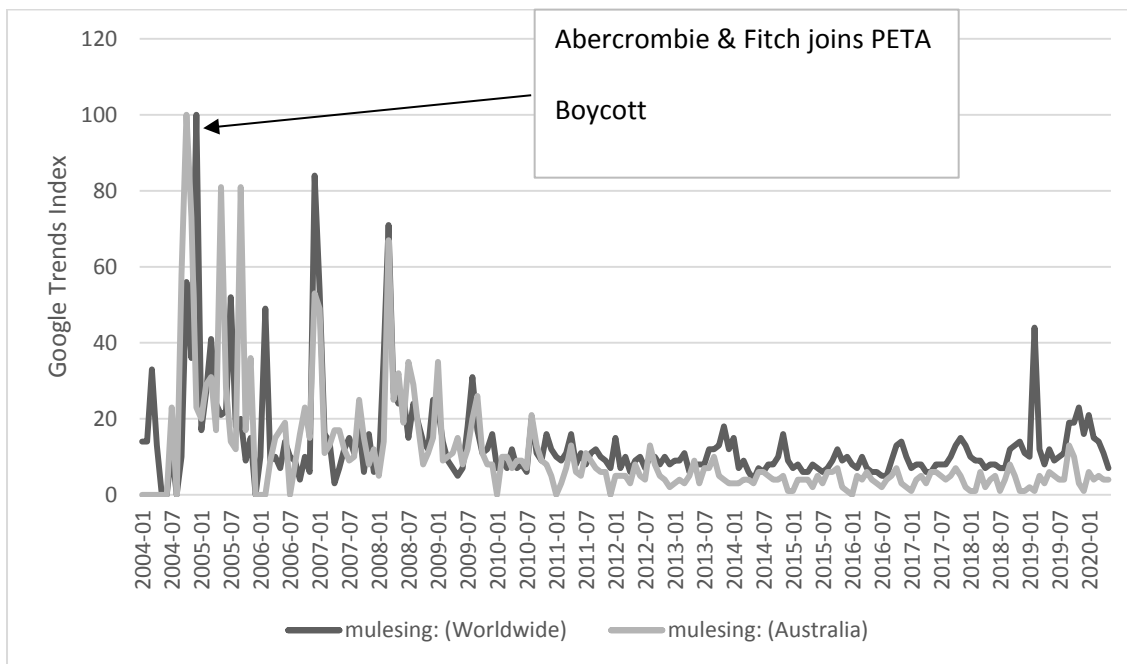


Figure 4: Google Trends data for the word “mulesing”





**B      *Proponents of Mulesing Use the Law to Blunt Momentum of PETA's Boycott Campaign.***

At the time of the boycott by Abercrombie & Fitch, PETA was reportedly negotiating with other retailers who were considering joining the boycott. The Australian wool industry needed to respond as a matter of urgency. Having been caught unawares, the industry was concerned about the potential for Abercrombie & Fitch's announcement to spark a "domino effect" among other businesses. The announcement prompted Australian Wool Innovation (AWI)—the organization funded by the wool industry and the Australian government to undertake wool research and marketing—to convene an immediate crisis meeting of sheep and wool industry bodies.

The industry decided to implement a two-pronged response to the campaign. Firstly, it sought to appease international wool buyers by announcing a "compact" of commitments to retailers in relation to mulesing (discussed in the next section). These commitments were targeted at wool buyers rather than PETA, seeking to distinguish between its customers and "implacable" activists (McKenzie, 2004). This was despite observations that in recent decades PETA has largely departed from its radical roots and increasingly demonstrated a willingness to compromise; indeed, it has often affiliated itself with corporations (Pendergrast, 2014).

Secondly, the industry initiated a legal campaign targeting PETA and other activists in order to discourage further boycotts. AWI launched legal proceedings alleging that PETA and other animal activists had contravened several provisions of the *Trade Practices Act 1974* (Cth) and committed the torts of conspiracy and intimidation (Australian Wool Innovation Ltd v Newkirk FCA 290 2005). After the torts claims were dismissed, the key aspect of the case was the claim that PETA's boycott contravened the "secondary boycott" provisions of the *Trade Practices Act 1974* (Cth) (Australian Wool Innovation Ltd v Newkirk FCA 290, 2005). The proceedings sought an order requiring PETA to publish corrective advertising, and an order

restraining PETA from threatening retailers and applying pressure on them to impose a boycott on Australian wool (Australian Wool Innovation, 2004b; Marr, 2007). The claim was served on PETA President Ingrid Newkirk after she concluded a television interview with *60 Minutes*, a highly rated Australian current affairs program (Australian Wool Innovation, 2004b). AWI argued that the court action was necessary to protect the industry and international buyers from being pressured by PETA (Sharman, 2004b). There was also a strategic element to the legal proceedings; although they were expensive for AWI, they also forced PETA to divert resources from its boycott campaign (Clancy, 2007; Flugge, 2005).

PETA, however, was largely undeterred by the legal action. In December 2004, PETA erected a large billboard at one of the busiest thoroughfares in the US, which showed graphic images of mulesing and the words “Did Your Sweater Cause a Bloody Butt? Boycott Australian Wool!” (Mitchell, 2004). The scope of its boycott continued to grow as it obtained support from retailers and public figures not just in the US, but in Europe and India. The legal action was ultimately settled, as discussed below, but in the meantime the Australian government also entered the fray.

While the Australian government tends to espouse a “light-handed” and “market-based” philosophy in relation to animal welfare regulation, it sought to protect the Australian wool industry against what it considered to be a serious threat. Several government ministers spoke out in support of the wool industry, characterizing PETA and other activists as extremists (see, e.g., *Australian Associated Press General News*, 2005; MFC, 2005). For example, the Agriculture Minister Warren Truss publicly criticized PETA, suggesting that the organization was linked to domestic terrorist organizations in the United States (*Australian Associated Press General News*, 2005). Australian Treasurer Peter Costello singled out PETA’s campaign as the impetus for proposed changes to secondary boycott laws (Neilsen, 2007). The bill—which failed to proceed past the second reading—would have allowed the competition regulator (the

Australian Competition and Consumer Commission) to bring representative action against activist groups engaging in secondary boycotts (*Australian Associated Press Financial News Wire*, 2007).

In June 2007, following four days of mediation and a “marathon closed door session” between lawyers, PETA and AWI settled the secondary boycott litigation (Australian Wool Innovation, 2007b). AWI described the court outcome as a “great win for woolgrowers and for international retailers” (Australian Wool Innovation, 2007a). However, as discussed in the next section, it is unclear whether the legal action blunted the campaign’s momentum.

### **C     *PETA’s Campaign a Key Impetus for Industry Concessions***

PETA’s campaign heaped significant normative pressure on the Australian wool industry. At the crisis meeting convened in response to Abercrombie & Fitch’s boycott, wool industry leaders voted to phase out mulesing by 2010 (Australian Wool Innovation, 2004a). To facilitate the transition away from mulesing, industry bodies committed to fast-tracking a range of programs aimed at ending mulesing as well as interim measures designed to promote animal welfare (Australian Wool Innovation, 2004a).

One reason for the effectiveness of PETA’s campaign was its proven track record of successfully taking on the clothing, fashion, and beauty industries. In recent decades, animal activists had targeted cosmetic products tested on animals as well as the use of animal skins and furs for apparel and accessories (Lee, 2014). In the 1980s, animal activists had recorded “stunning successes” in campaigning against fur production, which resulted in fur sales plunging and entire industries being forced to shut down (Lee, 2014, 13). PETA itself had undertaken “naming and shaming” campaigns before. The first of these campaigns, in 1989, targeted cosmetic brands including Avon whose products had been tested on animals (PETA, 2012). It had also targeted the fashion and clothing industries. In 2000, it convinced a number of major

brands to boycott leather from two major producers, India and China, due to concerns about animal suffering (PETA, n.d.c). This would have been a cause for concern for the Australian wool industry, as a widening boycott could severely damage its reputation.

The other reason was PETA's novel repertoire of contention. After conventional lobbying and protest tactics employed by PETA and the Australian animal protection movement failed to produce policy reform in relation to mulesing, PETA developed a "naming and shaming" campaign that targeted major brands and retailers. PETA's campaign differed from a traditional "naming and shaming" campaign because it targeted a downstream industry. In a traditional boycott, the targeted business can respond by addressing activists' concerns. For example, a business targeted for poor labor practices might implement new processes to diffuse the pressure and prevent the problem from occurring in the future. PETA's campaign was different from a traditional consumer boycott in that its primary target was not the "named and shamed" business itself, but the downstream supply industry. This strategy effectively opened a new avenue to regulatory reform that bypassed the Australian government and wool industry executives, who were unsympathetic to their demands.

PETA's campaign placed the targeted retailers and brands, and particularly those that had committed themselves to good corporate social responsibility (CSR), in an awkward position. If they refused to join the boycott, they risked reputational damage; if they joined the boycott, they would have to immediately stop selling Merino wool products or source them elsewhere. Since Australia produced the vast majority of Merino wool globally (80%), the options for some retailers or brands that produced garments containing Merino wool would be limited. On the other hand, businesses less reliant on Australian wool could easily join the boycott and benefit from the resulting positive publicity.

Efforts by the wool industry and its supporters to shut down the boycott via the legal system (discussed in the previous section) were misguided, as PETA's campaign had tapped

into—and reinforced—increasing public concerns about farmed animal welfare (Sneddon & Rollin, 2010). Three years after AWI sued PETA on the basis that the activists were implacable (McKenzie, 2004), the parties reached an out-of-court settlement. As part of the agreement, PETA would cease their campaign until the end of 2010, subject to certain conditions being met (Australian Wool Innovation, 2007b). The conditions, which would need to be satisfied by the end of 2007, included the implementation of a system to identify unmulesed Australian wool throughout the supply chain. AWI also agreed to not oppose any marketplace developments that purported to classify Australian wool as being sourced from mulesed or non-mulesed sheep.

For its part, PETA was prevented by virtue of the settlement from urging consumers to boycott specific retailers selling products containing mulesed wool (Australian Wool Innovation, 2007b). Activists could, however, continue their broader campaign against mulesing and the wool industry. Further, nothing would prevent retailers from boycotting Australian wool of their own accord. The rolling media coverage had translated into increased public concern about mulesing, to which international businesses were sensitive (Coleman, 2017; King & McDonnell, 2015). And indeed, in 2008, several high-profile businesses, including one of the world's largest retailers, Hennes & Mauritz (H&M), joined the boycott (Munro, 2008).

AWI's commitments to PETA indicated that the industry was willing to accommodate activists' demands to some extent. For example, AWI had agreed to provide PETA with reports outlining its progress in researching genetic-based alternatives to mulesing (audited by the Australian Veterinary Association), which it was already providing to international wool buyers. The settlement represented a symbolic acknowledgement that PETA and other animal activists were legitimate stakeholders entitled to information about how wool was produced. The commitments made by the wool industry to retailers and PETA paved the way for a new institutional settlement, as discussed below.

## V. Institutional Settlement: Corporatization

The previous section argued that PETA's novel repertoire of contention was highly effective at raising the profile of the mulesing procedure and pressuring the Australian wool industry into making commitments to address their concerns. PETA's repertoire of contention was successful because of the way it enrolled corporate actors such as retailers, amplifying its claims. The question remained whether this success would translate into action, such as law and policy reform, and whether this would improve the lives of animals. This section adopts King and Busa's (2017) concept of "corporatization" to show that PETA's campaign was co-opted by corporate actors to produce a new institutional settlement. King and Busa argue that corporatization typically takes place through the commodification of activists' ideas or the development of technological fixes to perceived problems. It will be argued that both technology and commodification were important in diffusing the normative pressure on the Australian wool industry and reconfiguring of the rules of the game governing Australian wool production.

## ***A      A Technological Fix: PETA's Normative Pressure Leads to the Development of Pain Relief Products***

Advances in technology and innovation can play an important role in translating the ideas of social movements into practical solutions (Busa & King, 2015; Elzen et al., 2011). As discussed below, scientific innovation is playing a key role in reconfiguring the rules of the game governing Australian wool production and providing alternatives to mulesing.

PETA's campaign had altered the conception of what constituted acceptable sheep husbandry practices among stakeholders (Phillips et al., 2009, 1161). The wool industry's commitment to researching alternatives to mulesing prompted sustained efforts by scientists to develop solutions (Fisher, 2011, 238). AWI groups the alternatives to mulesing into three categories: breeding and selection, non-surgical breech modification, and improved management practices. Genetic selection involves breeding sheep that have features that make them less susceptible to flystrike (Fisher, 2011; Phillips, 2009). While genetic selection has been touted as

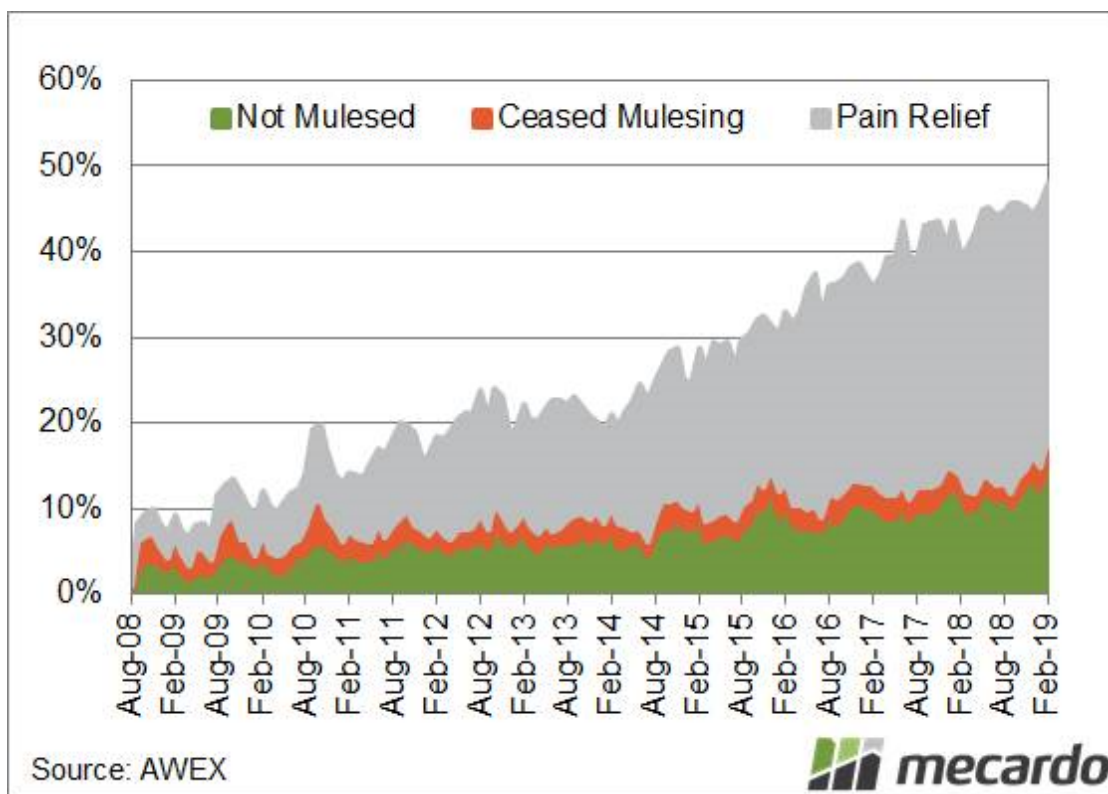
the solution to flystrike, there has been some opposition to it in the industry, which may reflect a resistance to change or concerns that breeding more flystrike-resistant sheep would cause a reduction in fleece weights or quality (Brown, Swan, and Gill, 2010; Smith, et al., 2009). Several types of non-surgical breech modification alternatives have been developed, but it is unclear whether these improve welfare outcomes vis-à-vis mulesing. Importantly, ceasing to mulesing would require producers to make changes to their operations, which would likely require additional costs, time, and effort (Phillips 2009, 116; Rothwell et al., 2007).

These issues help explain why only a very small proportion of farmers had ceased mulesing at the time of writing (see Figure 5). The most significant factor, however, has been the emergence—and rapid adoption—of pain relief. Pain relief constitutes a “technological fix,” allowing producers to continue mulesing while addressing the immediate concerns of retailers about the painful nature of the procedure. The first pain relief product developed specifically for mulesing was TriSolfen, which remains the most commonly used product for the procedure. TriSolfen was developed by pediatric research scientist and farmer Meredith Sheil in 2005 after she was approached by sheep farmer Chick Olsson, a vocal critic of the wool industry’s combative response to PETA’s campaign. This followed a meeting between Olsson and Mark Pearson (the Animal Liberation activist who had initially tipped-off PETA to the practice of mulesing) (Devine, 2019) and a wool industry forum during which encouraging results about the effects of pain relief were presented to industry participants and Animal Liberation activists (Le Grand, 2005).

The distribution rights for TriSolfen were purchased by the multinational corporation Bayer, which sought to scale up marketing and global production (Sharman, 2006). In launching the product, a company spokesman announced that “Bayer recognises that farm animals feel pain in processes such as mulesing. . . . This is a brilliant solution that we can further develop locally and take to the world” (Sharman, 2006). It is expected that this product will be registered for use

in other jurisdictions, including the UK and Europe (Bradshaw, 2019), where a number of non-legislative schemes promoting pain relief for painful procedures have been established in recent years (Spoolder, Schöne, & Bracke, 2016). In adopting, scaling up, and simplifying the ideas of animal activists relating to animal suffering, corporate actors such as Bayer are able to profit while “diluting and deradicalizing” these ideas in the process (King & Busa, 2017, 551).

Figure 5: Proportion of declared wool categorized by mulesing status (NWD) (Sim, 2019)<sup>v</sup>



## B Commodification of Mulesing Status: The National Wool Declaration

The interest in PETA’s campaign on the part of major brands and retailers suggests that PETA’s campaign had translated into market demand for “ethical” wool. Indeed, several key commitments made by the Australian wool industry to international wool buyers and PETA related to providing potential wool buyers with information about the “mulesing status” of wool.

These commitments formed the basis of the National Wool Declaration (NWD) scheme, introduced in 2008, after urgent requests from exporters (Australian Wool Exchange Limited,



2008). The NWD is a voluntary certification scheme allowing farmers to document their flystrike control program when selling wool through the Australian Wool Exchange system. Under the scheme, farmers can declare their wool as “CM - Ceased Mulesing” (if the property no longer practices mulesing and does not intend to mules in the future), “NM - Non-mulesed” (if none of the sheep in the mob were mulesed), and “PR - Pain Relief Treated” (if all sheep in the mob were mulesed using a registered pain relief product) (Australian Wool Innovation, n.d.). The accuracy of the NWD declarations is audited via the NWD Integrity Program (Australian Wool Exchange Limited, 2017).

The NWD constituted the “corporate buy-in device” (King & Busa, 2017) that co-opted (Jaffee & Howard, 2010)—and corporatized—animal activists’ ideas. Corporate buy-in devices can be used to bring together corporate actors and social movement participants (King & Busa, 2017). As shown in Part IV, dialogue between the various stakeholders was already occurring throughout the contest. This dialogue was central to PETA’s boycott strategy and the wool industry’s response, which culminated in a commitment to establish a system to identify unmulesed Australian wool throughout the supply chain. In establishing the NWD, the wool industry sought to implement a voluntary form of “information infrastructure” to diffuse the normative pressure on retailers and the wool industry and “standardize the discourse” (Frohlich, 2017) around mulesing. The corporatization of PETA’s campaign transformed mulesing—framed by activists as a form of gratuitous cruelty, and by farmers as a necessary evil—into a commodifiable attribute of wool.<sup>vi</sup>

Wool is of course itself a commodity; however, prior to the corporatization of PETA’s campaign, wool was classified by its origins, the type of sheep, and the type (and quality) of fleece. The new institutional settlement paved the way for the emergence of a new product—“ethical” (or animal-friendly) wool.

This new situation is described by Fligstein and McAdam (2012, 22) as institutional settlement, a state where “new—or refurbished . . . field rules and cultural norms” are established and a “generalized sense of order and certainty returns.” Importantly, the voluntary nature of the NWD and private certification schemes (discussed in the next section) means that mulesing remains legal and continues to be widely practiced in Australia. Thus, there is no recognition of mulesing as a *per se* cruel practice, as argued by PETA and other animal activists.

## **VI. Did the Strategy Succeed? Implications for Rules of the Game Governing Wool Production**

This part of the article evaluates the campaign in terms of its impact on animal welfare, wool markets, and animal welfare regulation. To evaluate the effectiveness of PETA’s campaign, it is necessary to consider the organization’s (and the movement’s) overall values and objectives. As an organization that prides itself on being “uncompromising” on animal rights (PETA, 2010), PETA’s aspirational goal is to challenge animal exploitation. To be in line with PETA’s values, the campaign would need to contribute to evolving public norms about animals and challenge animal exploitation. However, as this article illustrates, despite its radical roots and “animal liberationist” rhetoric, PETA is increasingly willing to compromise in order to achieve incremental reforms (Pendergrast, 2014). The anti-mulesing campaign did not seek to challenge the exploitation of animals but advocated for improving their welfare. In this way, PETA’s campaign tacitly accepted the “welfarist” values that underpin animal welfare regulation—in particular, the emphasis on avoiding unnecessary suffering—rather than pushing an animal rights agenda.

### **A Implications for Animal Welfare**

As discussed in Part IV, PETA’s campaign was highly effective at drawing public attention to, and generating public outrage about, the practice of mulesing. However, from an

animal welfare perspective, placing mulesing on the agenda constitutes a success only if it leads to improving the lives of animals.

Over time, mulesing has become entrenched as a necessary practice within the system of farming in Australia. Prior to the boycott, the wool industry and government committees had discussed finding alternatives to mulesing as a long-term goal, but the effectiveness (and, as discussed above, the *cost-effectiveness*) of mulesing created little incentive to investigate alternatives (Fisher, 2011, 233).

Overall, the widespread use of pain relief for mulesing in Australia represents an improvement from the status quo, as it alleviates the suffering caused by the procedure. While TriSolfen is not an alternative to mulesing, providing pain relief during the post-operative period represented an incremental welfare improvement for sheep. One study found that TriSolfen helps alleviate pain for a period of eight hours after mulesing (Lomax, Sheil, & Windsor, 2008); however, other studies identified substantial longer-term welfare effects of mulesing that persist for up to two weeks after this period (Fisher, 2011; Hemsworth et al., 2009; Paull et al., 2007). In 2017, another nonsteroidal anti-inflammatory drug, Buccalgesic, was approved for use in mulesing, and studies have found that administering this drug in combination with TriSolfen improves sheep welfare by providing longer-lasting pain relief (Small, Marini, Dyal, et al. 2018; Small, Marini, le Floch, et al., 2018). As illustrated in Figure 5, while stakeholders are reluctant to cease mulesing, there is a growing acceptance that mulesing should only be performed with pain relief (Phillips et al., 2009, 1161). The corporatized solution—mulesing with pain relief—represents a compromise palatable to corporate actors because it is cheap and easy to implement within existing systems of production.

Further, the development of TriSolfen for mulesing may have positive welfare implications beyond mulesing and sheep. Australian farmers now increasingly use the product for painful procedures performed on other animals including cattle (Barker, 2020) and horses

(Phelps, 2018). Recently, the beef industry has set a target for pain relief to be used for all unavoidable aversive procedures by 2030 (Australian Beef Sustainability Framework, n.d.). The product has also been trialed for use in humans (Thompson, 2018). The campaign also likely led to animal welfare improvements outside Australia. In response to PETA's campaign targeting Australian wool, neighboring New Zealand commenced its own phase-out of mulesing, "refram[ing] the threat [of a boycott] as a market opportunity" (Bowmar & Gow, 2009, 33). Following the phase-out of mulesing, the New Zealand government has now criminalized the practice (and all other forms of sheep breech modification) (*Animal Welfare (Care and Procedures) Regulations 2018 (NZ)* 2018 r. 59).

It would be an oversimplification to say that administering pain relief for mulesing, or even foregoing the procedure altogether, is sufficient for good sheep welfare. Mulesing is but one painful procedure that is performed on sheep; nor is it the only welfare problem within the industry. For example, it has been estimated that in Australia every year over 10 million lambs (up to 25%) die within 48 hours of birth due to starvation, neglect, and exposure (Clark, 2012; Markham, 2010; Animal Liberation Victoria, n.d.).

More broadly, as discussed in Part III, while alleviating pain is important, it represents but one dimension of animal welfare. The absence (or alleviation) of pain does not equate to a "good life" for animals. Positive experiences, such as through opportunities to express natural behaviors, are also necessary (Mellor, 2016). However, as illustrated in Figure 6, businesses are increasingly using "mulesing free" as a signifier of high animal welfare, signaling to consumers that their wool products are ethically produced.

## **B      *Implications for Wool Markets***

Since Australia is the world's largest wool exporter, PETA'S campaign has had flow-on effects on the international wool market. The NWD has been hugely popular among exporters

and brokers; at the time of writing, over 70% of Australian wool sold through auction was declared through the NWD (Australian Wool Innovation, n.d.). PETA's campaign has placed animal welfare on the agenda of the International Wool Textile Organisation (IWTO), which has a significant influence on the wool industry (International Wool Textile Organisation, 2013, 6). The IWTO has established a set of guidelines recommending the use of pain relief and avoiding surgical procedures whenever possible (International Wool Textile Organisation, 2013). Following a request by H&M, a major retailer that had participated in PETA's boycott, the global non-profit organization Textile Exchange developed the Responsible Wool Standard, a global certification scheme that does not permit mulesing (Textile Exchange, 2016). The other major wool producing countries—including Uruguay (Instituto Nacional de Investigación Agropecuaria, Secretariado Uruguayo de la Lana, and Cámara Mercantil de Productos del País, 2016), New Zealand (*Animal Welfare (Care and Procedures) Regulations 2018 (NZ)* 2018), South Africa (National Wool Growers Association of South Africa, 2008) and Argentina—either have no need for mulesing or have responded to PETA's campaign by banning the practice. The commodification of “mulesing free” as a “premium” feature of wool bolsters the credentials of their respective wool industries.

Without laws prohibiting mulesing or mandating pain relief, a proportion of Australian sheep—as determined by international market forces—will continue to be mulesed with no pain relief. There may, however, be further contestation if animal activists seek to exploit the issue of pain relief. Pain relief for procedures such as mulesing presents a “cheap and easy” solution, and as such most wool declared through the NWD is classified as “mulesed with pain relief.” Although such wool does often sell at a small premium (Sheep Central, 2019), one is hard pressed to find wool garments marketed as “mulesed with pain relief” by fashion brands and retailers to consumers. This is not surprising as a “mulesed with pain relief” label (or similar) would only draw consumers' attention to the controversial procedure without (entirely) assuaging their

concerns. References to pain relief products may clash with consumers' perceptions of wool as a "natural" product and raise their suspicions about the involvement of multinational pharmaceutical corporations in wool production.

This is in stark contrast to the proliferation of "mulesing-free" labels, which constitute a key marketing tool aimed at conscientious consumers. Although only a small proportion of Australian wool comes from non-mulesed sheep, businesses are responding to concerns about animal welfare, using the "mulesing-free" status to bolster the "premium" ethical credentials of their products. This is somewhat akin to the proliferation of "premium" egg labels—such as "cage-free," "free-range," "barnyard," and "organic," among others—which obscures the public policy dialogue about battery cages and intensive poultry farming (Parker et al., 2017). The popularity of "mulesing-free" products is only likely to increase, as nearly 200 major brands have already committed to using non-mulesed wool (Four Paws International, 2020). Many international brands and retailers recognize that conscientious consumers will not be satisfied with wool that originates from mulesed sheep, regardless of whether pain relief was administered.

While PETA's campaign—and its eventual corporatization—resulted in animal welfare improvements and significant changes to the international wool market, the new institutional settlement presents new challenges for activists with more ambitious goals such as the cessation of mulesing altogether.

Figure 6: Example of use of mulesing status in product marketing (Breden Kids, n.d.)



**C     *Implications for Animal Welfare Regulation***

By problematizing mulesing and drawing in powerful international retailers, PETA was able to have a significant influence on the Australian wool market, largely in the absence of government regulation. As discussed above, PETA's campaign was waged in response to a regulatory environment characterized by "light-handed regulation." The policy vacuum surrounding mulesing existed because Australian animal welfare laws focused on punishing abject animal cruelty and severe neglect rather than promoting good animal welfare. Despite decades of campaigning, previous efforts by the Australian animal protection movement to achieve a cessation of mulesing were unsuccessful. Since there was little awareness among retailers and the general public of the welfare implications of mulesing prior to PETA's campaign, there was also little incentive for the industry to improve animal welfare or assure its customers that Australian wool was produced ethically.

King and Busa (2017, 557) argue that when the ideas of social movements are corporatized, response movements will emerge. Response movements will typically "work to achieve non-corporatized solutions, which may include government regulation of corporate practices" (King & Busa, 2017, 557). In recent years, PETA and other animal welfare groups have continued to advocate for a cessation of mulesing, arguing that post-operative pain relief such as TriSolfen is an inadequate long-term solution (see e.g., Animals Australia, n.d.; Lush, 2012). However, in the case of mulesing, corporatization had successfully bolstered the industry's position against future activist campaigns. Following a change in the composition of the AWI board in 2009, its new chairman announced that the wool industry would not be meeting the "supposed" deadline for phasing out mulesing. The justification given by AWI was that research into flystrike prevention did not yield "enough alternatives [to mulesing] that were commercial, quick and easy" (Senate, 2017, 45, 76). By then the wool industry was no longer worried about the prospects of a wide-ranging boycott in relation to mulesing.

PETA's repertoire of contention paved the way for a "corporatized" institutional settlement to emerge. Through corporatization, a market-based challenge—the threat of a boycott—has been neutralized using a suite of market-based solutions. Businesses that had been "persuaded" by PETA to boycott Australian wool could now source (and market) "welfare-friendly" wool via the NWD. Pain relief products represented a practical and scalable solution for the wool industry that was "commercial, quick and easy." The wool industry was amenable to these developments as long as farmers still had the option to mules if they considered it necessary. As illustrated in Part V, the development of pain relief products as a possible "technofix" to address painful procedures performed on farmed animals translates into new "welfare-friendly" choices being made available to market participants, legitimating existing animal production systems. Yet there are questions about whether a market-based approach to animal welfare regulation can "provide a level of animal welfare protection that reflects society's actual values" (Timoshanko, 2015, 543; see also Harvey & Hubbard, 2013; Sunstein, 2005).

Mulesing continues to be routinely practiced in Australia despite continued calls to ban the practice and the availability of humane alternatives. Public norms concerning farmed animal welfare are evolving, and Australian citizens are increasingly concerned about the treatment of farmed animals (Futureye, 2018). Governments can play an important role in establishing mandatory farmed animal welfare standards based on what is acceptable in society, shaping industry practices to be in line with public norms and expectations. The Australian government maintains that it is not in favor of banning the practice of mulesing (Jurd, 2018). A ban or phaseout of mulesing was also not considered as a regulatory option as part of the 2014 review of the sheep MCOP (Tim Harding & Associates, 2014). The public welfare standards endorsed by Australian state and territory ministers prohibit mulesing of sheep aged 12 months and over and mandate pain relief for mulesing of sheep that are 6-12 months old (Animal Health Australia, 2016). However, the effect of these provisions — which mirrored the provisions from the second



edition of the Sheep MCOP (Primary Industries Ministerial Council, 2006, 18) — is minimal, as mulesing is traditionally undertaken when lambs are between 6-10 weeks of age (RSPCA, 2020). The Australian government's view may be that the policy problem of mulesing is satisfactorily addressed through the provision of pain relief products and the availability of non-mulesed wool. This view is consistent with the government's broad position that animal welfare should be regulated by the market (Parker et al., 2017; Timoshanko, 2015). Under such an approach—underpinned by the assumption that farmed animal welfare is a “consumer value”—the government takes a minimal role, largely limited to fostering competition and protecting consumers. In the absence of government leadership, Australia is arguably no closer to the cessation of mulesing.

By adopting the logic and language of animal welfare law (e.g., the “welfarist” idea of “unnecessary suffering”) rather than pushing an animal rights agenda or advocating for fundamental reforms, PETA was able to gain legitimacy for its claims, obtain buy-in from corporate and industry stakeholders, and help secure incremental improvements in animal welfare regulation. Throughout the course of the contest, proponents of mulesing argued that farmers should have the option to mule. However, more recently, farming industry groups in some Australian states have joined animal activists in calling for governments to make pain relief for mulesing mandatory (see e.g., NSW Farmers, 2019). In 2019, the state of Victoria became the first Australian government to respond to these calls by enacting regulations mandating pain relief for the procedure, which have since come into effect (Verley & von Hörchner, 2020; Victorian Minister for Agriculture, 2019).

The claim that mulesing constitutes “unnecessary suffering” remains contested, particularly in Australia; however, it is becoming increasingly accepted that readily available pain relief must be administered for the procedure. On the one hand, mandating pain relief for mulesing further entrenches, and legitimates, this procedure. Mandating pain relief provides a shield for the wool

industry (NSW Farmers, 2019), allowing it to respond to future anti-mulesing campaigns by pointing to pain relief and the availability of premium “animal friendly” alternatives such as mulesing-free wool. However, mandating pain relief for mulesing also represents a symbolic acknowledgement that animals feel pain and that animal industries have a duty to reduce their suffering. The push to mandate pain relief reflects a growing acceptance within animal industries that Australian citizens and the international community increasingly expect readily available pain relief to be utilized for procedures such as mulesing. Mandating pain relief for mulesing—together with the formal recognition of animal sentience in legislation (Kotzmann, 2020) and by corporate actors (Sharman, 2006)—provides a powerful precedent allowing activists to successfully campaign for mandatory pain relief for other procedures (see, e.g., Sheep Central, 2020) and in other industries. This suggests that PETA’s campaign is contributing to evolving public norms in relation to animals.

### VII. Conclusion

While most people consume meat and use animal products, they are increasingly concerned about the welfare of farmed animals. These concerns are expressed in different ways, but what they have in common is that they show that as a society we do not want to cause animals to suffer. However, while animal cruelty is generally prohibited by law, conceptions of what practices constitute “necessary” animal suffering have changed over time and differ between cultures. The vastly different conceptions of “necessary suffering” between stakeholders means that animal welfare regulation is becoming an increasingly contested space. The mulesing controversy represented a contest between stakeholders with different conceptions of what constitutes necessary animal suffering. This contest provides a vivid illustration of Julia Black’s (2002) observation that regulation takes place “in many rooms”, and the importance of industries being responsive to evolving public norms—such as changing sentiments in relation to farmed

animal welfare. Failing to do so can result in informal “sanctions” such as damaging activist campaigns (Almond & van Erp, 2020, 176–77).

Social movement campaigns can make regulation more responsive to evolving public norms and accountable to the values that regulation is supposed to uphold. However, such campaigns, even ostensibly successful ones, are susceptible to corporatization (King & Busa, 2017). This presents a dilemma familiar to many social movements: do they adopt the values underpinning existing production systems and campaign for incremental reforms, even if they at heart think they that such reforms are not radical enough? Or do they push for more fundamental reforms and thereby risk forgoing the opportunity to consolidate gains already made?

Social movement campaigns often seek incremental reforms because of a perception that campaigning for systemic change or fundamental reforms is unlikely to succeed. By framing policy problems within the values and language of the law itself, social movement activists gain legitimacy, making corporatization more likely. The case study above shows how activist campaigns and businesses’ corporate social responsibility practices led to changes to industry practices, regulation, and markets. PETA’s campaign was remarkably successful at sparking public concern about mulesing, reduced the suffering of many Australian sheep that will be spared the painful procedure or will benefit from pain relief, and may inspire further incremental reforms. PETA’s repertoire of contention lends itself to corporatization because of its reliance on consumer-based market strategies and its willingness to strategically engage with corporate interests. Further empirical research is required to confirm whether these features of contemporary social movement campaigns make them susceptible to corporatization.

However, corporatization may not further (and indeed, may hinder) the longer-term ethical objectives sought by activists, even while achieving more immediate regulatory objectives. This article argues that corporatization obscures and oversimplifies important ethical questions relating to the commodification of animal bodies and what constitutes a good life for animals.

PETA's campaign and its corporatization led to increasing acceptance that mulesing is painful; however, PETA's claim that the practice is unnecessary remains in dispute. Rather than reducing demand for wool, it is likely that the campaign has *reconfigured* the international wool market so that wool perceived to be "ethical" or "animal friendly" can be identified. Mulesing, characterized by activists as a form of animal cruelty, has more recently been repackaged into a range of "animal welfare" choices that can now be exercised by market participants. Corporate interests such as international retailers and multinational pharmaceutical companies are capitalizing on public concerns about farmed animal welfare, deradicalizing activists' ideas and legitimating industry practices. Activists with more ambitious goals, such as "abolitionists," would argue that PETA's anti-mulesing campaign was a predictable failure because it did not challenge the underlying problems inherent in animal exploitation. Social movement activists must continue to grapple with the question of whether strategies that lead to corporatized solutions make attainment of their longer-term goals more or less likely—and whether corporatization is in line with the movement's objectives and values.

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<sup>i</sup> Julianne Busa and Leslie King (2015) argue that the three broad characteristics of social movements that make them susceptible to corporatization are ideological heterogeneity, individualization, and materiality.

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- ii There is currently a process underway to convert the MCOPs into nationally consistent “standards and guidelines.”
  - iii Trove provides access to full-text online copies of Australian newspapers dating from 1803 to 1954. The digitized collection also includes select newspapers and gazettes contributed up to the present day—see <https://trove.nla.gov.au/about/what-trove/trove-content>.
  - iv Of the 572 articles that mentioned mulesing, only a few mentioned terms relating to the affective state of sheep, such as pain (11), suffering (17), and stress (14). Those that did mention these terms invariably discounted them or discussed them in the context of the suffering caused to sheep by *flystrike*, rather than by the mulesing procedure. Virtually all articles mentioned terms relating to the basic health and survival of sheep, such as blowfly/fly (410), flystrike (379), wound/heal/recover (177), condition/disease (169), health (56) and survival/survive (14).
  - v It is not possible to definitively determine the proportion of sheep mulesed with no pain relief.
  - vi Indeed the NWD also allows producers to declare, in addition to mulesing status, a non-welfare-related “premium” feature of the wool—the dark and medullated fiber risk rating.

# **Numbing the Pain or Diffusing the Pressure? The Co-optation of PETA's “Naming and Shaming” Campaign Against Mulesing**

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