

Construction and Constraint: The Animal Body and Constructions of Power in Motion Pictures

by

Kathleen M. Peplin

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Doctoral Committee:

Professor Caryl Flinn, Chair
Associate Professor Irene Gustafson, University of California at Santa Cruz
Associate Professor Sheila C. Murphy
Professor Johannes von Moltke

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To Mom, Dad, Joey and Chris

For all the times you let me chatter on about what I imagined the cats and dogs around us to be feeling...letting me be curious, and talkative, and loving me, has made this possible.

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List of Abbreviations

AHA	American Humane Association
BBC	British Broadcasting Company
MAP	Movie Animals Protected
MPPDA	Motion Picture Producers and Distributors of America
NHU	Natural History Unit
PCA	Production Code Administration
PETA	People for the Ethical Treatment of Animals
RSPCA	Royal Society for the Prevention of Cruelty to Animals
SPCA	Society for the Prevention of Cruelty to Animals

Abstract:

This dissertation proceeds from the question “How does the camera capture animals, and how does the medium of that image structure the relationship between camera, animal and spectator?” by arguing that both the terms of the question and the answers themselves are culturally and historically contingent. The tension between the documented animal body as it is viewed on screen and the living animal captured in profilmic space demands a methodology attentive to both historical context and the power structures that shape the writing of history for non-speaking subjects. I examine cases such as the early Edison short *Electrocution of an Elephant*, the 1939 Hollywood production of *Jesse James*, BBC’s *Planet Earth* and cat videos on the internet through the moments of their filming and exhibition, I argue the relationships amongst animals, humans, landscape, and culture inform the representations of animals onscreen, and how animal images are seen and understood.

My work privileges the conditions of production and exhibition because the power dynamics of the gaze at animals are not only implicated in the image textually, but also in the factors that produced the image. Drawing on institutional archives, public animal advocacy and legal discourse, I demonstrate that the power of the human to control not only the animal but the framing of that animal is elided in order to naturalize both the human-animal power dynamic and the relationship between camera, subject and viewer. Animals are often in the background, textually and historically, of American film history. By focusing on their performances, my work demonstrates how animals were understood through and ultimately regulated by a media industry that both profited from and dictated the terms of representation. The animal body has a unique status as familiar and distant, exotic and domesticated, unknowable and subject to human control. Media texts focused on animal bodies provide an ideal testing ground for examining how the relationship between human and animal is both reflected and created by media, and the power that fills each frame.

Introduction: To Watch Animals

At last count, I have been required to watch the 1903 film *Electrocuting an Elephant* four times in various early cinema history and historiography classes. Second only to *Serpentine Dance*, an early hand-painted color Edison film from 1894, *Electrocuting an Elephant* is forever linked in my training as a prototypical early motion picture. While some lectures warned that the content would be graphic, the film was always presented to me as a historical oddity, an example of the type of sensationalist subjects that circulated well in nickelodeons, that were only fully captured by a moving image rather than a still in a newspaper or magazine. I am not sure when I learned that the elephant pictured was named Topsy, or that she was being executed, or when I first heard the story that Edison himself jumped at the chance to electrocute an elephant with alternating current, the electrical format being championed by his competitor, George Westinghouse. Although I preferred to use *Boxing Cats*, a short from a similar era in the Edison catalogue, to demonstrate to my own students the types of attractions available that features exactly what the title suggests, Topsy's execution is easily found on YouTube, included in compilations of important early films, and discussed in many of the common film history textbooks. Her fame as escaped, dangerous and condemned elephant at the turn of the century has been in many ways replaced by her fame as an early cinema star.

As I then began researching and reading in the early stages of this project on animals and motion pictures, Topsy again became a recurring motif. Her history and participation in the War of the Currents was referred to again and again, but the film was used and cited by many animal studies texts to demonstrate a new phenomenon: the animal body on screen. Perhaps most

significantly to me, her death occurred as part of an argument made by Akira Lippit in his groundbreaking article “The Death of an Animal”, as he suggested that the medium of film itself had captured her death not as a historical relic, but as a signifier of the repeatability, and unknowability, of this moment of transition.¹ As Vivian Sobchack also argues, the animal death often stands in as a visual code for the human death that is even more stringently kept from screens.² In some ways, both seem to argue, we watch Topsy die over and over again so that we may be better acquainted with the end that will invariably befall all living creatures; we watch her die because we cannot watch ourselves.

Topsy is of course both historical fact and theoretical ground; she died, and she exists on through the film that captured her. By showing the film to our students, watching it ourselves, and using it as support for any variety of arguments (the cinema of attractions, the moment of death as punctum, the early cinema fascination with the animal body more generally) scholars have kept the film alive and vibrant even as the animal herself (and likely, the handlers also pictured, the spectators we sense, the cameramen who filmed) is no longer. But I still find both schools of thought unsatisfying. A space exists in film studies to look at the structures and institutions in place that regulated animals in the profilmic space, as a class of beings treated and understood differently than humans. A space exists in animal studies for examining animals beyond patterns in representation, or for considering animal subjecthood as situated in historical and cultural contexts that produce the representations that media provide. Topsy is both more embodied than the dry historical fact of her execution, and more grounded than the abstraction

¹ Akira Mizuta Lippit, “The Death of an Animal,” *Film Quarterly* 56, no. 1 (December 2002): 9–22.

² Vivian Sobchack, “Inscribing Ethical Space: Ten Propositions on Death, Representation and Documentary,” in *Carnal Thoughts: Embodiment and Moving Image Culture* (Berkeley, Calif. [u.a.: Univ. of California Press, 2010), 226–57.

she can become in other more theoretical arguments, and in trying to reconcile that disjuncture, it became clear that there was space for my project to do just that work.

My project asks of *Electrocuting an Elephant* : Who was looking at Topsy? Who is? How does the film control and construct our gaze? How does it shape our understanding of elephants?

Animals broadly? How is affect constructed in these unequal relationships between human and animal? It takes as a premise that the gaze at Topsy, and further the gaze at any animal, must be

considered in three interrelated ways. It firstly treats the gaze as a culturally constructed

phenomenon. A camera looks at the animal in a way that can model human vision, but that

vision is mediated through layers of technology that abstracts the look of the camera away from

the human look. The apparatus of the camera abstracts the animal away from the pro-filmic

space that it inhabited, and that distance between animal as recorded and animal as viewed is

understood differently because of cultural context. Secondly, it treats the gaze as historically

specific. As the relationship between humans and animals, animals and landscape, film and

culture is constantly changing, we must consider that those relationships can and have impacted

the representations of animals on screen, and the way that those animal images have been seen

and understood. The third premise of my work is that the power dynamics of the gaze at animals

are not only implicated in the image, but also in the factors that produced the image. The look at

animals is always already a tool of power - that power is constructed differently, implied

differently, and exposes different cultural anxieties, but to argue that the camera can in some way

observe animals passively is to imply an agency that our culture has not afforded animals.

Animal studies, while a growing field with a range of productive and challenging conversations, focuses clearly on the primacy of the animal as subject, often leaving to the side modes of address and medium specificity to explore the boundary between human and animal,

and its negotiation in a variety of texts. Following the media studies framework that is attentive to medium specificity, I demonstrate that while the representation of an animal may give us insight into the relationship between animal and human, the terms, medium and construction of that representation must be examined in order to ground the image, and thus the animal human relationship, in cultural and historical specificity. To interact with a domestic animal in your home is a completely different experience than seeing a star animal on a movie screen in a theater, and this distinction can often become blurry, if addressed at all, when the cross-species relationship is considered without attending to the power relationships that existed, and thus are reflected and created both, in the interaction between the profilmic and the image.

The primary intervention of my work is to introduce historical and archival context into the discussion of animal images in the growing field of animal studies. The animal studies field is driven by a central problematic: how does one study a subject, or group of subjects, who cannot speak back to us? Put another way, how does the representation work done by the animal's body, either as it appears in space, is imaged through media, or put into narrative through language, change when that body cannot speak to the terms of the representation? My work addresses those questions by deploying the methods and frameworks that have grown out of the media studies field, insisting that we must discuss the images of animals in conjunction with the historical, cultural, industrial, and material conditions that produced them. With animal subjects, rather than human ones, the image can easily slip from representation of an animal to a conflation of image and body (I see the cow, therefore it exists/I know it), and a large body of animal studies works from post-modern philosophy to posit what of interiority and being one can grasp from an image. When the image is taken as the primary entrance into that profilmic space, rather than the record of a network of relationships imperfectly translated from the profilmic onto

the material image, it becomes easy to naturalize the animal's appearance on screen as simply a record of being, a connection to another (mute) body through space and time. Media scholars, across discipline and medium, have built a sturdy foundation of examining any media text as both an object unto itself, and a material object that was created, distributed and seen by viewers through a culturally and historically specific relationship between camera, subject and viewer. I work here to undo the naturalization of animals on screen, bringing together the fundamental concerns of animal studies with the methodologies and frameworks of media studies to stress that the image is more than a record of an animal's existence, but is also a collision between the profilmic space and the terms of its capture, a record of a dense network of power articulating itself on and through the animal body.

The relationship between human and animal is as diverse, culturally specific, historically contingent and messy as any human-to-human interaction. Despite the intense, affect-laden, and emotional attachments that humans form with animals, it is impossible to communicate with animals linguistically.³ Scientific research and reams of philosophical writings have been dedicated to the task of deciphering what language, or methods of communication, animals might have, and whether cross-species communication is indeed possible through non-linguistic means. But for the sake of my work, it is necessary to assume that the animal body is mute. There is a productive contradiction here, in the mute body that cannot speak back to us through language, and the bodies with which we feel such deep attachments and claim to know in a multitude of ways. Many of us live, or have lived, in environments where animals were present and integrated into the patterns and relationships of living; animals are in our houses, in our

³ The exceptional case here are some birds, like parrots or cockatoos, but even then, I would argue, the animal is bound to a kind of mimesis and therefore dependent on human structures to repeat. This power is exploited in situations where the parrot is made to repeat curse words or other offensive language, emphasizing its vulnerability and lack of complete understanding of the import of the words use.

yards, in our parks, in our zoos, and also in the unknown “wild”, where we are still called to take ownership of them, and protect their habitats now and in perpetuity. Despite their proximity to us, they remain unknowable, unreachable, mute. I argue that images of animals, through media, are included in the ways in which we live with animals, structuring how we come to know, recognize and care for animals, bringing us into proximate relationships where distance, geography, culture and scarceness might otherwise preclude such a bond. It then becomes critical to unpack the material terms of image creation that facilitate those relationships, to better understand how humans and animals have lived together, and how they do so now.

This dissertation proceeds from the question “How does the camera capture animals, and how does the medium of that image structure the relationship between camera, animal and spectator?” by arguing that both the terms of its asking and the answers themselves are culturally and historically contingent. The tension between the documented animal body as it is viewed on screen and the living animal captured in profilmic space demands a methodology attentive to both historical context and the power structures that shape the writing of history for non-speaking subjects. Examining cases such as the early Edison short *Electrocution of an Elephant*, the 1939 Hollywood production of *Jesse James*, BBC’s *Planet Earth* and cat videos on the internet through the moments of their filming and exhibition, I argue the relationships among animals, humans, landscape, and culture inform the representations of animals on screen, and how animal images are seen and understood.

My analysis privileges the conditions of production because the power dynamics of the gaze at animals are not only implicated in the image textually, but also in the factors that produced the image. Drawing on institutional archives, public animal advocacy and legal discourse, I demonstrate that the power of the human to control not only the animal but the

framing of that animal is elided in order to naturalize both the human-animal power dynamic and the relationship between camera, subject and viewer. Animals are often in the background, textually and historically, of American film history. By focusing on their performances, my work demonstrates how animals were understood through and ultimately regulated by a media industry that both profited from and dictated the terms of representation. The animal body has a unique status as familiar and distant, exotic and domesticated, unknowable and subject to human control. Animal media texts provide an ideal testing ground for examining how the relationship between human and animal is both reflected and created by media, and the power that fills each frame.

Literature Review:

My literature review is separated into two fields: animal studies and media studies. I begin with a selective historiographical section on animal studies focusing on animals in culture. Animal studies, a loosely organized but quickly growing field, is a wide-ranging and at times inconsistently defined, with branches appearing in many of the major humanities fields as well as in legal and political discourses. To approach animal studies, I divided the field into major camps, using distinctions that frame my work in a conversation about animal-human relations in both public and private spheres. First, I examine theoretical engagements with the animal as subject and object, focusing on posthumanism and the foundational works of that field. The second group I review were those scholars who deal with the relationships between humans and animals as they are transmitted through our emotions and affect, including academic work focused on the specific affect of cuteness. In the third and final part of the animal studies literature I focus on those works which historicize the relationship between human and animal, in order to both gesture to the important historical work already done, and the productive spaces

where my work can add archival and institutional histories to the narrative. By no means a conclusive or exhaustive rendering of these conversations, I sketch this map in order to suggest the places where my work is in dialogue with these scholars, and where our methods and arguments diverge.

The next section of the literature review deals with media studies texts that form my intellectual heritage as a scholar, and have particularly influenced this project. I focus on works that theorize and historicize the profilmic space, and the relationship that the camera creates between that space and the viewer. Although the scholars detailed here vary in method, medium and historical period, each unwaveringly draw out the ways in which the camera is not just a passive observer of space and time, but creates and reinforces relationships between viewers and subjects, forming complex relationships with time, space and connection. It is this insistence on the camera as medium and tool of power that forms the basis of my contributions to animal studies. Taken together, these two fields produce a robust framework for considering how animal experience, always already mediated due to the non-linguistic status of the subject, produces affect in viewers of animal bodies on screen. My dissertation is unique in framing this encounter as a disciplinary and methodological moment of intersection, drawing out complexities that each side elides by focusing on how medium and subject interact through representation. This affect is produced and regulated by the structures that constrain and construct the animal body on screen, and by examining those structures as coalescing scopic regimes with historical and cultural specificity, I argue we may better understand how the animal subject is fundamentally filmed and viewed as separate across cinematic history.

Animal Studies: Theories of the Human, Theories of the Animal

Arguably the most prevalent thread of the animal studies field are the works that are engaged directly in the theoretical and philosophical questions centered around the boundary

between animal and human. Cary Wolfe is perhaps the most well-known and well-published scholar on this subject, with seminal works like *What is Posthumanism?* and *Animal Rites: American Culture, the Discourse of Species and Posthumanist Theory* that engage directly with literature and media objects that, he argue, blur or even obliterate productively the division between animal and human. Unlike other strains, far too varied and quite frankly, inconsistent to address in depth here, such as antihumanism and transhumanism, posthumanism as articulated by Wolfe does not reject the human as artificial or outmoded (to be replaced literally by a technological hybrid).⁴ In his conception, posthumanism:

actually enables us to describe the human and its characteristic modes of communication, interaction, meaning, social significations, and affective investments with greater specificity once we have removed meaning from the ontologically closed domain of consciousness, reason, reflection and so on. It forces us to rethink our taken-for-granted modes of human experience, including the normal perceptual modes and affective states of *Homo Sapiens* itself, by recontextualizing them in terms of the entire sensorium of other living beings and their own autopoetic ways of ‘bringing forth a world’ - ways that are, since we ourselves are human animals, part of the evolutionary history and behavioral and psychological repertoire of the human itself.⁵

Wolfe works to challenge what he sees as the normative and universalizing claims of the Animal Rights Discourses - that all animals deserve to be treated equally, and that their rights are based in some sort of inalienable universal rights irrespective of national, cultural or political context that themselves are based in the humanistic claims about reason and Man. Posthumanism is

⁴ Wolfe articulates these other movements, and their points of divergence from posthumanism, more skillfully than I ever could in the introduction to *What is Posthumanism*.

⁵ Cary Wolfe, *What Is Posthumanism*, Posthumanities Series ;v. 8 (Minneapolis: University of Minnesota Press, 2010), xxv.

useful for my own line of thinking because it forces the viewer to regard the animal body alongside other living (human) beings, rather than set apart from them, making the connections between animal and human productive, slippery and strange.

Following Wolfe, posthumanism dominates many of the animal studies conversations and theoretical frameworks. While not all cite Wolfe directly, many work from a similar genealogy of texts: Jacques Derrida's musings on his relationship with his cat from a lecture delivered in Paris, Umberto Eco's analysis of the infamous Dürer woodcutting of a rhinoceros, but most importantly and frequently, Gilles Deleuze and Félix Guattari's *A Thousand Plateaus*.⁶ "Becoming-animal" is a powerful concept introduced in *A Thousand Plateaus* that gives language to the increasing dehumanization of life in a post-capitalist economy and culture, and stresses that biological life structures itself in patterns that are familiar and repeat across species lines: the pack, the contagion, the multiplicity, the root, the rhizome. By abstracting into the structural, the authors create a rhizomatic structure rhetorically, with sections of argument breaking into discrete pieces to take root in the arguments of others, and "becoming-animal" is one such rhizome, especially in animal studies. Many of these off-shoot arguments, can fail to fully consider the fragmentary, abbreviated nature of their claims, and instead apply poetic and compelling ideas like "body without organs" or the image of the vampiric squid to describe the representational schema of an animal body in a variety of media texts. While this frame does some work to explain the off-putting, unusual or de-naturalized image of a goat in a video game, or the not-quite human but not-quite machine nature of the cyborg, these arguments often rest solely within the text. I work to introduce the conditions of production and reception to the

⁶ Jacques Derrida, *The Animal That Therefore I Am*, ed. Marie-Louis Mallet, trans. David Wills, 1 edition (New York: Fordham University Press, 2008); Umberto Eco, *Serendipities: Language and Lunacy*, (San Diego: Mariner Books, 1999); Gilles Deleuze and Félix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia* (Minneapolis: University of Minnesota Press, 1987).

conversation to provide a counterpoint to these arguments, restoring the profilmic and embodied reality of the bodies, human and animal, that performed, created and viewed the media. Though these postmodern approaches of Deleuze and Guattari's work in animal studies have been generative and provided methodologies for the field, I take a different tactic in my project.

While posthumanism certainly poses intriguing questions and a compelling framework from which to work, my own project is necessarily predicated on the tenet that no matter how arbitrary, the systems of understanding, regulation and representation that dictate the treatment and picturing of animals in media are built upon differences between human and animal. The outrage over the electrocution of Topsy, the eponymous elephant in Edison's short film, does not emphasize the continuity between human spectators but rather argues that despite the human deaths she directly caused, she did not deserve to be slaughtered in public for entertainment. A posthumanist approach would not conflate human and elephant as the same, but be interested in unsettling the differences between the two and would seek out evidence, textual or archival, that Topsy was not abstracted into an Othered creature in sharp contrast to humans, but rather placed upon a continuum between living being and publicity stunt, but not fully either. To leave out these details is to collapse the text into an autonomous object, capable of reflecting theories of the postmodern or posthuman without needing to reference the source of that reflection, the world itself. Until films can be fully created without human intervention, we must always consider both the text as it exists and the knotted power dynamics that produce the image and makes it available for viewing and consideration.

Related to a post-humanist strain of criticism, which downplays the distinction between human and environment in order to favor the continuum of being as an interconnected network, ecocriticism considers the human place inside of a broader environmental sphere, one that is

under attack and rapidly disappearing. From the generally well-received *An Inconvenient Truth*, the global warming documentary championed by Al Gore to the recent surge of interest in nature and wildlife documentaries, animals feature heavily in this type of film-making and are addressed as integral points of identification for viewers in these works. In *Screening Nature: Cinema Beyond the Human*, editors Anat Pick and Guinevere Narraway demonstrate the variety of sources and theoretical frames contemporary film work could employ to speak about the environment. Of most interest here is Anat Pick's contribution, "Three Worlds," which uses Heidegger's notion of worldhood and Bazin's understandings of cinematic realism to create a taxonomy of cinematic natural worlds. Breaking apart and naming various modes of representation, the technological worship of the nature documentary, the unresolvable conflict between man and nature in Werner Herzog's oeuvre, and the alienating, irreconcilable and ultimately unifying world of Earthlings, she disabuses us of the notion that nature is deployed in universal or eternal ways. Rather, "nature and the environment are interrogative structures rather than given totalities, ever-changing articulations of the relation of place to space...their 'ultimate referent' not a thing or place but a mode of involvement."⁷ We can read backwards from the deployment of nature in films (and in my case, the animal beings that inhabit those spaces, both natural and unnatural) to understand the mode of involvement the film suggests to its viewers.

However, two works in the animal studies field have been foundational to my own thinking about the relationship between representation and profilmic space. Without explicitly naming their projects as such, two books, Alice Kuzniar's *Melancholia's Dog: Reflections on our Animal Kinship* and Anat Pick's *Creaturely Poetics: Animality and Vulnerability in Literature and Film* place the affective relationship between human and animal bodies in

⁷ Anat Pick and Guinevere Narraway, *Screening Nature: Cinema beyond the Human*, (New York: Berghahn Books, 2013), 32.

conversation with the aesthetic regimes that represent them. Both books unabashedly examine the representation of the animal as always already bound up in the representation of the human, although they frequently fail to distinguish between various modes of representation or media that my dissertation will. Throwing aside concerns of anthropomorphizing the animal, both books proceed from the assertion that the animal experience is and can only be known through the human observation, and that we must instead interrogate the deep connection humans feel with animals and the mechanics by which those bonds are formed and sustained. Kuzniar takes as her object the human relationship with canines, and uses the deep relationships she herself has experienced with dogs as well as the representations in visual and written arts to probe the emotions and conditions that these relationships provoke. Moving from muteness to shame, from intimacy to mourning, without ever lapsing into sentimentality or pat explanations, she balances a rigorous psychoanalytic analysis of the various emotional states with a profound respect for the very real, embodied relationships across species boundaries, speaking of the “obliqueness and imperfection that govern our communion with [animals], a fundamental muteness.”⁸ She engages in questions of interrelation without erasing the very real dynamics of power and privilege that exist inside interspecies relationships. My own project more explicitly engages with the differences between different media, and their modes of address, and leaves behind much of the psychoanalytic framework that Kuzniar uses in order to shift the focus from intimate, individuated relationships to imagined groups on in specific cultural and historic contexts.

Pick agrees that these connections between humans and animal are yes, oblique and imperfect, but fundamentally based on a shared sense of embodiment: the creature, and by this she means all living beings, “is first and foremost a living body - material, temporal and

⁸ Alice A Kuzniar, *Melancholia's Dog* (Chicago: University of Chicago Press, 2006), 11.

vulnerable.”⁹ She works from the premise put forth by Simone Weil that “the vulnerability of precious things is beautiful because vulnerability is a mark of existence,” arguing that vulnerability is a deceptively simple statement of a radical aesthetic and ethical sense. The “relationship between vulnerability, existence and beauty” is a “sort of sacred recognition of life’s value as material and temporal,” a premise that Pick argues applies equally “across the species divide and so delivers us beyond the domain of the human.”¹⁰ The embodiment, the vulnerability of all animals, human and non-human, is a privileged subject of the moving image, which allows for communication of that embodiment without extraneous translation into language, and she argues that film allows for its viewers to become attentive not only to the animal on screen in its vulnerable, temporal and bodily condition, but that state as one activated in the human as well. Pick gracefully attends to the philosophical and ethical consequences of her claims, and my work follows hers by examining the nature of film itself. While Pick and Kuzniar examine the relationships between animals and humans from within animal studies, my dissertation dissects how those relationships are represented through motion pictures, understood through cultural and historical context and ultimately regulated by an industry that profits from and dictates the terms of representation for these significant and unequal connections between human and animal. I move from analysis on the individual scale, that considers affects in one body produced in relationship with affects in another, to how those affects are regulated and produced, in medium specific, historic and cultural contextualized, ways that reflect and reproduce the power imbalances they so carefully and compellingly trace. My project goes on to position animal studies and media studies as equal terms, each inflecting the other, in their efforts to understand the mediation of animals on screen and in culture.

⁹ Anat Pick, *Creaturely Poetics: Animality and Vulnerability in Literature and Film* (New York: Columbia University Press, 2011), 5.

¹⁰ *Ibid.*, 3.

Affects, Public and Private

The next set of conversations in animal studies with which I engage discuss the affective connections between animals and humans, whether mediated or in shared space. Included in this admittedly broad category are discussions of cuteness, a specific affect, as well as networks of affect that are associated with various forms of animal interaction, like pet ownership. I draw specific attention in this review to works which address the issues of politics openly as these are the works with which I engage most directly. Taken together, these works are less preoccupied with the lines between human and animal than those works explicitly or implicitly engaging in posthumanist critique, but these conversations can have a tendency to lapse into universalizing or depoliticized language. Not all humans own pets, interact with domestic animals in the same ways, and these spaces which are often written off as “cute” can productively be examined in historically and culturally specific terms in order to interrogate the question: how are relationships, mediated or direct, come to be formed between humans and animals?

As a pet owner and animal lover, it would be impossible for me to deny that my affective relationship to animals has influenced this project. In many ways, my original starting point was not the structures that produced the image, but the affect that these images produced in me and other spectators. Again, I do not examine the embodied responses to these images, or my feelings and emotions on individual levels about animal experience, or even a semblance of animal experience, but instead analyze the responses produced when bodies, capable of feeling and emotion, are put into contact with experience. I found prolonged discussion of these responses in affect theory, and the methodologies that scholars within that field have used to understand these embodied, but outward facing responses. In short, affect theory is a tool that helps me to bridge the conversations in both media and animal studies; both fields are profoundly concerned with the responses created when objects, texts and bodies interact. My dissertation argues that the

terms of that relationship, whether animal species, historical moment, cultural context or medium specificity, shape the terms of the relationship produced, and affect theory allows me to explore the variations in relationship and response produced in these shifting contexts.

Affect theory is a broad field with many permutations, and as such, it is essential that I define how I am using the term. In their edited volume, *The Affect Theory Reader*, Grigg and Seigworth define affect in the following way:

Affect arises in the midst of in-between-ness: in the capacities to act and be acted upon. Affect is an impingement or extrusion of a momentary or sometimes more sustained state of relation as well as the passage (and the duration of passage) of forces or intensities. That is, affect is found in those intensities that pass body to body (human, nonhuman, part-body, and otherwise), in those resonances that circulate about, between, and sometimes stick to bodies and worlds, and in the very passages or variations between these intensities and resonances themselves. Affect, at its most anthropomorphic, is the name we give to those forces—visceral forces beneath, alongside, or generally other than conscious knowing, vital forces insisting beyond emotion—that can serve to drive us toward movement, toward thought and extension, that can likewise suspend us (as if in neutral) across a barely registering accretion of force-relations, or that can even leave us overwhelmed by the world’s apparent intractability. Indeed, affect is persistent proof of a body’s never less than ongoing immersion in and among the world’s obstinacies and rhythms, its refusals as much as its invitations.¹¹

Extended though this definition may be, it draws out several facets of affect that have been essential to my own thinking. Firstly, affect is difficult to describe as a noun because of its

¹¹ Melissa Gregg, and Gregory J. Seigworth, *The Affect Theory Reader*, (Durham [N.C.]: Duke University Press, 2010),1.

transitory nature -- it exists as a response between two parties, produced by rather than existing in. It is not specific to any type of subject/object pairing and can be produced between any manner of bodies, or non-bodies. Affect circulates, “about, between,” difficult to locate and isolate in space but possible to track or map as it moves. It must be anthropomorphized, its naming and description as germane to our experience of it as the experience itself. But above all, affect is the necessary effect, or “persistent proof,” that a body is interacting with the world in which it exists and is compelled to act because of that interaction. I use affect as a concept to illuminate not individual feelings or experiences, but to point to the proof that animal existence is material, and materially impacted by the terms of its representations and the power structure that those representations construct. These representations in turn circulate in an affect laden, and affect producing, world. The media objects I examine produce affect, and provide structures for that affect to be regulated, and the terms of that production and regulation of the visual image are inseparable from the power structures that mark the difference between human and animal.

Sianne Ngai’s *Ugly Feelings* is pivotal in two ways to my own thinking: it assumes that affect is a mediation, and that the slippage between emotion and affect, rather than being a point of contention or boundary-drawing, can be a productive force. The work examines non-cathartic negative feelings, like paranoia and envy, to see how those feelings are symptomatic of the character of late modernity. The affects she explores can be “thought of as a mediation between the aesthetic and the political in a nontrivial way. As a whole, the book approaches emotions as unusually knotted or condensed ‘interpretations of predicaments’ -- that is, signs that not only render visible different registers of problem (formal, ideological, sociohistorical) but conjoin these problems in a distinctive manner.”¹² My project identifies specific media texts that produce

¹² Siianne Ngai, *Ugly Feelings* (Cambridge, Mass.: Harvard University Press, 2005), 7,.

these “knots” to tease apart how they make visible the terms of the collision between human, animal and camera. Topsy, crush films, *Planet Earth*, and *Jesse James* are all texts that when introduced into an environment produced a sequence of affects that mediated between the representation of their profilmic realities exposed to audiences via media, and the political understandings of animals in those historical moments. By viewing audience reactions as mediation, rather than historic truth, Ngai’s formation allows me to examine how those reactions were produced and regulated, rather than making it necessary to rely exclusively archival or otherwise evidentiary traces of their existence. Affective proof sticks in several registers, pooling in collections of evidence around the media objects, from the conditions of its production to the terms of its reception, and these pools of evidence take many different material and discursive forms. Ultimately, audience response is individual, fleeting and impossible to extrapolate out from in a sustained way; examining affect allows me to turn instead to the systems that produced these knots, examining not only their formal, ideological and sociohistorical registers, but their interrelated, inseparable nature.

Ngai admits readily in the introduction to her work that she uses the terms affect and emotion in a way that invites some slippage. Tracing the original distinction back to the field of psychoanalysis, with the term affect being coined in order to distinguish “third-person from first-person representations of feeling,” she argues that the emotion/affect has come to stand in for a distinction between narrative/non-narrative, or semiotic/signifying oppositions to draw attention to the idea that operate differently in the world.¹³ She rightly points out, however, that in the case of weaker emotions, ones that are less goal- or object-oriented (like envy as a sense of pervasive injustice, or paranoia as a diffuse but identifiable atmosphere), that the precise location of the

¹³ Ibid., 27.

sensation, whether in the body or produced in relationship with it, can be difficult if not impossible to parse.

I argue that the remove of the camera, which unlike literature, strongly implies if not necessitates a third person orientation towards the subject, produces a slippage of identification between media subject and viewer. We do not have direct access to the actor on screen, and even less so when that actor is an animal, and thus any identification, or emotional response, is produced in relation to the screen, rather than separate from it. Ngai puts it most eloquently when she says “The difference between emotion and affect is still intended to solve the same basic and fundamentally descriptive problem it was coined in psychoanalytic practice to solve: that of distinguishing first-person from third-person feeling, and by extension, feeling that is contained by an identity from feeling that is not.”¹⁴ The feelings produced for and about animals as a result of animals on screen are not wholly contained by any human bodies, despite the intensity of the embodied experience we may have, as we only have imperfect access to animal experience. As such, we must direct our attention to the structures that produce and regulate affect as the structures that dictate the terms of the mediated relationship between animal and human, as the “persistent,” rather than fleeting, “proof” of these world-making interactions.¹⁵ If the field of animal studies is a growing but still young, cuteness studies is absolutely embryonic. A forthcoming collection, *The Aesthetics and Affects of Cuteness*, is one outcome of a loosely organized, international and interdisciplinary group of scholars hailing from fields like psychology, sociology and literature.¹⁶ A special issue in the *Journal of East Asian Popular Culture* describes cuteness as “first of all a physical, affective response...[that] when

¹⁴ Ibid.

¹⁵ Gregg, and Seigworth, *The Affect Theory Reader*, 1.

¹⁶

manipulated for artistic or commercial purposes becomes an aesthetic category.”¹⁷ My work adds political purpose into that list of manipulations to draw attention not only to the profit made on the backs of cute animals, and the power that those transactions make palatable. Cuteness studies have been localized, focusing on specific types of cuteness, like *kawaii* in Japan or centering on an animal, like a kitten, but increasingly, the “fundamental power differential” in the relationship between subject and cute object has been a key intervention.¹⁸ Linking back to Pick’s use of the vulnerable, I find many of the conversations within this cuteness subfield to be productive in thinking through a range of responses to vulnerable animal bodies.

I begin with the most influential of these works on my own writing, Sianne Ngai’s 2012, *Our Aesthetic Categories: Zany, Cute, Interesting*. A follow-up to the previously discussed *Ugly Feelings*, Ngai’s work in this book continues her engagement with affect, building upon *Ugly Feelings* by more systematically turning its attention to the “production, circulation and consumption” of the affects themselves *through* their aesthetic regimes.¹⁹ In a cultural milieu she describes as late capitalism, she redirects the conversation that forms much of the postmodern theoretical discussions away from the objects and texts as they stand alone, but to how they circulate in an ecosystem that produces affect across time and space. I take her charge, and have worked in my own project to “historicize differently”: to restrict analysis of an aesthetic category, like vulnerability in my case, to a “single artifact, or even a cluster of artifacts produced in a thin slice of time, would be to immediately cut off a proper analysis of their meaning *as* aesthetic categories, which is to say objects widely distributed across what most

¹⁷ Joshua Paul Dale, “Cute Studies: An Emerging Field,” *East Asian Journal of Popular Culture* 2, no. 1 (April 1, 2016): 5.

¹⁸ *Ibid.*, 7.

¹⁹ Sianne. Ngai, *Our Aesthetic Categories: Zany, Cute, Interesting*, (Cambridge, Mass.: Harvard University Press, 2012), 2.

literary and cultural scholars would consider culturally heterogenous areas of time and space.”²⁰ I argue that although the species, medium, mode of address and visual style of the representation may change, the affect produced by the power structure that privileges the human observer over the animal subject is an aesthetic category. This aesthetic is a system of “production, circulation and consumption” that both reflects the power imbalances inherent in the system while dispersing it ever more widely, and that by tracing this category in its permutations and persistence is only possible by examining across time and space. For this dissertation, such attention to systems of production and consumption alongside the affect of representations is a productive and generative model for approaching animals in media.

Although not always cute, the pet or domestic animal has been another common object of study in these affective studies, and one of the most prominent thinkers in animal studies makes plain her investment in the animals who live with and among humans on a daily basis. Donna Haraway’s *When Species Meet* is an ambitious collection of frameworks to think through the complicated relationships between animals and humans, in domestic, and to a lesser extent public, spaces. She begins from the premise that these relationships are entangled on multiple, structural levels: from the genetic codes we share to the spaces we cohabit, the distinction between human and animal is a fluid one subject to a multitude of affective conditions. *When Species Meet* followed *The Companion Species Manifesto*, a slim but provocative volume that marked Haraway’s theoretical engagement with her lifetime commitment to dogs as domestic animals, as partners, as companions, and as athletes in training, and both take the intimate relationships (in both space and emotional closeness) between animals and humans as the starting ground for an ethical, political and intellectual engagement with all manners of existence. I particularly find useful an entry in the third section, “Tangled Species,” on the

²⁰ Ibid., 17.

cameras scientists attach to animal bodies to replicate their sight and collect data from a perspective that is ostensibly close to theirs. She uses the example of a pod of whales who were fitted with a number of cameras by a group of researchers interested in fish-herding behavior, only to have that simulated vision produce a media object that can be frustratingly opaque, and certainly not suitable for the television show named *Crittercam* for which it was commissioned. She writes of this partnership between human and animal through and with technology that: “The animals make demands on the humans and their technologies to precisely the same degree that humans make demands on the animals. Otherwise, the cameras fall off and other things happen to waste everybody’s time and resources. That part is ‘symmetrical,’ but the contents of the demands are not symmetrical at all. That asymmetry matters a great deal. Nothing is passive to the action of another, but all the infoldings can occur only in the fleshly detailed of situated, material-semiotic beings. The privilege of people accompanying animals depends on getting these asymmetrical relationships right.”²¹ I take well her point that while the relationship between human and animal can interface in ways where each party makes demands, and that technological objects sit at this interface between parties with uneven, “asymmetrical” modes of exchange. Haraway draws extensively from her own experiences, including emails, and personal correspondence amongst other more traditional scholarly utterances, and I build from her charge that our ethical stance towards our companions, human and non-human both, form the intimate bonds from which we extrapolate outwards to form a politics of belonging into other types of species.

Haraway, and those that follow her, treat the human-animal relationship as crucial, serious and far from cute or infantilized. However, when this important work on how humans function with animals in domestic space is extrapolated out to discuss animals that are not pets,

²¹ Donna Jeanne. Haraway, *When Species Meet*, (Minneapolis: University of Minnesota Press, 2008), 263.

who are decidedly wild, a type of erasure happens. Haraway is diligent in thinking through the consequences of living with and learning from animals and cannot be described as blasé, but when these frameworks, that start from a sort of companionship, are applied to different configurations of animal and human, it assumes a sort of intimacy, a protection for vulnerable bodies, that simply is not present. While Haraway's dogs (and outdoor cats) may be productively considered part of familial relations, this closeness is misapplied to animals whom we do not know in shared, embodied spaces. My work argues that the media texts attempt to create this kind of emotional and representational proximity in order to play up the affective draw of animals. The separation between image and profilmic space forces a strangeness, an unknowability that needs to be not only considered, but must be emphasized in order to fully articulate the power relationships formed between humans and animals.

Animals in Media Studies: Historical Surveys, Patterns of Representation

The scholarship covered in this section was foundational to my project, helping me to orient my own particular case studies in a broader historical arc, as well as in a conversation about the place of the animal in a variety of cultural, legal and ethical structures. Because the field is so new and the subject so far-reaching, there is no definitive history of animals on screen that I can point to; the works detailed here are tantalizingly brief, more suggestive of a history than a conclusive rendering of such. While doing important work in situating animal media representations within organizing frameworks like star studies or genre, I find that overall, a slippage occurs between the differing modes of address that changing motion picture technologies produce. Not all animal images are produced by the same technologies, and by organizing by species or genre, for example, a medium specificity slips away in order to privilege narrative, or nonfiction, content structures.

Despite being largely asked to “stand-in” for their breed or species, several animals have managed to create star personas through their work in media, and those identities are examined in several key works. A smaller subsection of the literature is organized around animal species, rather than film type or media format. Reaktion Press hosts an ongoing series based around species, with notable entries *Dog*, *Cockroach*, *Otter* and *Dolphin*.²² While each book is written with a slightly different format, all contain a historical survey of the species as it is represented, most often in literature but frequently in film and television. A recent collection edited by Adrienne L. McLean, *Cinematic Canines: Dogs and Their Work in the Fiction Film*, separates its canine performers into groups based on their screen-time: Stars and Featured Players, Character and Supporting Actors, and Stock, Bit and Extras. While the essays illuminate the both the “canine [actors] as well as the human labors that result in representation itself,” the volume focuses on the human/dog relationship both on screen and via the screen.²³ Dogs, more so than many other American animals, are considered “part of the family,” and their appearances on screen are often meant to mirror, the book argues, the appearance of the American family writ large. My own work aims for a more inclusive view of the word animal, looking at domestic and wild animals both to move beyond the domestic sphere and open up into questions of environment and shared space, examining both the representations on screen and the cultural and industrial forces that shaped the creation of the images themselves.

Animals are used as the standard-bearers for a disappearing nature in need of political and social action on its behalf, and their images are among the most valuable and effective tools, and studying the nature documentary as genre has been productive for my own thinking. Gregg

²² Susan McHugh, *Dog, Animal*, (London: Reaktion, 2004); Marion W. Copeland, *Cockroach, Animal*, (London: Reaktion, 2003); Daniel Allen, *Otter, Animal*, (London: Reaktion Books, 2010); Alan Rauch, *Dolphin, Animal*, (London: Reaktion Books, 2014).

²³ Adrienne L. McLean, *Cinematic Canines Dogs and Their Work in the Fiction Film* (New Brunswick, New Jersey: Rutgers University Press, 2014), 14, 23.

Mitman's *Reel Nature: America's Romance with Wildlife on Film* is aimed at a popular audience, yet his archival work is outstanding, tracing connections between US policies on conservation, animal representation on television and a variety of film genres and broader cultural understandings of environmental protection. Separate from other writers who emphasize the need for human removal from spaces of nature, or the role of the human as one in a web of factors contributing to the health of an ecosystem, Mitman emphasizes the role of the human as facilitator and guide: "we only know nature because we intervene".²⁴ While Mitman ultimately argues for the animal as an important intermediary between complex ecological conservation policies and an apathetic political public, Cynthia Chris in *Watching Wildlife* is much more skeptical of the nature documentary as an agent of change. Her work traces wild or exotic animals' place in film from pre-cinematic venues like the colonial exercise of the zoo to the current spate of Disney-produced wildlife films showing happy, heterosexual families of bears working together to survive. By paying careful attention to the elements of genre and filmmaking mode, she argues that wildlife films constitute a genre of their own, one marked by a presentation "of itself as an objective record of 'natural and obvious meaning' when it is in fact, like any other representational medium, a carefully chosen, framed, edited and narrated set of signs."²⁵ Chris' work focuses on the construction of these media objects as political tools, or de-politicized ones, but leaves space for my project to consider the reverse: what do these films capture that remains 'real'? I will explore this question in more detail in chapter three.

Nearly every book dealing with animals and film references Jonathan Burt's *Animals In Film*. It is a slim volume that opens up a whole field of potential inquiry. Divided into three sections, "Film and the History of the Visual Animal," "Vision and Ethics" and "Animal Life

²⁴ Gregg Mitman, *Reel Nature: America's Romance with Wildlife on Film* (Seattle: University of Washington Press, 2009), 208.

²⁵ Cynthia Chris, *Watching Wildlife* (Minneapolis: University of Minnesota Press, 2006), xix.

and Death,” Burt steps through the familiar trajectory from Muybridge’s motion studies to Hollywood animal stars and ends with a gesture to the virtual animal. The animal, he argues, “can so readily point beyond its significance on screen to questions about its general treatment or fate in terms of welfare”, suggesting that “the boundaries of film art...cannot easily delimit the meaning of the animal within its fictions.”²⁶ Questions of welfare mean differently in Burt’s Britain, and he begins to sketch out a valuable comparison between the UK and American regulations concerning animal welfare on film sets, which colors his discussion of ethics. It is not surprising that the book is cited as often as it is, for it opens up a multitude of weighty issues, including the ethics of using virtual/prop animals to stand in for real animal bodies, the interrelationship between regulation and censorship of animals on films’ sets, and the politics of the animal gaze. Richly illustrated and extensively researched, it forms the scaffolding upon which much of the animal film studies subfield has built its work. I found *Animals in Film* incredibly useful for its vigorous attention to both ethics and law with regards to animals in media.

It is worthwhile to pursue such histories, and the questions posed invariably reach beyond the archive into the affective networks that co-produce media objects. Although space remains for a more comprehensive history of animals on screen, in a variety of national contexts, this project is not such a history, but instead a theorization of specific historical moments in which the mediation of animals has raised questions ranging from the ethical to the aesthetic. I have turned my attention to a project that does not ask how the representations of animals on screen have changed over time, but how the structures that produce those images reflect and reinforce the power imbalance that marks the animal subject as separate from the human one. In order to

²⁶ Jonathan Burt, *Animals in Film* (London: Reaktion, 2002), 11.

accomplish that goal, it became necessary to look beyond the animal studies field into a more diverse set of methodologies, which are detailed in the next section.

Animals and film: Representing and Construction Profilmic Space

For a project that engages with as newly formed and dynamic a field as animal studies, the impulse to turn to the foundational film theory may seem anachronistic against other conversations that rely so heavily on post-structuralism. Outside of the fact that these texts formed the bedrock of my education as a media scholar and consumer, my project takes as inalienable premise that the visual register is separate and distinct from other modes of representative production and must be set apart and examined under its own terms. Attention to the historical and theoretical underpinnings that facilitate the production and consumption of visual media restores the specificity to the text and mode of address that I find lacking in many animal studies works. Film theory, specifically thinkers invested in the terms of realistic representation, allows me to think about the mode of address and ways of seeing that are produced by the camera, reflecting and reproducing an understanding of profilmic space that is specific to the visual media at hand. I am less invested in technological determinism and an argument that declares that the medium determines the mode of address, but am absolutely committed to the role that technology, from photography to live-streaming online video, plays in facilitating the imagined connection between a profilmic animal and a human viewer.²⁷ Texts are the moments when these structures of address become material, and it is important to treat the terms of the image's creation and consumption as equally active in the network of affect produced mediated aesthetic regimes between the profilmic space and the embodied viewer.

²⁷ I am not claiming any sort of apparatus theory framework, and move away from scholars like Laura Mulvey and Christian Metz to argue that the camera does structure the relationship, but in ways that are porous and able to respond to differences in context and identity.

My project is indebted to the school of thinkers one may call classical film theory, although the country of origin, political context and author identity of these men and women are hardly uniform or consistently included in any “canon” as such. Of first import are those whom I will call the “profilmic thinkers” who work to conceptualize the relationship between the profilmic space and the media object that represents that space, and the ways in which a spectator conceives of that relationship. Andre Bazin considers these questions repeatedly in his published, canonical work in *What is Cinema Vols. 1 and 2*, as well as in his lesser known pieces. Bazin consistently works through the political and aesthetic consequences of the imperfect transfer of reality to film. Authors like Seung-hoon Jeong, in his essay “André Bazin’s Ontological Other: The Animal in Adventure Films” and Serge Daney in “The Screen of Fantasy (Bazin and Animals)” have traced the figure of the animal through Bazin’s writing on both fiction and nonfiction films, arguing that the animal is a privileged site of identification, of ontological otherness for Bazin.²⁸ As Bazin writes on *Umberto D*, de Sica’s film went a “long way toward making us aware of what it is to be a man. (And also, for that matter, what it is to be a dog)” and it is this confusion, perhaps anthropomorphism, that Jeong and Daney draw on, and the power Bazin believes film possesses to be able to communicate something essential about “being animal” that is not possible through any other medium, and perhaps only imperfectly available through cinema.²⁹ My project asks how that understanding of realism changes when the subject of the film cannot act, or at least, cannot express an understanding of the difference between reality as lived and reality as being photographed.

²⁸ Seung-hoon Jeong, “André Bazin’s Ontological Other: The Animal in Adventure Films,” *Senses of Cinema*, no. 51 (July 2009), <http://sensesofcinema.com/2009/towards-an-ecology-of-cinema/andre-bazin-animals-adventure-films/>; Serge Daney, “The Screen of Fantasy (Bazin and Animals),” in *Rites of Realism: Essays on Corporeal Cinema*, ed. Ivone. Margulies (Durham: Duke University Press, 2003).

²⁹ André Bazin and Hugh Gray, *What Is Cinema*, Qu’est-Ce Que Le cinéma? English (Berkeley: University of California Press, 1972).

Siegfried Kracauer's foundational *Theory of Film: The Redemption of Physical Reality* deals more obliquely with the animal subject as such, but grounds his approach squarely in the embodied reality of the profilmic, captured by photographic means. Miriam Hansen, in her brilliant "With Skin and Hair: Kracauer's Theory of Film, Marseille 1940," historicizes Kracauer's final version of *Theory of Film* by putting it in conversation with unpublished drafts of the manuscript, as well as his wide oeuvre to argue that he was engaged in several intellectual pursuits that prefigured the direction of the cinema studies field, and attention to embodiment and identification was among them. She writes: "For Kracauer, the politicophilosophical significance of photography does not rest with the ability to reflect its object as real but rather with the ability to render it strange."³⁰ It is in this lens that I read Kracauer's discussion of the affinities of film, and in particular, the indeterminate. By refusing to read the film image as a static bearer of symbolism, Kracauer troubles the reading of the color white as pure, pointing to an instance in *Alexander Nevsky* where the color stands for "ruthlessness."³¹ In pointing out this particular affinity, he productively orients us to the constructed nature of the image in reception, just as he focuses our attention on the mechanisms that capture the profilmic in realistic ways. The color white exists in many profilmic spaces, but its meaning inside the world of the film is indeterminate. Despite the mechanism that renders animal bodies on screen in realistic ways, photography cannot, and should not, be read, I argue through Kracauer, as fixed cultural sign. A cow means differently in a film about the American middle west than it does in an Indian pastoral narrative, despite the mechanism of film capturing similar bodies. I proceed from Hansen and Kracauer in an insistence that the film image, especially in the case of non-linguistic

³⁰ Miriam Hansen, "'With Skin and Hair': Kracauer's Theory of Film, Marseille 1940," *Critical Inquiry* 19 (Spring 1995): 453.

³¹ Siegfried Kracauer, *Theory of Film: The Redemption of Physical Reality* (Princeton, N.J.: Princeton University Press, 1997), 68.

subjects like animals, be continually and politically read as strange, and to turn my attention instead to the wider system of structures that cause that image to mean in historically and culturally specific ways. Realism is not, in other words, to be mistaken for producing a benign or pure image, but instead a naturalized one, and my project takes this charge and applies it to images of animals.

Akira Lippit, philosopher and film theorist, proceeds from John Berger's assertion that "everywhere animals disappear" to argue that in the "cliche of modernism [that] human advancement always coincides with a recession of nature and its figures", the animal exists in a state of "perpetual vanishing", increasingly the subject of the human gaze (in zoos, films, and the like) while disappearing from their own world at an unprecedented pace.³² What follows in the rest of *Electric Animal: Toward a Rhetoric of Wildlife* is a romp through philosophy, film history and film theory to explore what the animal has come to mean in the public imagination, and what that changing definition can tell us about how the condition of modernism, and as it evolved (devolved?) into post-modernism, affected the human psyche, in turn shaping and reforming the natural world around itself. His work is crucial for my own thinking as it takes seriously not only the historical context of the film objects he studies, but also the historical context of the filmic medium. He works from Aristotle to Deleuze in order to make his compelling case that the animal is bound much more closely to death than it is to life, linking that condition to the line of thinkers like Bazin who believe that film is but a "living image of a dead thing."³³ As the common cultural metaphor of cinema shifted from attraction to apparatus, the mechanism of picturing the animal body shifted as well, and Lippit nimbly traces those consequences from zoos to YouTube. While at times rapidly paced, the argument is one of the most developed in a

³² Akira Mizuta Lippit, *Electric Animal: Toward a Rhetoric of Wildlife* (Minneapolis: University of Minnesota Press, 2000), 1.

³³ *Ibid.*, 171.

theoretical sense, drawing on a rich body of previous work while asserting its own case forcefully. The animal for Lippit is not only the subject of important early cinematic advances and images, but it is a sign of the ultimate inability for the visual medium to be translated completed into linguistic signs, forever opaque even while remaining the most compelling medium of modernity.

Less explored but still vital to my thinking on this subject is the work of Sergei Eisenstein, both written and filmic, which privileges the animal body as a site of powerlessness, violated and abused in graphic detail to serve as pure signifiers of that violence towards other (read human) subjects in powerless positions. In *Strike* most famously, as well as many of his other works, Eisenstein uses the animal, particularly the animal death, as metaphor. Akira Lippit explores this question in ‘The Death of the Animal’ as mentioned in my opening section, a piece that would later become part of his work *electric animal*, to be discussed in the animals on film section, arguing that the cattle dying in the documentary footage “supersede the metaphor [between worker and cattle] and impose from outside the diegesis a taste of death, of the real.”³⁴ He works from *The Electrocuting of an Elephant* forward to decide if the animal death can in fact not be signified: “the animal dies, is seen to die, in a place beyond the reaches of language...[but] the animal survives its death as a film, as another form of animal, captured by the technologies of animation.”³⁵ He views Topsy, the “criminal” elephant put to death on film by Edison as part advertisement, part spectacle, as a metaphor for cinema itself, destined to live and die ad nauseum on screen, killed and revived by the technology for which it was sacrificed, a “radical reanimation of the conditions of vitality as such.”³⁶ Like Bazin, Lippit postures that the animal goes beyond realism to the Real, piercing through the metaphorical,

³⁴ Lippit, “The Death of an Animal,” 22.

³⁵ *Ibid.*, 18–19.

³⁶ *Ibid.*, 22.

distanced or symbolic nature of film and capturing what is the inevitable and inescapable truth of an animal life, and often death, on film. My project works to historicize these claims to consider how these early writers and thinkers gave us a framework, through the animal, to consider the connection between a realism that operates as a style to communicate certain cultural and political truths to one that communicates something about the changing role of animals on and off screen.

It is ultimately this tension between the documented animal body in archive and celluloid and the living animal captured in profilmic space that demands a methodology attentive to both historical context and the power structures that shape the writing of history for non-speaking subjects. I argue that the film medium itself does work in shaping those power structures, and that the conception of an indexical relationship between representation of the animal and the animal subject itself is a historical and theoretical object unto itself. The literature detailed above provides a starting framework for considering the historical contexts that shaped these films and the animal bodies they contain, and this dissertation seeks to understand not just how the animals came to be on screen, but the shifting understanding of what it meant, and continues to mean, for their bodies to be represented there.

Construction and Constraint: Organization

My project is organized into four chapters, arranged around an animal type or species, which allows me to both limit the scope of my inquiry into manageable pieces and provide a unifying thread for material that does reach across national or historical boundaries. While I am writing about the media produced with and around these animals, animal bodies and sentiences are obviously also relevant to the politics and ethics of this project. The chapters are roughly in chronological order, although some chapters will move backward or forward as the material

dictates. I have avoided separating more historical work from theoretically engaged studies, as one of the main goals of this project is to unify compelling archival research, both of my own and of other scholars, and the theoretical frames that inform the motion pictures' cultural articulations. Methodologically, arranging the material this way works to both "ground" the theory so that it can be actively practiced on discrete film objects as well as to add historical specificity to those theoretical discussions, respecting that animals mean differently from species to species and from nation to nation. Chapters move in and out of various methodologies, including archival research, discourse analysis, and affect theory, in order to examine not just the text, not just the animal subject, and not just the human audience, but the affective networks that form in and between those parties, on the terms set by a changing, but always politically constructed, aesthetic regime.

"Chapter 1, Elephants" begins at the start of motion picture technology to examine the role that the visual plays in constructing our understanding and affective relationship with animals on screen. Elephants are an emblem of the foreign, exotic animal as attraction, and their appearance in a variety of visual traditions helps us to understand how they appear in early cinematic objects. Both zoological parks and circuses framed the American understanding of this massive, powerful and alien animal, and the two institutions constructed the human gaze at the elephant in both physical space and metaphor. The circus, with its itinerant nature and temporary construction, created the elephant as one spectacle among many appearing in the same space; while not explicitly inviting danger, the threat/promise of it marked the circus as a space of attraction rather than one of education. Unlike the circus, the zoo constructed specific exhibits for animals, guiding patrons through physical space into constrained, engineered encounters with the elephant. Permanent, open air and public, the zoo invites the gaze at the animal as a way of

knowing, and ultimately mastering, the exotic creature. Both institutions shaped the way that the animal was later viewed in early motion pictures. Using the Edison film *Electrocuting an Elephant* alongside Muybridge's *Animal Locomotion* studies, I argue that both strands, the attraction and the education, are present in shaping how these objects were constructed in their time, as well as how they are read by historians and scholars today. Just as zoos work to erase signs of the animal's imprisonment, the look at animals in early cinema belies the power structures that shape that animal's relation to the camera, and by proxy, to the audience. By rewriting the history of Topsy to focus on the historical value of her death, or, more precisely, the semiotic meaning of that death's capture on film, we run the risk of setting the film outside of a much larger tradition of human power over animals being made visible through visual convention, and ultimately, scholarship.

“Chapter 2: Horses” centers on the regulation of film sets in the “golden era” of animal regulation, the years dominated by the Production Code Administration. The chapter begins with the case of Henry King's 1939 film *Jesse James* which required monitoring by the American Humane Association on set when a disputed number of horses were driven off a cliff to their death for use in a chase scene. The uproar surrounding the film caused a 1940 addendum to the Production Code outlining that “any picture involving animals” should “invite on the lot during the shooting and consult with the authorized representative of the American Humane Association.” This set the precedent for strongly suggested but ultimately voluntary regulation, with the AHA acting as sole voice and arbiter of the treatment of animals on motion picture sets. The chapter details the mechanism for how such observation was conducted, and the conflicts it created both within the AHA and the PCA office. This chapter relies heavily on primary research done in the files of the PCA at that the Margaret Herrick Library, as well as in the documents of

the AHA. Both sources tell the story of a regulatory body out to appease what it frames as fanatical supporters of animals while preserving the “magic” of the motion pictures, a tension that plays in the audiences’ inherent belief that all pictured on screen, especially in regards to animals, is true to profilmic life. I argue that the power imbalances that allow animals on set to be treated more as set property than as actors were not corrected by the AHA, and continue to underpin the present day abuses on film sets.

“Chapter 3: Dolphins” argues that images of the natural world, and by extension, the animals within it, have progressed from hand drawn illustrations in naturalist notebooks to multi-billion dollar international co-productions that travel to the most remote places on earth to capture unseen but scientifically valid observations. The chapter proceeds in three parts. Firstly, I argue that the burden of realism, theorized by Bazin and taken up by scholars following him, is placed unevenly onto animal bodies as a result of their non-human subjecthood. Like Flike, the dog in *Umberto D*, and the very real whale at the heart of the mythical film *Kon Tiki*, animals are assumed to act in a pure, un-self conscious way, and in doing so can cut through the artifice of film and bear the weight of objective, scientific or realistic truth. Secondly, I use this frame to discuss images of animal bodies in high budget nature documentary productions like the BBC’s *Planet Earth*. These films become sources of knowledge themselves, as the production works to de-emphasize the scientific knowledge that guided and informed the image collection and present the images as standalone records of spectacle as well as science. Lastly, I argue that the animal body has increasingly been collapsed from realistic image par excellence to simply image, and the proximity between embodied creature and image has been partially severed, or at the very least complicated, with the advent of the digital animal body. Although not a single text I examine here explicitly engages in conversations around conservation, climate change or the

ethical treatment of animals, they are not operating outside of politics. I argue that Bazin points us not only to the profilmic, but to the animal in a historically and culturally specific context. What remains in the frame, even after it has been recut and recast to work for an international audience, marketed as apolitical spectacle, or presented as technological feat? This chapter asks – will the animal body always be seen as realistic, and thus activate a connection, to varying degrees political, back to a profilmic world that can be known?

“Chapter 4: Cats” analyzes cats on the Internet as a persistent and complex phenomenon. The cats in digital spaces are not animated nor imaginary, and the framework within which audiences experience them insist on the connection back to the real cats despite being digital. Unlike previous chapters, where the medium of photochemical film itself was imagined as the link back to the profilmic, this chapter explores how digital spaces maintain connection between animal and image. I work through three examples of “cats on the internet”: memes, including Grumpy Cat, shelter live streams, and crush videos to argue that not every cat on the internet is experienced in the same way, and that by triangulating these representations within a theoretical network of cuteness, liveness and authenticity we can begin to parse the variations of cat in digital media forms, and cultural understandings of animals. Because there is not a single affect at the core of the cats on the Internet phenomenon, it is no longer productive to examine one type of image, one type of media distribution schema, or one type of audience. Rather than examining just the affect that these objects engender, I work here to examine how that affect is called upon, how it is ritualized, how it is framed to face outward, and how ultimately it is converted into transactional exchanges, monetary or otherwise. Just as each earlier chapter introduced the ways that the process of image creation, distribution and exhibition set up a relationship of unequal power between the human consumer and the animal body, this chapter continues to examine that

relationship as it shifts into the digital. This chapter examines the ways that our understanding of the animal body shift due to the variations in their digital production, distribution and consumption. When we treat digital objects as functioning in ways that are identical to one another, regardless of their mode of distribution, we flatten the function of those objects to the point where technical knowledge has been obliterated, and we skate over important differences in temporality, legality and reception. This chapter aims to reintroduce some of these distinctions back into the discussion of animal bodies online.

Taken together, these four chapters allow me to ask my initial set of questions historically, with reference to both film theory and the film industry, and in regards to more contemporary media “starring” animals: How do the film or media control and construct our gaze? How do they shape our understanding of a particular animal? Animals broadly? How is affect constructed in unequal relationships between human and animal? Informed by animal studies, media studies, and affect theory, this dissertation argues that we must address the power and ethics of such media and such questions when the bodies on screen are sentient, but not human.

Chapter 1: “Topsy Lives On”: Elephants and the Ways We Look at Them

Introduction: Wanda and Winky, and Other Elephants I Knew

When I was a child, I loved going to the Detroit Zoo. I would walk along the path, following the elephant steps that were painted on the sidewalk past the peacocks that wandered through the bushes, through the penguin house to see the lunchtime feeding, through the butterfly house to see if I could stand still long enough to have a Blue Morpho butterfly land on me. I will always remember, however, the feeling of standing in front of the elephants, Wanda and Winky. I loved to watch the elephants hosing themselves off with water from their trunk, and remember vividly laughing when one squirted his trainer, seemingly just for the joy of it. In the summer, they were outside, in a concrete and grass enclosure that was meant to approximate, as far as is possible in the suburbs of Detroit, the safari landscape. In the winter, they were kept in a much smaller, indoor enclosure, alongside other “African” animals, and we crowded around windows to see the elephants “do something.” In 1998, the zoo expanded the outdoor habitat for elephants to give them more room to roam, after more and more research showed that the arthritis developing in both Wanda and Winky was due to their tendency to stand immobile for hours at a time, as elephants in the wild often travel miles a day through their territory to feed and water. A pair of animals among many - the elephants stood out for their novelty. They looked so out of place, so majestic, and so bored.

In May 2004, the Detroit Zoo began to negotiate with various interested parties to transfer the pair of elephants to a sanctuary in California. As zoo director Ron Kagan put it, “now we understand how much more is needed to be able to meet all the physical and psychological needs

of elephants in captivity, especially in a cold climate.”⁹³ A sequence of elephants at the Detroit Zoo developed debilitating arthritis and needed to be put down after becoming unable to stand, including Missy, who was euthanized at age 35, when most Asian elephants live to be 60, even in captivity. Kagan became the first zoo director to willingly “give away” elephants to a sanctuary for “ethical reasons” and his move was widely discussed in zoo administration and animal advocacy circles as a step in the right direction.⁹⁴ Wanda and Winky travelled to California in April 2005, after several failed legal attempts to keep them within a zoo system because of ownership concerns, and I lost track of them, assuming (hoping?) that they were well taken care of, and warm.

Wanda re-entered my life as I sat down to watch the 2013 HBO documentary *An Apology to Elephants*.⁹⁵ I was curious about the public-facing rhetoric about performing animals, and thought the documentary, narrated by Lily Tomlin, would give me good insight into the conversation about performing animals. The film tackles several issues involving elephant welfare, including ivory harvest, sport hunting and performance, and worked closely with the Performing Animals Welfare Society’s sanctuary in California. In one scene, they show an elephant reunion at the sanctuary: two elephants appear to recognize each other and immediately bond, eating, walking and even sleeping with each other. It is only later that the staff realized that the pair had performed together as adolescent animals and made their way through zoos and circuses, having been apart for some fifty-odd years, and recognized each other immediately even after all that time. Wanda, the elephant of my childhood, was one of those elephants, and I was floored by the revelation. Wanda sadly was not able to escape the arthritis and pain issues

⁹³ “Detroit Zoo Elephants Going to a Refuge,” *Detroit Free Press*, accessed January 18, 2016, <http://www.freep.com/story/news/local/michigan/oakland/2015/02/13/detroit-zoo-winky-wanda-refuge/23355697/>.

⁹⁴ Ibid.

⁹⁵ Amy Schatz, *An Apology to Elephants*, Documentary, Short, (2013).

that her years outside in Detroit's harsh winters and variable climate conditions and small enclosure doomed her to, and was euthanized in 2015 after she was no longer able to stand, but I was incredibly heartened to see that she could end her days in relative comfort and companionship.⁹⁶

Like so many, my experience with elephants is viewed through the lens of the elephants I have seen. The elephants I have seen in zoos are different from the ones I have watched on nature programming, the ones I see in news reports, images, documentaries, or animated films. I have never seen an elephant in the wild, but yet, I recognize the species when I see it. I can tell the difference between an elephant and a rhinoceros, identify the parts of its body, know how it eats and drinks, and even know some trivia about its life cycle (elephants gestate for nearly two years, they use their trunks for balance as well as a tool). These interactions, and the affect they create, are produced not only between my body and the elephant, but within the network of representational strategies that frame how I encounter the animal, and those strategies are in themselves situated in a historical tradition of looking at animals more broadly, and elephants more specifically.

In this chapter, I argue that proto-cinematic and early cinematic objects did not establish a standardized way of looking at animals as much as they reflect and reinforce established historical and theoretical ways of looking. From a tradition of zoos and circuses, early cinema and its technological forerunners depend on visual conventions and metaphors to depict the animal in a way that separates it from human or non-living subjects. By tracing these forerunners to early animal cinema, we can locate these animal objects, dismissed often as simple attraction, filmed vaudeville, or oddity, as inside of a large tradition of scientific and entertainment

⁹⁶ "Former Detroit Zoo Elephant Wanda Dies," *Detroit Zoo*, accessed January 18, 2016, <http://detroitzoo.org/press-release/former-detroit-zoo-elephant-wanda-dies/>.

discourse that insistently separates the animal as a specific type of subject. This division between human subject and animal betrays much of the anxiety that surrounded the rise of cinema as a technology. As a largely opaque subject unable to verify its own experience through language, the animal became an ideal ground for contesting the boundary between a scientific tool meant to capture images accurately and a tool to capture and spread entertainment. At the turn of the 21st century, that animals appear at the junction of scientific advances, technological advances and a rising entertainment industry and their appearance in many early cinema objects is no coincidence. These various traditions of looking at animals coalesce in the cinematic record of Topsy's death, with *Electrocution of the Elephant* circulating less as a culmination of these scopical traditions than a knotted demonstration of Topsy's inferior position as animal and other in multiple registers.

In order to trace this path, the chapter is split into three sections. The first examines an animal institution that emerges roughly concurrently with the rise of photography, the zoo. By tracing the history of this institution, along with others like the menagerie and the circus, I situate the look at the animal as a look separate from others, and one that has been constructively shaped by these institutions. From the quasi-educational purpose of the zoo to the entertainment value of the circus, both institutions, although contemporaneous, were aimed at differing classes and types of viewers, and use the animal to meet those opposing ends. The zoo directly shaped the way audiences looked at animals, setting up expectations for both scientific and entertainment media to come.

Part two of the chapter examines the scientific gaze and pre-cinematic technology. The turn of the twenty-first century saw a revolution not only in industry, but also in science, with the move away from human-centered observation to a machine gaze. Eadweard Muybridge,

although not alone in experimenting with rapid succession still photography, was unique in his focus on those studies as scientific texts of animal subjects rather than images produced for entertainment purposes. Many film scholars see his work on locomotion as directly influencing the cinematic technology, but questions were raised at the time of its publication about the ultimate technologic and scientific value of his studies. I pay specific attention to the understudied animal nature of his work, and how the gaze it offers differs from other human models. Muybridge's gaze controls, regulates and flattens its subjects into recognizable units of animal, setting a precedent for the seemingly objective look at animals that I argue continues well past his death.

Part three focuses on Topsy the elephant, the infamous subject of Edison's short film *Electrocution of the Elephant*. The short film features the death by electrocution of Topsy, an elephant who had been sentenced to death after a series of deaths and accidents. Purportedly staged in order to demonstrate the danger of direct current, a competitor to the alternating current that Edison's company was proposing as a standard, the film has had an afterlife that focuses on the conditions of its creation, Edison's role in the filming of the short, and the life of Topsy herself. I argue that Topsy is an ideal case for examining how the animal subject made the transition from circus and zoo to cinema. As a former performing elephant, Topsy was marked as dangerous, and her execution on screen is a testament more to the power of cinema to mark the moment between life and death in objective truth than a demonstration or attraction in and of itself. This tension as to what the short is "for" betrays not only the anxiety over the new medium in the historical context of the time, but the academic anxiety in framing this media object within the context of early cinema debates and the burgeoning animal studies field. This section engages with Tom Gunning's work on the cinema of attractions to work against the claim that

the animal is simply an attraction amongst others, and instead posits that the look at the animal, while related to the attraction, sets the animal subject aside as one different from human. This marked difference between animal and human subjects, inscribed in the framing as well as the discourse around *Electrocution of the Elephant* sets the stage for a culture of filmmaking and film consumption that maintains and polices that boundary in order to continually reinscribe the power relationship that allowed humans to assert dominance over animals in time memorial. Elephants, and animals more generally, interact with human bodies, and the affect generated in that encounter was managed in structures that reflected the exotic, othered, disempowered understanding of the elephant body, and reinforced the power structure that maintained the animal position as such.

The Rise of the Zoo: To Look and Know

More than pointing out how and when the understanding of the camera's relationship to profilmic space shifted during the first decades of cinema's circulation, I examine the stakes of how the camera looked at and presented animals and consider these structures not just as historical patterns, but as coalescing power structures. The animal features prominently in proto-cinematic and early cinematic production, and by tracing the threads of the circus gaze and the zoo gaze forward, we can see how that scopic power over the animal was presented visually, and understood culturally. Animals certainly appears as a one-off attraction, staged for the benefit of the camera in order to fit into a vaudeville-like programming, but it also appeared as part of a narrative experience-- to show what had not been seen in support of the camera as educational tool. In either case, these images were not understood in isolation, but through the previous institutions that taught us how to look at animals. I work here to both situate the zoo in a historical tradition of looking at animals in space and a theoretical tradition that structures that

gaze at animals as constructed with specific political, cultural and ideological valences meant to distinguish the animal subject from the human one.

Humans have always looked at animals, but the zoological park's introduction structured and ritualized that look in the twentieth century. My examination of the history of the zoo, as well as other institutions that look at animals, like the menagerie and the circus, lays the foundation for the gaze of the camera, and how animals are displayed and framed, both in physical space and in metaphoric terms. Although not the only cultural contexts that ritualize the gaze at animals, the zoo looks at the live animal, in contrast to museums, drawings, paintings or taxidermy. I argue that the zoo and the circus approach the animal in similar physical ways, constraining in cages, exhibits, rings or stages, but frame the animal as educational entertainment or spectacular entertainment, respectively. The distinction between education and spectacle guides the viewer's experience through and in both spaces, and sets up cultural expectations of performance and value that directly impact not only the animals shown in early cinema media objects, but persists further in time. The codes established by both institutions, but especially the zoo, persist visually into cinema and frame the conditions of when, how and for what purpose humans look at animals.

The zoo, or zoological park, became a public institution early in the nineteenth century, with the first notable zoo being established in London in 1828, and open to the public in 1857.⁹⁷ A zoo commonly has a collection of animals held by either a private corporation or public trust, displayed in a landscaped park with permanent fixtures. Like a museum, the pedagogical value of the zoo lies in its ability to both display specimens and educate the viewing public about their significance. Historically, the first collections of live animals were menageries, meant to display

⁹⁷ David Hancocks, *A Different Nature: The Paradoxical World of Zoos and Their Uncertain Future*, (Berkeley: University of California Press, 2001), 5.

and embody the wealth and reach of an empire. Rather than being collected for an educational purpose, animals in a menagerie were meant to demonstrate the diversity of the royal holdings and lands. Held for the personal pleasure of the king, the menagerie was usually located on private land, and only accessible to those within the court or social network of the king. Zoos are meant, in contrast, to demonstrate the diversity of animals across the world, and usually built on public, or publicly accessible, land, for the benefit of all. The London Zoo was built in Regent's Park which was first royal land that was turned into a public park some twenty years before the zoo was established, and opened to much fanfare, being described in the *Daily Telegraph* in 1870 as "simply the most popular exhibition in London."⁹⁸ From the outset, writers noted that the zoo was something altogether separate from other museums, saying that "We all go to the British Museum for instruction's sake, but we visit the Zoological Gardens for amusement as well as instruction."⁹⁹ This dual purpose, of course, was just one part of the mission, as its position within a royally held tract of land suggested that certain behavioral standards were to be met. As Hancock puts it, as the royal collection of animals moved from the "dank and dark confines of the Tower of London and moved to Regent's Park", their impressiveness could be restated less as a private holding of a powerful monarchy, but as a national resource, meant to be enjoyed as it instructs.¹⁰⁰

In the United States, zoos developed less as a governmental outcropping and more as a public leisure activity. Where the zoo in the UK was tied to the zoology department in universities and drew many of its original specimens from royal menageries, US zoos operated as standalone,

⁹⁸ Ibid., 47.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

governmentally funded but visitor supported institutions.¹⁰¹ The American zoo was often framed by its founders as an alternative to other city amusements, like nickelodeons and vaudeville theaters. At the turn of the twentieth century, as anxieties about class behavior and confined spaces led to much popular support of open air, calm amusements like the zoo. Guests could wander around the park, and be edified by the information available about the animals on display and thus be saved from other, less desirable pursuits, and in a more active and entertaining way than the stale air of museums or classrooms.¹⁰² The zoo could provide the edifying content imagined by the most wholesome purveyors of educational shorts, providing a similar sort of surveillance of the zoo-goers moving about in open air that the animals experience themselves.

The space of the zoo is elevated beyond mere collection because the pedagogical material - the placards, the signs, the path through the rooms or exhibits - is constructed to tell a narrative about what objects a guest sees, and what information should be gleaned about them. By walking through the park, visitors encounter animals (and the narratives and enclosures that frame them) in a predetermined order. Many zoos use pathways, landscaping and signage to guide people through a pre-determined sequence of exhibits, but ultimately, the experience depends on the individual's interaction. A guest can choose not to read the sign, not to follow the path, or to visit animals out of order - the animals, and the look at them, is ultimately the only constant. Like the cinematic technologies that follow it, the zoo structures the human gaze so that the animals are on display, and then naturalizes those structures as part of the zoo architecture and experience. Anne Friedberg says of the window that it "functioned both as practical device (a material opening in the wall) and an epistemological metaphor (a figure for the framed view of the

¹⁰¹ Elizabeth Hanson, *Animal Attractions: Nature on Display in American Zoos*, (Princeton, N.J.: Princeton University Press, 2002), 11.

¹⁰² For a fascinating history of the US zoo and its relationship to turn of the century American respectability politics, please see Chapter 1 of Hanson's outstanding book, *Animal Attractions*.

viewing subject),” and I argue that this dual function is seen in the zoo gaze as well.¹⁰³ The cage or designed exhibit serves the practical purpose of keeping the animal contained and separated from the human spectator, and as metaphor for the containment and control that the zoo space exercises over the animal body in captivity.

In order to justify the captivity of the animals, zoos have developed a common, three-part mission: to be an educational resource, a scientific site, and a place of public leisure. The zoo carefully controls the view of an animal, both in terms of aesthetics and other sensory registers. By controlling what visitors can and cannot see (and smell, taste, touch and hear), the visitor is disciplined into a specific position of power over the animal on display. This one-way articulation of power is reinforced by the educational claims of the zoo institution: we look at animals in the zoo to learn about them, but they are not afforded a look back at us. The educational mission was clearly delineated in iterations of the zoo around the world, with signs, and exhibit construction and docents are common features in most zoos in both historical and contemporary contexts. However, the scientific mission of zoos was not always clearly delineated, or universally supported. Many zoo workers and supporters claimed that the zoo provided a chance to study animals in an intimate and sustained way that wouldn't otherwise be possible in the wild, and in the UK especially, the first zoos were closely linked with zoological departments in universities.¹⁰⁴ The zoo became an extension of the laboratory practice of the department, helping to defray some of the cost of keeping live animals for study and allowing the animal to live a supposedly more peaceful existence in a space much bigger than a cage. In the United States, where such a connection to a university is rare, the focus still remains on providing opportunities for the animals to be studied, albeit less rigorously. Visitors are

¹⁰³ Anne Friedberg, *The Virtual Window: From Alberti to Microsoft* (Cambridge, Mass.; London, England: The MIT Press, 2009), 26.

¹⁰⁴ Hancocks, *A Different Nature*, 40.

encouraged to observe the animal in multiple ways, rather than just through the visual register of the photograph or motion picture. One can see an elephant in a zoo, but also sense the enormity of its presence in relation to one's own body in space. This multi-sensory description becomes possible through observation, and that observation, above all, is framed and regulated by the zoo as an educational, if not enlightening, experience.¹⁰⁵

The pedagogical mission of the zoo is reflected in the type of behavior that the space is supposed to elicit in its visitors. The direct predecessor of the zoo, the menagerie, was normally housed on royal or elite properties, as the collection was meant to directly reflect the wealth of the land. As such, the visitors to the menagerie were expected, one could surmise, to act with all the decorum and self-restraint that the royal presence, even by extension, demands. The zoo, when transferred into public or publicly accessible places, sought to regulate behavior by structuring space to encourage class appropriate behavior. In the UK, the zoo was imagined as a place where the middle class could observe the upper classes behaving with decorum, as the zoo provided them with "the opportunity to simultaneously witness their social superiors in public, imitate their manners, and learn of the wonders of their nature."¹⁰⁶ Even more so in the United States, Hanson argues, the zoo was imagined as an elevating space - away from the crowded, dirty urban centers, zoos promised all the fun of interacting with exotic animals with the physical structures and qualities of fresh air, directed movements through landscape architecture and an expectation of self improvement through education. She quotes a journalist who says that "It matters little whether Michael Flynn knows the difference between the caribou and the red deer... it does matter a lot, however, that he has not sat around the flat disconsolate, or in the

¹⁰⁵ By observation, I mean an embodied look in space that has duration. I use that term to differentiate from the gaze, which for me carries a valence of distance, a space created by the camera that separates the body of the viewer from the body/substance of the viewed.

¹⁰⁶ Ibid., 47.

back room of the saloon, but has taken the little Flynns and Madam Flynn into the fresh air and sunshine.”¹⁰⁷ Connecting into a larger politic of self-improvement through open air, the zoo is promising more than just a look at animals, but a way to inject freshness, and therefore health and happiness, into lives that are too often enclosed in stagnant urban spaces. Modern cities demand that the natural spaces of leisure be recreated in parks and private gardens, and the zoo is testament to that further artificial construction of the natural elements (trees, grass, and animals) that have disappeared.¹⁰⁸

While one consideration of the zoo is the constraining and encouraging a certain standard of behavior in its patrons, the zoo’s defining characteristic is the structuring of the gaze at the animal. Directly borrowed from the menagerie, the cage quickly fell out of favor with zoo architects and planners. More than making visible the type of control being exerted to keep the animal in the frame, the cage reduces each animal into similar, collectable specimens by repeating the same frame. Just as one would walk through an art museum and recognize each work as belonging to the collection because of its position, framed on the walls of the gallery, one might walk through an early zoo and see cage after cage containing all the specimens belonging to the zoo. Their ownership, just like the ownership in the art museum, is made visible by the regulating common display, and thus reduces in some sense each animal’s being into a specimen held, constrained, caged. But the visual presence of the bars also restricted the view of the patron, as one must lean in to see around or through the bar and zoo architects quickly moved away from the museum-like specimen metaphor into something more naturalistic.

To see an animal in its natural habitat quickly became the visual standard for the zoo, and

¹⁰⁷ Hanson, *Animal Attractions*, 28–29.

¹⁰⁸ Both Akira Lippitt and John Berger draw attention to the fact that the animal has “disappeared” from modern life at the point in which the zoo is introduced. While the trope of disappearance is common throughout much of the scholarship on modernity, what is important to emphasize here is that the animal encounter is reconstructed in the zoo as a controlled encounter, rather than a wild one.

both the hardscaping (architectural creations) and landscaping changed to reflect a more “natural” sensibility. In order to regulate the affective experience of watching animals in captivity, as well as attempting to provide a more enriching environment for the animal, the aesthetic structure of the zoo (rather than the material conditions of existence for the animal) shifted. As Kay Anderson argues in an article about the history of exhibit design at the Adelaide zoo, “the zoo is a cultural institution which reflects not nature itself--as if such an unmediated thing exists--but a human adaption of the ensemble of life forms that bears the name 'nature'.”¹⁰⁹ This idea of nature is itself a construction, filtered in and through human perception. For the zoo architect, then, this idea of nature meant that the animal is united with, rather than segmented off from, its environment, and the gaze afforded to the patron must reflect this unity between animal and enclosure. The first intermediate step was pioneered a German zoo near Hamburg, by an animal dealer, Carl Hagenbeck which had displays that he termed (and later patented) “panoramas,” clearly drawing from the artistic tradition. Hagenbeck wrote that he “wished to exhibit [the animals] not as captives, confined within narrow spaces, and looked at between bars, but free to wander from place to place within as large limits as possible, and with no bars to obstruct the view and serve as a reminder of captivity.”¹¹⁰ In order to create this expansive horizontal view, the architect builds camouflaged barriers, not unlike the segments of a divided lunch tray, to keep the animals from invading each other’s spaces without building visible physical restraints. Just as the diorama and panorama are artificially assembled from a collection of real views in order to progress a narrative or display a wider breadth of subject matter, the panorama in the zoo brings together associated animals (whether through “country of origin” or “habitat of origin”) that would not happily and peacefully coexist in the wild in order to present a

¹⁰⁹ Kay Anderson, “Culture and Nature at the Adelaide Zoo: At the Frontiers of ‘Human’ Geography,” *Transactions of the Institute of British Geographers* 20, no. 3 (1995): 276.

¹¹⁰ Hanson, *Animal Attractions*, 141.

view of nature that is controlled and restrained.

Whether the zoo is designed around the metaphor of the cage or the 'natural habitat', the zoo ritualizes the gaze at the animal by the human. Perhaps the most influential piece of writing in the animal studies field, John Berger's 1977 essay "Why Look at Animals" takes the differences in affect between the various structures of the zoo gaze as its central focus. Like many others to follow him, Berger's project is two-fold: first, to historicize the look at the animal in the wider historical and philosophical conversation about animality and second, to examine an institution that ritualizes that look at animals. At the heart of his analysis is this telling description:

“Animals are born, are sentient, and are mortal. In these things they resemble man. In their superficial anatomy - less in their deep anatomy - in their habits, in their time, in their physical capacities, they differ from man. They are both like and unlike.”¹¹¹ Here, we see Berger drawing a distinction between the human and the animal, but hedging on where that line would fall, if it exists at all. In starting from the premise that the animal is both like and unlike the human, the rhetorical terrain is set to shift the power between the human and animal rather than to expose it as a fixed condition. Importantly, he argues that the gaze at the animal in the cage may be aesthetically different from the gaze at an animal in a “natural habitat”, as well as politically and ethically different, constructing the position of the animal in regards to the human viewer differently simply by virtue of the aesthetic.

Berger's piece is a bellwether for not just the literature on zoos writ large, but how the animal/human gaze has been imagined in the work that draws upon his framework. Berger writes that: “However you look at these animals, even if the animal is up against the bars, less than a foot from you, looking outwards in the public direction, you are looking at something that has been rendered absolutely marginal; and all the concentration you can muster will never be

¹¹¹ John Berger, “Why Look At Animals?,” in *About Looking* (Pantheon Books, 1980), 4.

enough to centralize it.”¹¹² No matter the framing, no matter how the exhibit is staged, the animal is treated exactly the same: marginal and disempowered, he argues. The aesthetic quality is both a product of and produces an affect that reflects the unnatural place of the animal within a modern, urban space. Berger productively links the visual structures (the cage, while different from the diorama in aesthetic, is similar in intention) that produce the visual, and embodied, affect of distance and control that designates the animal as an object to be looked at, rather than interacted with. The aesthetic qualities of the exhibit determine the affect engendered in the visitor, regulating the encounter into a safe, controlled articulation of power over the wild, uncontrolled animal. While the aesthetic regime of the cage differs from that of the natural habitat, both ultimately reinscribe the power dynamic that keeps the animal in captivity, performing its educational purpose.

For our purposes, the effects that presentational and institutional pressures exert on the gaze between human and animal can be illustrated in the differences between the zoo space and the circus at the turn of the twentieth century. Unlike the zoo, the circus was an itinerant, traveling, transitory space with entirely opposite cultural connotations than the zoo. If the zoo was meant to inspire middle class behavior in all of its patrons, the circus was a space that allowed for, if not encouraged, the bawdy elements of human behavior. From the beer to the variety of attractions and oddities presented, the circus functions less as a collection or demonstration of power of an empire, city or private collector than as a festival out of time and space. The word “circus” was first used to describe the spectacles that the Roman Empire would mount to distract the masses, and still continues to be associated with the lower class, those hungry for diversion.¹¹³

In the circus, even more so than the zoo, animals are presented as spectacle, severed from

¹¹² Ibid., 24. Emphasis original.

¹¹³ For a brilliant accounting of the cultural history of circuses, see Helen Stoddart’s *Rings of Desire: Circus History and Representation*.

their “habitats” and presented as performers within the context of the larger show. The circus generally consists of a variety of acts presented in a variety format, with a large personality to lead the proceedings. Unlike the zoo, where the animals brought in are meant to stand for the typical nature of the species (this elephant stands in for all elephants), the circus mixed the exotic with the dangerous, the human and the animal in order to present sights never before seen in terms of entertainment, and not educational, value.¹¹⁴ Animals were purchased from dealers and often entered the circus with hugely exaggerated, if not completely false, stories of origin, and humans with a variety of differently abled bodies were presented as freaks and specimens alongside animals as just another attraction. While a person visits a zoo, walking through the exhibits with relative freedom, the circus patron sits back in the audience to be wowed by the sights presented. The circus tent was erected, normally out of the city center as to have enough room for multiple tents, staging areas and holding pens, and the structure only existed temporarily. The circus came, people flocked to it, and then it disappeared - its sights and structures with it. Whereas the zoo became a symbol of civic wealth and sophistication, the circus framed its sights as temporary, never to be seen outside the frame of the big top. Patrons look at circus animals not to learn, or to observe, but to be entertained.

At the circus, one looks at the animal and expects it to perform, and that expectation sets up a gaze that is different from that of the zoo. The parallel to this gaze is actually that of the vaudeville patron - to sit back and be constantly entertained by the views presented to you, with very little expectation of educational value and a strong desire for the unusual, the exotic, the spectacular. Both gazes expect that the animal will do "something", and both other the animal by

¹¹⁴ The exotic nature of these animals (a domestic cat would never be included in a circus while any manner of big cat species is a natural fit) is of course not a neutral designation – racial and ethnic politics are of course circulating as animals from Africa and Asia are presented as spectacle, just as humans with varying identity markers are treated in similar ways.

setting it apart as something to consider outside of oneself. Both of these gazes are, however, connected to how the animal would come to be viewed in early cinema, a contemporary of both the zoo and the circus.

If the zoo and the circus have one fundamental difference, it is the scientific mission that they do or do not claim to hold. To present an animal for the gaze is a feature of many different institutions, but to present the living animal for the scientific gaze is an activity that dramatically shifts with the introduction of the camera. As Anderson argues, the zoo builds around the ideal male gaze as model, arguing that animals were subject to this “universal” viewpoint, when in reality “it was a 'partial perspective' that relied on various strategies of denial, exclusion, spatial separation and stereotyping of women, racialized peoples, non-human animals and 'nature' more generally.”¹¹⁵ Animals in a zoo are contained so that we may study them, setting up the gaze at the animal, even in captivity, even in an artificial landscape, as a way of knowing the objective, or scientific nature of that animal. This idea of the gaze as knowledge generator in the case of the zoo was not developed in isolation, but rather as a part of a much broader conversation about what it means to look objectively.

Objectivity: How Do Machines Look at Animals?

Jonathan Crary’s *Techniques of the Observer: On Vision and Modernity in the Nineteenth Century* begins from the premise that, as the technologies of vision evolved in the nineteenth century, so too did the cultural understanding of what it meant to look. He describes “an observing subject who was both a product of and at the same time constitutive of modernity” and a broader culture that represented the power of looking in both its texts and structures.¹¹⁶ This

¹¹⁵ Kay Anderson, “Culture and Nature at the Adelaide Zoo: At the Frontiers of ‘Human’ Geography,” *Transactions of the Institute of British Geographers* 20, no. 3 (1995): 278..

¹¹⁶ Jonathan Crary, *Techniques of the Observer : On Vision and Modernity in the Nineteenth Century* (Cambridge, Mass.: MIT Press, 1990), 9.

section details the changing narrative around objectivity and subjectivity in the natural sciences during the later part of the nineteenth century, and how the introduction of the camera led to the privileging of the objective gaze as marker of scientific worth. By shifting the mandate of science away from classification and distillation of one ideal form into the objective rendering of nature by mechanical vision, the stage was set for the introduction of the gaze to not only render space, but also time, with this objectivity. It is in this cultural shift that Muybridge, among other scientific practitioners of the proto-cinematic and cinematic technologies, introduced visual codes that codify the objective gaze at animals. Rather than assuming an ahistorical objective gaze, I work here to situate the changing codes of looking at animals reflected in zoo architecture as also guiding the developing cinematic technology which often focused on animal bodies. The scientific gaze, like the zoo gaze, needs to be considered through the power structures it enacted; by claiming objectivity was possible through the intervention of the machine, the dominance of the camera (and thus, its human operator) is inscribed onto each frame of these early animal media texts.

The scientific gaze was not always indelibly linked to the idea of objectivity, but instead was first associated with the Enlightenment virtue of “truth-to-nature.” Truth-to-nature differs from objectivity as epistemic virtues, but also shifted how and why scientific work was undertaken. In their groundbreaking work on the history of objectivity, Lorraine Daston and Peter Galison detail the role of discernment, not objectivity, in truth-to-nature, arguing that “sharp and sustained observation was a necessary prerequisite for discerning the true genera of plants and other organisms. The eyes of both body and mind converged to discover a reality hidden to each alone.”¹¹⁷ Unlike later iterations of scientific looking, truth-to-nature regimes valued both the

¹¹⁷ Lorraine Daston and Peter Galison, *Objectivity*, (New York: Cambridge, Mass.: Zone Books ; Distributed by the MIT Press, 2007), 58.

object in profilmic space, as it existed in front of the human eye observing it, and the Platonic form of the object, only known through careful study and discernment. The true essence of an object could not be gleaned from looking at a single example of that object, and thus the scientific gaze involved not only observation, but “sharp and sustained observation” of the object in multiple forms and under multiple conditions. Synthesis and discernment are necessary in order to present the object not as it is, but as it should be when true to the nature of that object. As Daston and Galison write, “Allegiance to truth-to-nature required that the naturalist be steeped in but not enslaved to nature as it appeared.”¹¹⁸ The object as observed is only but one part of the system of gathering truth - the object must be considered alongside others of its kind, in relation to a Platonic ideal that may or may not be borne out by the visual evidence in front of a scientist, naturalist or artist. Artist or camera, truth-to-nature argues, the essence of an object cannot be solely visually observed.

The height of the truth-to-nature regime is embodied in the atlas, a collection of images and information meant to encapsulate the body of knowledge available throughout the world, and a direct predecessor to the images of Muybridge’s *Animal Locomotion*. Although the atlas circulated as early as the sixteenth century, its organization and structuring principles are useful models for later information structures, in both how information is aesthetically presented, and in how that aesthetic produces the knowledge consumer. Like its successor, the encyclopedia, the atlas “served the cause of public distribution of data for the scientific community, by preserving what is ephemeral and distributing what is rare or inaccessible to all who could purchase the volume, not just the lucky few who were in the right place at the right time with the right equipment.”¹¹⁹ Knowledge was created to be shared, and the atlas served to standardize what

¹¹⁸ Ibid., 59.

¹¹⁹ Ibid., 63.

knowledge was available to any particular scientific community, as the ideal images and information contained within them were then seen as more or less permanent encapsulations of the ideal form and understanding of any particular object or phenomenon. The image was an essential part of the mission of the atlas: "...Pictures served the cause of permanence. They would, it was hoped, endure as facts for tomorrow's researchers long after today's theories and systems had gone the way of crystalline spheres and animal spirits."¹²⁰ Atlas makers were well aware that the theories and systems of understanding that the language of their atlas might be replaced as further scientific knowledge came to unseat their understandings, but the image, "more vivid and indelible than words" could remain as the encapsulation of the object.¹²¹ The understanding of crystalline spheres might shift, but the appearance of the object remains, and the image remains as record of that appearance, in all its beauty and truth.

In contrast to later rhetoric of objectivity, the process of creating images for an atlas was suffused with human participation and insight. Typically, an artist would work in conjunction with a naturalist to create the 'characteristic' image that would accompany an atlas entry. Any method of reproduction (engraving, lithography) was still based on an original drawing, and the artist and naturalist were expected to collaborate to create that image, although in two very different roles. Daston and Galison write "it was the artist who was here enjoined to submit passively to the will of the naturalist, not the naturalist who was supposed passively to register data from nature. The naturalist who pursued truth-to-nature was, on the contrary, exhorted to be active: observing and interpreting nature, monitoring and correcting the artist."¹²² If the artist (a role that was frequently performed by women) was to submit passively, it was in service of the naturalist's understanding of the object, to be a tool to represent that truth, but not interpret it.

¹²⁰ Ibid., 66.

¹²¹ Ibid.

¹²² Ibid., 95.

Much like in photography, the naturalist is in some senses not controlling the process of image production: he could set the terms of the drawing, correct the artist and guide her hand towards the ideal of the object, but could not perform the labor of putting pencil to paper, of connecting line to line.

The image for the atlas was not meant to represent one object, but embody the ideal of the object--the most apple of all the apples, not unlike the substitution of the single animal, or group of animals, as substitute for a whole species in a zoo or museum.¹²³ The zoo then becomes an embodiment of the truth-to-nature approach to the view: frame this one animal in a way that calls to its entire species, and allow its body to stand in as the bodies of all its related animals. Even when a zoo animal becomes known by name (as is the case with many of the famous elephants in American zoos, for instance) the differences between an elephant in Washington, D.C. and one in San Diego are not spoken of in terms of species diversity, or in individuality, but in personality. We look at one elephant and see all the elephants; the educational frame around that elephant that tells us what it would eat, do and see if it were in the wild, allowing us to forget the frame that surrounds the image before us. Walking through the zoo is not unlike flipping through the atlas. The path is suggested but not strictly determined, and each animal is presented as an image for your consumption. Just as the text of the atlas was subject to revision, with the image remaining even after as an object of artistic achievement, we are encouraged to prioritize the animal as it appears, rather than it is framed by the zoo's discursive elements. We see the elephant to know the elephant, and that elephant, no matter where we encounter it, no matter how different its body is from other elephants in other situations. We know Elephant as a class,

¹²³ This substitution, of one for the whole, is of course a structure that operates in disciplining gazes. The power of the gaze to both structure the terms of viewing as well as create systems of identification is in no way to be considered neutral, but instead a reflection of the gendered and raced position that the camera is imagined to occupy as it structures the profilmic for consumption.

as an ideal.¹²⁴

The Grid and the Eye: Objectivity and Muybridge

If the zoo harkens back to an earlier regime of understanding the world through images, then it came about among the beginnings of a completely different scopic regime: objectivity. Previously, the artist and naturalist had to collaborate in order to distill many images (and many observations of those images) into one ideal; objectivity forced “all-too-human scientists now had to learn, as a matter of duty, to restrain themselves from imposing the projections...of their own unchecked will unto nature.”¹²⁵ No longer was the human master of nature, singularly situated to observe in a sustained and systematic way only to synthesize, but now the human was working to eliminate, or at least, temper the power over the image in service of rendering it faithfully. Several centuries passed between the height of the Enlightenment and the rise of photography in the late nineteenth century, and the values (and possibilities) of human vision in relation to science shifted dramatically. It is easy, from our position as media scholars, to assume that the ability to reproduce the world in photographic truth was the catalyst for this shift, but the real transition was as much ideological as it was technological, and thus more gradual than it first appears.

It is first essential to define our terms: what did it mean to be “mechanically objective?” Daston and Galison argue that “by mechanical objectivity we mean the insistent drive to repress the willful intervention of the artist-author, and to put in its stead a set of procedures that would, as it were, move nature to the page through a strict protocol, if not automatically.”¹²⁶ Within this definition, it is important to draw out several ideas. The first is that this definition is primarily

¹²⁴ See also Eco’s discussion of how an inaccurate representation of rhinoceros influenced years of teaching in *Serendipities: Language and Lunacy*, (San Diego: Mariner Books, 1999).

¹²⁵ *Ibid.*, 120.

¹²⁶ *Ibid.*, 121.

driven not by the technological processes, nor tied to any one standard of indexicality, but by the conception of restraining the human drive towards “intervention.” This works against more technologically driven definitions of objectivity through the machine’s capability; mechanical objectivity begins with the restraint of the human tendency towards individualization and develops protocols to contain that urge, and only through those protocols do the mechanisms make sense. The second is that the automatic nature of that protocol is not the first aim of the process, but rather a future end point. The machine was not developed in order to remove the human, but as a further step in a process moving towards repressing the author, to make the author and the author’s actions perfectly pure, but not absent.

In this artist-centric understanding of mechanical objectivity, the place of photography shifts from engine to symptom, specifically in the realm of scientific understanding. As sight was seen less as a pure instrument as it had been during in the Enlightenment, and more as a tool controlled by the will and power of the possessor, the object itself was seen as containing an individual truth that, given the chance, would possess all the data needed without reference to an ideal: “just insofar as one could restrain the impulse to intervene or perfect, one could allow objects--from crystals to chrysanthemums--to print themselves to the page. Seductive as it might be to ‘see as’ this or that ideal, the premium for objective sight was on ‘seeing that’, full stop.”¹²⁷ No longer is the individual object just one in a long line of many that must be observed and then synthesized into an ideal (as that synthesis is always already a human process, and thus laden with error), but an object that must be observed accurately in its uniqueness. It is into this “double reformation of sight and self” that the photograph enters, but not as fully formed mechanical vision.¹²⁸ It could be tempting to think that the photographic rendering was a perfect

¹²⁷ Ibid., 122.

¹²⁸ Ibid.

replica of profilmic space, but as any film theorist of the early twentieth century would remind us, audiences from artists to botanists understood the difference between the photograph and the profilmic. The photograph was regularly “criticized, transformed, cut, pasted, touched up, and enhanced” because its relationship to objective sight was never deterministic: “Not all objective images were photographs; nor were all photographs considered ipso facto objective.”¹²⁹ As an instrument of science, the camera was a machine that was considered well suited to science as it prevented the human from the very kind of subjectivity, the impulse to “aestheticize or theorize the seen” that needed to be rooted out from the truth-to-nature regime of looking. It was the shift in thinking about what it means to look, not the machines that facilitated that look, that ultimately drove this sea change in understanding.

It was into this environment around the purpose and process of photography as a scientific tool that Eadweard Muybridge entered with his multiple exposures of animal motion. Muybridge, an American who spent time in Europe and returned in the late 1860s with an interest in photography, was hired by Leland Stanford to settle a bet about whether or not a horse’s hoofs left the ground while it galloped. The story is legend, but it speaks to a real concern in science at the time--when motion is too fast to be observed accurately by the naked human eye, how best can technology intervene to extend the range of human vision? The famous sequence of images, obtained by setting up a sequence of cameras along a track, each equipped with a wire that would open the shutter as the horse galloped past, is as aesthetically pleasing as it is conclusive: the horse’s hoofs do leave the ground, allowing the animal to be one of very few terrestrial creatures to go to completely airborne while in motion.

After a falling out with Stanford over the direction of his horse gait research, Muybridge undertook a massive research project into all kinds of animal movement through a partnership

¹²⁹ Ibid., 125.

with the University of Pennsylvania. Building on what he learned through his work with horses, Muybridge designed and built a large, open air, sun-flooded studio where he could photograph a variety of subjects, from human models to animals borrowed from the Philadelphia Zoo, against a dark or light (as the color of the subject dictated) and sometimes gridded background. The conditions were part practicality (the massive amounts of light were needed to compensate for the relatively low exposure speeds of the film) and part aesthetic choice--the grid and dark, consistent background made the motion easier to measure, and the photographs unified across the body of his work. Muybridge made over 100,000 images between 1883 and 1886, with the best of them collected and published in 1887 as *Animal Locomotion: an Electro-Photographic Investigation of Connective Phases of Animal Movements*. The book, which is still reprinted today, stands less as a scientific text, although it did circulate in that context when first printed, and more as an artistic and historical object, part predecessor to the later cinematic technology and part expansive study of human and animal motion at the close of the twentieth century.

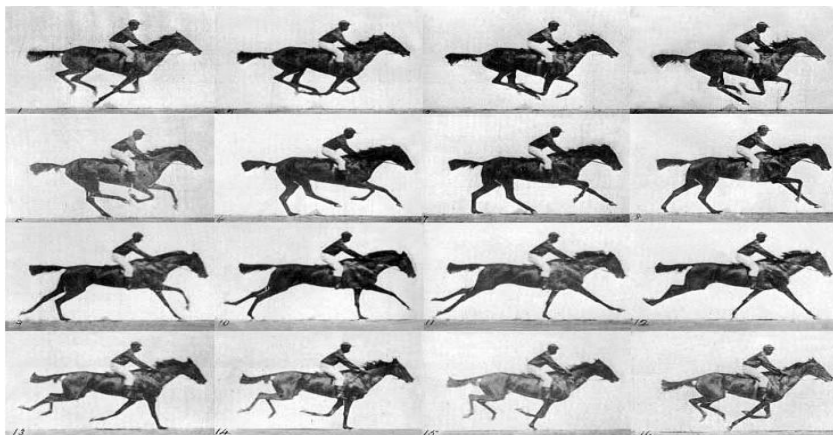


Figure 1 Horse in Motion, Eadweard Muybridge, 1878

Muybridge thus sits uneasily at this junction of artistic sensibility and scientific rigor--he regularly retouched his photographs in order to clean up the exposure and highlight the animal motion. As Daston and Galison write: "it was a sign of the new option of science and art that the

mixing of genres of objective (scientific) and subjective (artistic) photography could provoke scandal, as when it was revealed that California photographer Eadweard Muybridge, who was a commercial photographer would have routinely retouched his landscapes, had done the same for his famous pictures of a galloping horse, touted as a scientific rebuttal to artistic misconceptions.”¹³⁰ This controversy is only made possible by the separation of artistic expression from scientific views - to look objectively could allow for an aesthetically pleasing object, but it does not guarantee or value that quality, quite the departure from the idealized standard image presented in the atlases under the truth-to-nature regime.

The retouching of photographs was not the last of Muybridge’s flaws in the eyes of the scientific community. Étienne Jules Marey, who had seen images made by Muybridge and was in some degree of correspondence with him, could be seen as a contemporary, also working to accurately depict animal motion through photography. Marey’s ciné-gun is perhaps his most well known technological feat, but more germane to my argument is the representation of the animal motion he captured. Mary Ann Doane, in her brilliant book *The Emergence of Cinematic Time*, takes Marey as a central case study, and argues that “Marey’s dream, whether acknowledged or not, was that of cutting into time, slicing it in such a way that it could become representable. Movement remained the clearest and most accessible expression of duration.”¹³¹ Marey then can be seen as studying time and its discrete increments through the tool of motion. He often photographed animals in motion, but as Muybridge, also chose to represent human motion as well, with his work shifting radically over the course of his work. Rather than taking multiple exposures and lining them up sequentially, Marey often superimposed his images into a single frame in order to more accurately represent the change from moment to moment.

¹³⁰ Ibid., 133.

¹³¹ Mary Ann Doane, *The Emergence of Cinematic Time: Modernity, Contingency, the Archive*, (Cambridge, Mass.: Harvard University Press, 2002), 46.

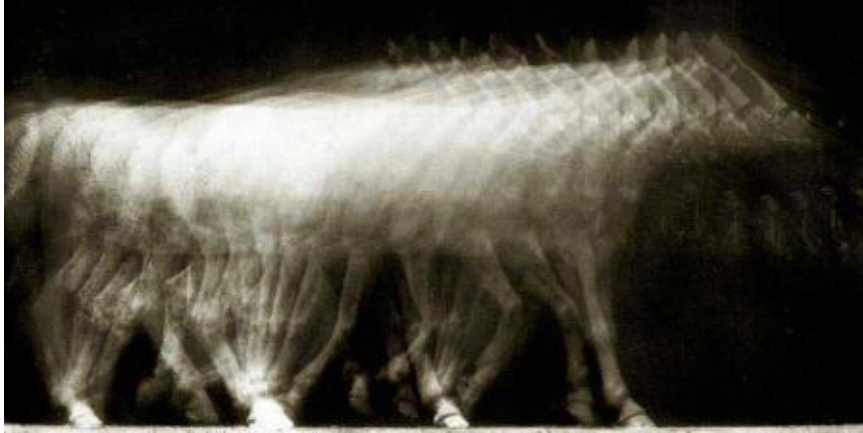


Figure 2: Cheval Blanc by Etienne Jules Marey (late 1870's)

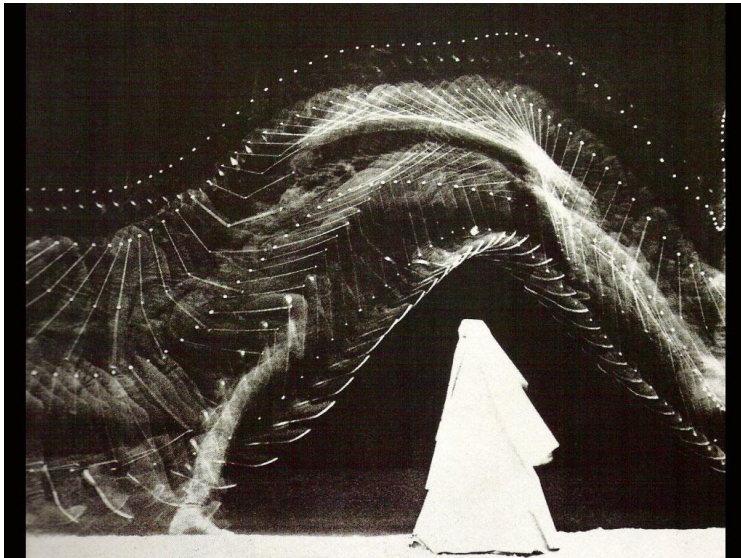


Figure 3 Later Motion Study by Marey, Undated

The images, which have an otherworldly, even ghostly quality, were unsatisfying to Marey. Doane writes that this is not a failure of the photographic medium, but success in an excessive form: “Problems of legibility linked to the overlapping, blurring and superimposition of figures were due, in a sense, to the fact that there was *too much* detail in the photographic

method.”¹³² There is simply too much information in any single frame and by combining multiple frames into one bounded space, Marey increased the density of the information available but lost both aesthetic and scientific clarity. Later versions would strip out the majority of that information and move from photograph to drawing based on the photograph. In order to accurately show the motion as changing over time, Marey would come to argue that the camera was not an infallible scientific observer, and instead created confusing data. Unlike Muybridge, who held up his photographs, despite their manipulation, as truth unto themselves, Marey and his photographs argued that human interpretation and labor are needed to make that motion clear and measurable in a scientific sense.

Marey ultimately disagreed with Muybridge’s representation of time as discreet units joined together through sequence and proximity, but has lost out in broader cinema history by insisting on that difference. For the purposes of measuring motion, Marey’s techniques are superior from a scientific standpoint--it is nearly impossible to measure exactly how much any part of an animal moves from Muybridge’s sequence because each shot is taken in a different physical space and thus the frame of reference shifts from shot to shot. In order to show that motion more accurately, Muybridge invented the zoopraxiscope, a forerunner to the modern motion picture projector, which consisted of a glass wheel with the images painted in succession around the edge of the glass. Light was shone through the disc as it rotated, and the animated effect played off the persistence of vision to create the appearance of movement. It is important to note that these images were not the photographs created as part of *Animal Locomotion*--the figures had to be painted in a distorted way in order to account for the curvature of the glass. Muybridge could accurately represent motion as it is stilled or harnessed through his successive cameras, and he could represent motion through his zoopraxiscope, but he was unable to join the still images and

¹³² Ibid., 54.

motion in order to represent animal movement as it appears profilmically.



Figure 4 Zoopraxiscope

If Muybridge's images are only marginally scientifically significant, then how best do we understand the work as it applies to animals and motion more broadly? Akira Lippit, in the conclusion to his provocative *electric animal*, argues that Muybridge is one of the first to recognize the power of photographing the animal body as a subject distinct from the human. He writes: "In sequence after sequence, the photographer's animals pushed against the cryogenic frames of a fixated medium until they seemed to surpass the limits and enter the interstices, creating the semblance of motion--persistence of vision."¹³³ In juxtaposing the frozen, still frames of the still-developing photographic medium with the work that Muybridge is doing to

¹³³ Akira Mizuta Lippit, *Electric Animal: Toward a Rhetoric of Wildlife* (Minneapolis: University of Minnesota Press, 2000), 185.

sequence motion, Lippit argues that Muybridge is pushing the boundaries of photographic practice into the spaces where motion can be captured, the space that will eventually be taken up by cinema. He mentions the zoopraxiscope, but as is typical for Lippit, he glosses over the historical fact that Muybridge's photographic work was never displayed as part of that mechanism. The photographs remained still, albeit sequenced - it was up to the viewer to read the motion across the frames as they progressed from right to left. *Animal Locomotion* is a feat of aesthetic cohesion, of proto-cinematic prescience, but we must account for not only its contributions to a future medium, but for the way it itself frames and controls the look at animal bodies.

Muybridge's work, far more than Marey's, seeks to control and regulate the animal body into a single plane of motion. By photographing each animal, from his own body to massive elephants, against a similar background, in the same studio, he reduces each to a subject of the camera's gaze. The animal becomes a specimen, controlled by the camera (and the unseen handler) to walk this specific path, in this artificial space, in order to demonstrate how it walks "in the wild". Muybridge photographs not how elephants move more generally, but how this elephant walked through his studio. He explores how that motion compares to the motion of a horse, of a naked woman, of a child, of a cow, of a buffalo, and by photographing each one in this standard way, he has made visual the control that he exerts over each species. The gaze is powerful, and the apparatus accurate enough to flatten the diversity of species into regular, automated, and photographed motion that can be both measured (at least to a small degree) and appreciated as the technological feat that it is. The aesthetic of *Animal Locomotion* does more than visually present the control of the camera. It strips the bodies of the affect we might associate with animals in motion, rendering them blank bodies in need of measurement, rather

than bodies with imagined experience.

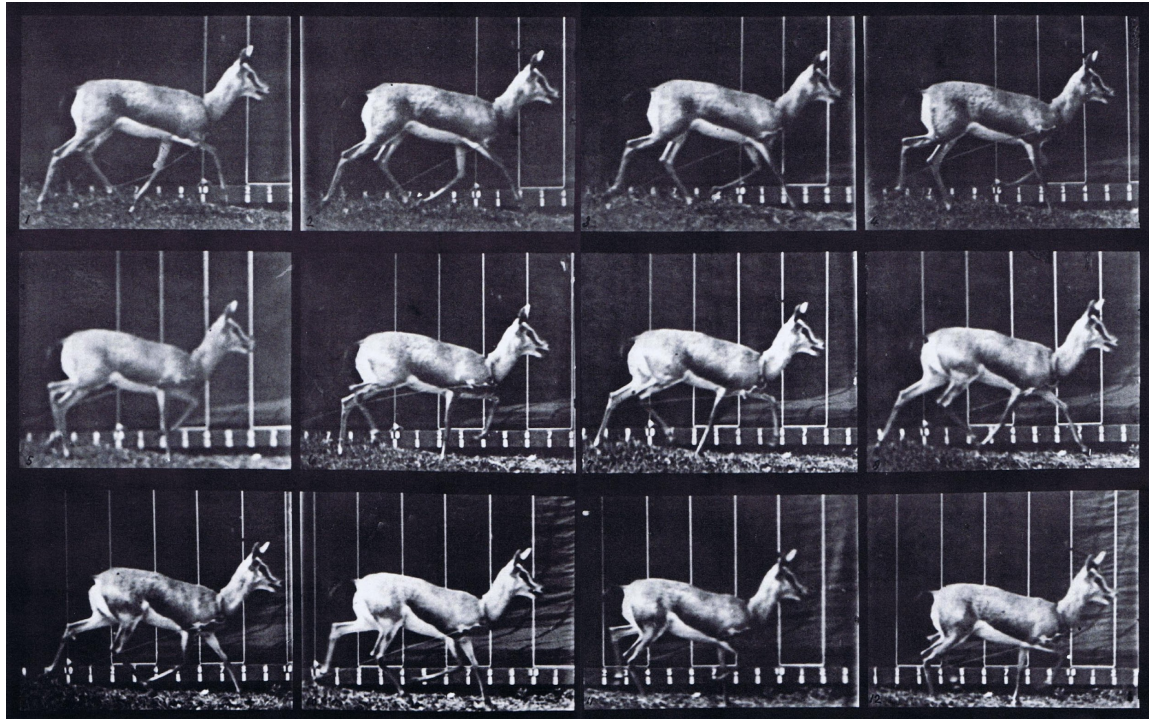


Figure 5 *Animal Locomotion - Antelope*

These photographs then walk the line between education and exploitation: if the animal movement only plays at scientific rigor, why have the animal move at all if not to demonstrate the control and pleasure of watching animals move? Objective vision resurfaces here, not as a marker of scientific validity, but as a tool to make visible that which had not been previously brought under the domain of the human eye. Lippit argues that Muybridge's work showcases technological prowess but also speaks to a growing unease over the animal body: "Technology, and more precisely the technological instruments and media of that time, began to serve as virtual shelters for displaced animals. In this manner, technology and ultimately the cinema came to determine a vast mausoleum for animal being."¹³⁴ While his work as a whole makes a compelling case for the specifically modern anxiety of the animal's disappearance from urban

¹³⁴ Ibid., 187.

spaces after the Industrial Revolution manifesting in the repeated appearance of the animal in front of the technological gaze, I believe Lippit undercuts the value of Muybridge's gaze as a model moving forward.¹³⁵ It is absolutely significant that animals appear repeatedly in front of Muybridge's camera, but not as a mourning gesture or an elegy for that which will soon completely disappear. The animal body appears here as a mysterious object, one which has fascinated humans for as long as they have been drawing on cave walls, that has been brought under the purview, and ultimately, the control of the human gaze via photographic technology. This gaze that controls, that flattens, that makes regular that which was mysterious, continues as a persistent structure for future looks at animal bodies.

Topsy: The Story of an Elephant, told a million ways

Topsy the elephant is the stuff of legends, in her own time as well as now. Hailed as the first elephant to be born on American soil (a fabricated claim) and now shown to introductory film classes around the world, Topsy was an attraction in her life. After her death, she continues to be read and re-read as a symbol for animal cruelty, for the cinema of attractions, for the "War of the Currents" debate over the electricity installations in homes, but only rarely outside of her performative or rhetorical value. A book by popular journalist Michael Daly examines the life and times of Topsy the elephant as a first step in telling this story more complexly, situating her life not only in the middle of an upheaval in public utilities and inventions, but in the broader cultural context of the circus.¹³⁶ I see this as an important corrective for historical accounts, but also as the foundation for many film and animal studies scholars who have used the film as the foundation of arguments about the nature of death and animals on screen. By examining the

¹³⁵ Celeste Olalquiaga's work on kitsch and modernity, *The Artificial Kingdom: On the Kitsch Experience*, deals primarily with another impulse of the modern animal: the freezing into objects that become kitsch. Further work could productively explore the rise of zoo gift shops and merchandising in this vein. *The Artificial Kingdom: A Treasury of the Kitsch Experience*, (New York: Pantheon, 1998).

¹³⁶ Michael Daly, *Topsy: The Startling Story of the Crooked-Tailed Elephant, P. T. Barnum, and the American Wizard, Thomas Edison*, (New York: Grove Press, 2014).

historical context of the making of *Electrocuting an Elephant*, and the scholarly discourse that has risen since its first screening in 1903, I argue that what is made visible in that film is part of the long tradition of looking at animals, and the forces and institutions that control and structure that gaze. While we can examine the film from many vantage points, it is essential that we not lose sight of the power dynamics of the image. Topsy existed in pro-filmic spaces, and the circumstances that framed her death on celluloid speak not only to the nature of the early cinematic medium, but to the life of Topsy herself.

Topsy was first introduced to the American public as the first elephant to be born on American soil. The birth was meant to play off of the centennial of the United States, as many entertainment and cultural institutions were wont to do, and Topsy was soon incorporated into a variety of patriotic acts under the tent of Adam Forepaugh's circus. Forepaugh paid an animal dealer to smuggle the elephant calf into the US in order to claim that she was the offspring of two elephants in his troupe. A direct competitor to the much more established PT Barnum, Forepaugh was known for his showmanship and willingness to stretch the truth for the sake of the show. In a letter to newspapers, Forepaugh wrote:

“The newcomer is only about 18 inches high, but a little beauty. It is male, and began walking just before noon....We had a conference of medical men at our winter quarters this afternoon to see this native American elephant and they were all very much delighted. This little fellow takes quite naturally to the situation and will soon become a great pet. We shall put him in training as soon as practicable and next summer shall be able to present to the country a real marvel of wonder to the American public. Today I would not take \$20,000 for the baby.”¹³⁷

It was quickly discovered that Topsy was not born in the US, but rather in the wild of Southeast

¹³⁷ Ibid., 14.

Asia, when the animal dealer tipped Barnum off to the con. While she lost her ill-gotten distinction as the first American elephant, she was a regular in the circus shows and worked in the Forepaugh tents for the first twenty-five years of her life. She was named after the young slave girl in the 1852 novel by Harriet Beecher Stowe *Uncle Tom's Cabin*. At maturity, she was around ten feet tall, weighing anywhere between four and six tons, but was often misidentified as a male elephant, perhaps an attempt by the circus to make the elephant seem even more ferocious.

However, the life of an elephant in the circus does not lend itself to pleasant narratives, and Topsy is no exception. In 1902, a possibly drunk spectator wandered into Topsy's holding area after the circus, and while reports vary, most claim that he kicked sand in her face and burned her sensitive trunk with a lit cigar. She then threw him to the ground and crushed him to death, and newspapers began to describe her as a "man-killing" machine.¹³⁸ Daly can find no substantiated claims of death caused by Topsy, although she appears to have injured several trainers in the 1900 season. Perhaps not surprisingly, the publicity around the man's death led to record crowds for the Forepaugh circus, and when a patron attempted to tickle her in 1902, she hoisted him in the air before being stopped by her trainers and made to release the man. The circus decided at this point that she was no longer worth the liability and looked to unload their asset.

Topsy was eventually sold to Sea Lion Park, an amusement park on Coney Island in New York. After a slow season, the park was sold, with all the animals, to be rebuilt into a much larger venture, Luna Park. Topsy's reputation as a dangerous elephant was maintained and used as publicity, with articles appearing throughout the *New York Times* that Topsy had "broken the arm of her trainer" and was forced to do "penance" in the form of manual labor needed to rebuild the park. Ironically, she moved materials that were needed to build the "Trip to the Moon" ride,

¹³⁸ Christopher Corbett, "Trunk Shows," *Wall Street Journal*, August 2, 2013, sec. Life and Style

based on the world famous Melies film.¹³⁹ On October 29, 1902, Frederic ‘Whitey’ Ault, Topsy’s trainer, was stopped by police as he attempted to abuse the elephant who was refusing to cross a small bridge. Whitey, known for his temper and drinking problem, reportedly responded by freeing Topsy from her harness and letting her “wander off into the surrounding streets.”¹⁴⁰ Crowds followed Topsy as she walked, until police officers were successfully able to “lasso” her and bring her back to her owners at Luna Park. Whitey was released on bond from his charges of disorderly conduct and continued to work with Topsy despite the record of his abuse.

While out on bail, on the morning of December 5, 1902, Topsy was again the subject of the police blotter. The *New York Times* described the situation as such:

“At noon Ault, who was inebriated, left Luna Park.... astride the animal’s neck. They went lumbering along Surf Avenue, the motion causing the mahout to become more dizzy. A crowd gathered and fell in behind.... After traversing nearly half a mile the animal suddenly stopped and Ault slid off. He began prodding the elephant’s trunk in a savage manner. Policemen Conlin arrested him, whereupon Ault said he would turn the elephant loose upon the crowd. Drawing his revolver, the policeman ordered him to walk on ahead, and threatened to shoot him if he set the animal upon the people... Arrived at the police station.. Ault refused to tie the elephant, which mounting the five broad granite steps leading into the station, tried to enter. Topsy became wedged in the door, however, and set up a terrific trumpeting. The crowd scattered in terror, while the policemen in the station house were not less alarmed, and some of them sought refuge upstairs and in the cells.”¹⁴¹

Alt was eventually charged with disorderly conduct, and Topsy was deemed too much of a

¹³⁹ “ELEPHANT TERRORIZES CONEY ISLAND POLICE.: Big Animal Tries to Enter the Station House When Its Intoxicated Keeper Is Arrested.,” *New York Times*, December 6, 1902. Alt is alternately called Frederic Alt, Frederic Ault, and Whitey Ault.

¹⁴⁰ Daly, *Topsy*, 317.

¹⁴¹ “ELEPHANT TERRORIZES CONEY ISLAND POLICE.”

liability to keep on site at Luna Park. Arrangements began to be made to put her to death.

Elephants are incredibly tough animals, and throughout the nineteenth century various methods were tested as to the most effective, if not always the most humane, methods to kill them, including electrocution. In the winter of 1888, a “murderous” elephant named Chief, also part of the Forepaugh circus, was set to be executed after attempts to keep the animal contained in winter quarters were unsuccessful. Thomas Edison, at that point engaged in a massive publicity battle with George Westinghouse over the outfitting of American homes with electricity, and the patents and contracts that would monetize that. After writing an impassioned call against alternating current in a letter to the *New York Post*, Harold Brown caught the attention of Thomas Edison and his laboratory in Menlo Park and began to conduct a series of experiments with Edison’s help. Daly writes that “The Wizard allowed Brown to make full use of the facilities in his huge new laboratory in West Orange, New Jersey, to conduct animal experiments...with the purpose of “proving” the great hazard of alternating current. Signs went up in the neighborhood around Edison’s lab offering twenty-five cents for stray dogs.”¹⁴² Although the experiments were ultimately “inconclusive” in proving that alternating current was more dangerous than Edison’s patented direct current system, the pair also worked to associate electrocution, and specifically, alternating current, with the electric chair and executions of humans and animals alike. Edison “welcomed the chance to provide via a five-ton elephant the ultimate demonstration of what he and Brown termed ‘the executioner’s current’.”¹⁴³ Edison began making arrangements to travel to Forepaugh, but Chief was deemed too dangerous to not be dealt with immediately, and was hung before Edison could arrive and electrocute him.

The association with Edison was enough to pique public interest in the public execution of

¹⁴² Daly, *Topsy*, 196.

¹⁴³ *Ibid.*, 209.

the elephant, and how his body would or would not correspond to a human criminal. Daly quotes *Scientific American*, saying:

“Many who saw or heard of the experiments made with electrical light currents at the Edison Laboratory, to find a substitute for hanging, will regret that the big elephant Chief, of Forepaugh’s circus, sentenced to death for his viciousness, could not have been experimented with, as promised....Just where the electrodes should have been placed would have been an interesting study....would the 3,000 volts current, which we are told, will surely kill a man-- they have been killed with far less than this-- be enough to dull the consciousness of an elephant and then kill? It seems the circus people could not wait for the elaborate preparations necessary.”¹⁴⁴

The article equates Chief’s exotic body (much harder to obtain an elephant than a stray dog, after all) with a missed scientific opportunity, a chance to experiment with a body so much stronger, so much tougher than a human. The supposition that the extremely high voltage would first “dull the consciousness” of the animal and then kill it is revealing here--the electric current is being positioned, unlike hanging or poison, as a technologically superior, and thus less cruel, execution method. Electricity, for humans or for elephants, became a spectacle only when administered in excess. When properly controlled, regulated, framed and monitored, electricity would revolutionize the world, but Edison argued that the excess of electricity, whether through uncontrolled administration or the inferior system of Westinghouse’s direct current, was unwieldy, dangerous, and deadly. Chief would be an incredibly visual demonstration of the power that the wrong kind of electricity could have, if only the demonstration had occurred.

By the time of Topsy’s execution, the war of the currents had been settled for more than a decade, without the spectacle of the elephant execution. Edison had succeeded, but in name only.

¹⁴⁴ Ibid., 210.

The propaganda war he waged against Westinghouse and alternating current had been successful, with the finale coming in 1889 with an editorial, for the first time penned by Edison himself and signed with his name, called “The Dangers of Electric Lighting.” In it, Edison vowed to never allow his company, Edison Electric, to use alternating current in its installations while he was in charge.¹⁴⁵ But, a sequence of mergers and acquisitions within the company had considerably decreased Edison’s power within Edison electric, and by 1890, he had moved on to an ore-refining side project and his company, then Edison General Electric, later to be just General Electric, had moved to incorporate AC equipment into their portfolio, matching what was quickly becoming the international standard. Edison had lost, and he turned his attention to many other interests, motion pictures included. However, the film is not part of the historical conversation around the War of the Currents, which had been fought and lost--the execution is a spectacle, but not a propaganda piece.

At the time that Topsy was sentenced to die for her “viciousness”, there was no consensus on how best to execute an elephant. Previous attempts to hang an elephant (like Chief) had created hour-long ordeals where the elephant very clearly suffered, and to poison with cyanide left many to wonder how much poison was enough to kill an elephant, as the process was also protracted and caused thrashing, frothing and additional danger to the handlers, not to mention suffering to the elephant. Much concern swirled around the event because of Topsy’s incredible size and thick hide-- conventional methods either worked too slowly to be considered humane, or did not work at all. Luna Park published a notice on January 1, 1903, in the local paper that the vicious beast was to be hung from specially constructed gallows on in three or four days.¹⁴⁶ The gallows

¹⁴⁵ Thomas A. Edison, “The Dangers of Electric Lighting,” *The North American Review* 149, no. 396 (1889): 625–34.

¹⁴⁶ “TOPSY IS DOOMED.: Elephant with a Record of Three Murders Will Be Executed on Coney Island Today.,” *Boston Daily Globe (1872-1922)*, January 4, 1903.

were constructed in the middle of the park and plastered with posters boasting of the incredible cost of the reconstruction and expansion of the park. Arrangements were made with Edison's film company, Edison Studios, although Edison personally was not present for the execution, nor is it probable that he had much, if any, say in the choice to film the event.

Eventually the ASPCA became involved, expressly forbidding the park to hang the elephant, and Topsy was killed via a combination of all three methods - hanging, poison and electrocution. A wire lariat was placed around her neck and she was walked out to the platform by a leading expert in elephant behavior, as her trainer Whitey, although released from jail, refused witness her execution, or coax her over a bridge to the gallows. She refused to cross the bridge, and instead preparations were made to kill her where she stood, in a pile of construction rubble rather than the branded gallows that had been constructed. She was fed carrots with an incredibly high dose of cyanide and then fitted with the electrocution apparatus, specially designed for the occasion. Her right fore foot and left hind foot were shod with copper sandals, so that the electricity would form a circuit throughout her body.

A crowd gathered to watch Topsy die, despite the ASPCA's prohibition against charging admission to the grounds that day. Several sources report that the crowd was "restricted to eight hundred nonpaying guests, these including the press and what were termed Coney Island celebrities, among them a former judge as well as a former councilman who brought his whole family as if to a midwinter picnic."¹⁴⁷ In order to insure that the maximum amount of current would be available for the execution, all electricity on Coney Island was rerouted to the fairgrounds, save for that needed to run the trolley cars.¹⁴⁸ And so, on January 4, 1903, in view of Edison's cameras, Topsy stood as over 6,000 volts coursed through her body, causing steam to

¹⁴⁷ Daly, *Topsy*, 219.

¹⁴⁸ *Ibid.*, 318.

rise in billowy clouds around those two feet. She appears to seize up as her muscles contract, and then fall slowly forward, without appearing to roar or groan. The noose around her neck was tightened for ten minutes as a precautionary measure, and she was pronounced dead at 2:47 pm.

The film, *Electrocution of An Elephant*, is seventy four seconds long, and was sent as an actuality to kinoscope parlors around the country. It is rumored to have been directed by Edwin S. Porter, who would go on to direct *The Great Train Robbery* that same year. While the death of Topsy as an event was covered extensively around the country, the film itself did not appear to make as much of a splash, and according to Daly, was not much of a financial success, at least not compared to other more popular Coney Island actualities. A paper print was submitted to the United States' Library of Congress for copyright purposes, and it is this version of the film that survives today. It is believed to be the first death captured by motion pictures, although that distinction would be difficult to prove given the wide range of companies working to film actualities at the time, and the paltry numbers of prints that survived to the present day.

Topsy has been taken up, however, as an icon in animal and film studies - a moment of death made visible, a sure sign of the power of the motion picture to capture that moment of transition, an example par excellence of the unblinking (if slightly edited) gaze of the cinema of attractions. One could frame the short film as an example of the scientific gaze, the mechanical intervention of the camera in studying events, typical and extraordinary, as a historical relic of this moment in film and American history, an example of Edison's interconnected empire of electricity, machinery and entertainment. These two strains, the allegorical and the historical, the attraction and the actuality, both look at Topsy as emblem, as symbol, as monument, but not, often, as elephant. A slippage easily occurs between the film as object that circulates and is subject to the archival and historical machine of meaning making, and Topsy as spectral figure, haunting early

history as the first example of how cinema and death are uniquely intertwined. Neither mode of analysis fully takes into account that both the apparatus built to contain Topsy, and the filmic gaze that presents her life and death to us, are constructed to control her body, to differentiate it from a human one, to set her death apart as something that can and should be captured, if not for science than for spectacle.

Perhaps the most extended exploration of Topsy as a cinematic and animal object is in Akira Lippit's piece, "Death of an Animal." A precursor to *electric animal: toward a rhetoric of wildlife*, the piece argues that animals live and die differently on screen than other subjects, particularly human ones, do or can. Topsy is killable precisely because she is other, animal. He argues that the moment of death for an animal becomes doubled: "the animal survives its death as a film, as another form of animal, capture by the technologies of animation. The cinema animal registers two distinct lives and two distinct deaths, one animal, the other technological".¹⁴⁹ This doubling is possible because of the animal's philosophic relationship to its image; without the burden (or blessing) of language, any change in state (from life to death, for instance) is the sole purview of the image as observed by human, and so the film gaze allows that image to remain alive, just as if the animal itself continued to exist, as the profilmic animal and the imagistic one are equivalent in terms of how they are valued, according to what Lippit acknowledges as the "strained logic of Western metaphysics."¹⁵⁰ Topsy the being is Topsy the filmic image, Topsy is said to never die as long as the film exists, she dies once as animal, but lives on as technological, until that image ends (either with its physical destruction or the end of the reel). "Topsy lives on and survives as the film," he writes, conflating the image of Topsy with her physical body, saying that the film "transfers the anima of the animal, its life, into a

¹⁴⁹ Akira Mizuta Lippit, "The Death of an Animal," *Film Quarterly* 56, no. 1 (December 2002): 19.

¹⁵⁰ *Ibid.*, 18.

phantom archive, preserving the moment that leaves the elephant in the technology of animation.”¹⁵¹ 13 By reducing Topsy to metaphor, whether that action has a philosophical grounding notwithstanding, he separates anima from her profilmic reality, which was historically contingent, and fully alive.

It is staggering that so many film historians misrepresent the historical conditions of Topsy’s execution. Akira Lippit says this of the context in his piece, “Death of An Animal”:

“Among the earliest spectacles of film, animal, and electricity stands Thomas Edison’s 1903 actuality, *Electrocuting an Elephant*. In an effort to sabotage the development of AC (alternating current) electrical generators, which delivered electricity at a higher voltage and to greater distances than his own DC (direct current) systems, Edison embarked on a campaign to discredit the AC system and its primary proponent, the Westinghouse Electrical and Manufacturing Company. Edison’s strategy involved a series of public events in which he and his associates electrocuted stray dogs and cats with AC currents of one thousand volts. Edison’s legacy of animal killings is recorded in the one-minute film, *Electrocuting an Elephant*. Filmed at Coney Island’s Luna Park, the single-reel “actuality” shows in long shot the electrocution of Topsy, a park elephant that had killed three men.”¹⁵²

Although he is correct, factually speaking, that the War of the Currents did take place, placing Topsy as the continuation of that legacy lessens the savage nature of her execution. It implies that her death was sanctioned because of this great historical legacy--that even if it was cruel to electrocute Topsy, it was cruel to serve the greater historical good of protecting humans from a potentially dangerous electrical grid. Instead, electrocution was less cruel than hanging, and a method endorsed by the ASPCA, but nevertheless a spectacle, and not even one that can pass for

¹⁵¹ Ibid., 13..

¹⁵² Ibid., 12.

an experiment or demonstration - it is an execution, and one whose historical and cultural specificity keep it connected to the profilmic, despite attempts to sever it for the sake of argument.

Topsy is never free, even in death, as her body will always be pictured by and through the human gaze. She remains bound up in the constant imperative to perform, during her life in the profilmic space, and after her death, in the images created of that space. This gaze is itself historically contingent, and needs to be considered alongside the other gaze structures I have explored here: the zoo gaze and the scientific gaze. Although Topsy's life ended amongst the construction materials for an amusement park, we look at her not unlike a zoo specimen. This species, a dangerous, vicious elephant, is brought before the eye of the camera, restrained in chains but also by the frame (she can never walk out of the frame, it adjusts to contain her, always). We are allowed to consider her from a safe distance, as if in a zoo. Berger argues that the "public purpose of zoos is to offer visitors the opportunity of looking at animals. Yet nowhere in a zoo can a stranger encounter the look of an animal. At the most, the animal's gaze flickers and passes on."¹⁵³ With the camera, this is doubly so: Topsy can look back into the camera, but never at us. She cannot look through the camera into the future, not at the spectators in the kinetoscope parlor, not at the film students watching the short in a program of early cinema shorts. The gaze that could flicker in the zoo is now a flicker on the screen, a ghost of a life that used to be. If the zoo prohibits the gaze because of the controlled nature of the interaction, the camera reduces the gaze to an illusion, a play of shadows that provide the illusion of a look into the past. Lippit's argument is ultimately unsatisfying because it focuses on the reading of the image, which itself is polysemous, meaning differently in 1903 than in the present, and meaning differently across cultural and national divides. The argument is unsatisfying

¹⁵³ Berger, "Why Look At Animals?," 18.

because it does not provide a structure to understand the affect produced by the image, or how the image makes visible the relationship between Topsy's experience and our own. We can look at images of Topsy, but she cannot look back at us, then or now. She is not empowered, she does not live on. Her image does not contain her anima, just as it does not contain the human - it is a reflection, a representation, but not her being. By reducing her to the image, it becomes easier to reduce the cruelty of what was done to Topsy, to ignore the power structures that undergird the gaze, but also her existence. To release her into metaphor is to release our responsibility for the conditions that caused her to be restrained in the first place.

If one thread of scholarship seeks to recast *Electrocution of the Elephant* into a symbolic text, or the “uncanny transference of life from the animal to the film,” as Lippit claims, the other reduces the film to a historical artifact, a record simply of what was. Setting aside the historical accuracy of containing Topsy's death as a casualty of the War of the Currents, the historical account does not fully account for the ramifications of its spectacle. The film bears many of the hallmarks of the Cinema of Attractions but is rarely, if ever, named as such. *Electrocuting an Elephant* has the slightly edited long takes, the stable camera, the unflinching look at that which has been arranged to unfold within the look of the camera, the exotic nature of both Topsy's species and her execution. Contemporary pieces produced by Edison contain animals among their other brands of spectacle - boxing cats perform next to vaudeville performers, but presented as an actuality, Topsy is both spectacle and record of what was. Her death is arranged for the camera, just as any other attraction would be, but is also presented as news item and historical fact. Unlike the boxing cats, who perform in the unmarked space of the Black Maria separated from both time and space, we see Luna Park (or at least, the lumber that would become the park) and are forced to connect this execution with the legend of Topsy, vicious elephant. The papers

recorded the presence of Edison's cameras, the cameras were there to record the execution - this was a matter of public record, filmed for posterity. However misguided, the tendency to further insist that this was staged as part of a series of experiments to prove the danger of alternating current is reflective of this trend to emphasize the newsworthy nature of the event, rather than the spectacle of it. To label it as pure cinema of attraction is to admit that death itself *is* the attraction, and that the elephant death effectively works around the taboo forbidding human death to be pictured (or at least, to be pictured in good taste), to give us the thrill of the forbidden, the pull of the unknown. We are reticent to admit that this is the draw because it forces us to label this as not only attraction, but attractive.

I work here not to insist on the flaws of previous scholarship, but to demonstrate that in both threads, metaphoric and scientific, the power of the human to control not only the animal but the framing of that animal is being elided. The zoo, the circus, the camera--all look at animals, but none do so without the benefit of human control. That dynamic--animal as object of the gaze, rather than recipient of, or participant in an exchange--undergirds how we look at animals. We can look at Topsy, some hundred years after she was executed, and see in her visage a pain, a suffering that speaks directly to us. When I watch *Electrocuting an Elephant*, I hurt for and because of Topsy, for the way that she was taken from her herd, made to perform, abused, degraded and ultimately killed for spectacle. But I must not, and we cannot, mistake that activation of affect as sameness. I do not know Topsy, I know her image, and her historical reality, and while being in her physical presence a century ago might have changed my relation to her, it would still not have given me full access to her inner being. I can only look at Topsy, then or now - she could look sideways at me, and then, ultimately, not at all. The camera has consumed her and her death as part of a scopic regime that controls animals, yes, but ultimately

sets their difference apart as the justification for her execution. The history of motion pictures is in some ways told through the changing relationship of the look of the camera at the animal, but it is never free from the same regimes of control that necessarily separate the animal from the human in the profilmic space, that is to say, the world.

Chapter 2: Horses: “The Facts Behind the Shot” and the Regulatory Institution of the American Humane Association’s Hollywood Office

Introduction: “When I was a very small boy....” And other telling phrases

Richard Craven rose quickly through the ranks of the American Humane Association (AHA), one of the largest animal welfare and advocacy organizations in the United States in the early 21st century. Craven started as a field officer in the 1920’s, writing editorials about the treatment of animals in the motion pictures, and went on to become the head of the organization’s first Hollywood office. As chief of the unit, he worked directly with industry figures from producers to scriptwriters to ensure the safety of the animal performers. His position was the first of its kind in the United States, although similar positions had been created in Great Britain. One facet of Craven’s job was to create, and perhaps to modify, a working definition of cruelty as it pertained to animals. Without such a definition, it would be impossible to enforce the AHA’s requirements for on set safety, or to ensure that those requirements were being enforced equally by Craven’s deputies. This definition, however, does not seem to have been officially codified in any document. This seems intentional, a loophole of sorts built in so that the AHA may adjust its standards as the situation permits.

One such situation is the 1946 motion picture, *The Overlanders*. As an Australian film, the production did not fall under the purview of the AHA, but Craven was often in contact with his British counterparts at the Royal Society for the Prevention of Cruelty to Animals (RSPCA), who were stricter on the whole than the AHA. A letter from Craven to his English equivalent, Mr. Pohill, describes an invitation to attend the premiere of the film in New York City. He praises the film for being well made and eye-opening to those who are unaware of the condition

of “wild” cattle, like those found in the Australian Outback and, to some extent, in the Western United States.¹⁵⁴ Imagining that these cattle “must struggle for existence over vast areas of semi-desert” and thus become a “rugged type,” he seems to excuse the cruelty of the ranchers and cowhands, who hunt and kill the animals in the film, as justified. In his closing paragraph, he notes that “hunting takes place in almost every country,” and that by “condemning anything that so much as suggests a scene of this kind,” we become “hushed in regard to the actualities of our daily life.” Although he never quite says it outright, he seems to suggest that *The Overlanders* and films like it depict harsh but realistic conditions and that by censoring these images, we do a disservice both to the viewers and adherents of the lifestyle. He argues implicitly that images of realistic animal suffering serve an educational purpose and should be evaluated by his office in a different way than images that show cruelty toward animals for entertainment purposes alone.

However, the letter takes an unexplained term when Craven, not usually one for long tangents, discusses the difficulties placed on him in his role at the AHA. He says that he has “never been able to secure a definition of cruelty that would satisfy the wide variety of our adherents,” but that he “endeavors to be fair to everybody, and to the animals.” This is a far cry from the publicity materials distributed by the AHA at the time, which trumpet the achievements of the seven year old office; it suggests that Craven was struggling to please the many parties involved in protecting animals on film sets. The fact that he separates the animals from “everybody” else who may have had concerns with filming suggests that despite his assurances, Craven naturally reported to and was bound by the adherents to the AHA’s code rather than the animals being protected by it. It was impossible to find a definition of cruelty that protected the animals and was “fair to everybody” else.

¹⁵⁴ Richard Craven, “Overlanders Letter,” Motion Picture Association of America, Production Code Administration Records, THE OVERLANDERS, Margaret Herrick Library.

But if the AHA was shifting its definitions to suit the forces of production, Craven was immoveable in what he saw as his responsibility to the viewers. In the letter, he states that he does not

“feel that [he has] a right to explain to the world just how this or that scene was obtained, in order to satisfy those that imagine that if an animal was used in a picture there must have been cruelty. When a very small boy I wondered about, and feared, the huge rats in the Dick Whittington pantomime, six feet tall on their hind legs and vicious beyond description. Motion pictures have used some of the same technique, but perfected it. Things are not always what they seem.”¹⁵⁵

By invoking his own childhood imagination and willingness to invest in the illusion, he infantilizes those who would assume that an image of an animal in danger is a realistic one. Films might have perfected the illusions of pantomime and circus tricks, but they remained illusions, and to fully invest in that illusion, he argues, is to lose oneself in the film in an undignified, childlike or even ignorant way.

As the *Overlanders* letter suggests, the American Humane Association viewed its role not as reaching beyond regulation, but rather as one of mediation between concerned filmgoers and film studios. This chapter explores the history of the AHA's role in film production and the understanding of animals in the film production space that undergirded animal protection policies as they were written and enacted. Without a clear understanding of how the policies were created and applied by the AHA, it is easy to mistake the process of protecting animals on set for a straightforward, “do no harm” approach. By working through the shifting role of animals on and around film production sets, we can trace how animal bodies were simultaneously seen as actor and property both, and how the heightened burden of realism placed

¹⁵⁵ Ibid.

by audiences onto animal bodies created expectations and frustrations on the part of the film studios. I argue that different affects are activated by aesthetic codes of realism and vulnerability when animal bodies appear on screen, and that these codes heightened perceptions of fear and pain experienced by animal actors in the mind of audiences. These affects, far from being taken seriously by the major studios or the Production Code Office, were mocked as childish and ignorant. I show that the American Humane Association was put into place less to protect animals on film sets than to moderate the relationship between profit-driven productions and "rabid" fans. This underlying conception of the audience as infantile necessarily created a condition where the office felt it had free reign to interpret the wishes of that audience, not to mention the conditions of the animals in questions, according to its own standards.

This chapter traces the history of the American Humane Association's association with the Production Code Office, the United States' voluntary film quality review board. I begin by discussing the 1939 film *Jesse James*, which has become legendary as the impetus for the animal protection measures put in place after a horse was allegedly thrown off a cliff to its death in a climactic chase scene. By examining the publicity that swirled around the film before its release, the controversy that erupted after the allegations of abuse were made public, and the discussions within both the PCA and the AHA about how best to move forward, I trace a narrative of reluctant and wary concern over a problem that was regarded by many as unnecessarily hyperbolic.

The second section deals with the 1946 MGM film *National Velvet*, starring Elizabeth Taylor and the thoroughbred horse King Charles as a pair of unlikely racing competitors in the British Grand National Steeplechase race in the idyllic pre-war countryside. In production from 1944 to 1946, the film's script review, production and reception mark a period of the AHA's cooperation

with both the PCA and the Office of War Information, a second regulatory body through which all films that could impact US international relations passed. The Hollywood office of the AHA was well-entrenched within the regulatory system by this time, and the film should stand out as an example of the AHA's power to influence sets that deal so prominently with horses. However, production documents reveal that the process was anything but straightforward and instead tested the limits of the AHA's influence at each stage of the production process. Only five years after the establishment of the Hollywood office, the film provides us an ideal proving ground for the functioning of the office in its prime, as conditions in both the PCA office and the AHA more broadly would change how the office fundamentally functioned in a few short years.

The third section jumps forward in time to examine how the AHA adjusted its practices to meet a changing regulatory landscape after the dissolution of the Production Code Administration. Using the HBO production *Luck* as a central case study, this section examines how the tenuousness of the AHA's position as gate-keeper and moderator between a powerful industry and a concerned public was thrown into relief when the designation that the AHA made famous, "No Animals Have Been Harmed in the Making of this Motion Picture," shifted from a certification to a brand trademark. It returns to the understandings of the audience that form the foundation of the entire office and argues that the structural placement of the AHA as a sole gatekeeper of information has not only compromised the integrity of the office but endangered animal lives.

The Production Code Administration: A schematic

The Motion Picture Production Code of 1930, sometimes called the Hays code after the Will Hays, President of the Motion Picture Producers and Distributors of America (MPPDA), formally codified a set of standards and practices for the American film industry as the specter of

government censorship hung in the air. Ever since the beginning of movie picture houses, concerned publics have protested the unchecked nature of film production, arguing that the content presented on screen was a danger to the nation's most vulnerable groups: women, children, immigrants, the poor, or anyone who did not fit the model of educated, adult American male. Although “outside” regulatory bodies, most often in the form of state or city censor boards, would often recut films in order to render them suitable for the public, the Production Code Administration was “internal” in that it worked with film studios and production teams directly, without governmental involvement. In an effort to prove that governmental oversight on a national level was not necessary, the MPPDA appointed Hays, a former Postmaster General, to its highest office and tasked him with creating a system that would regulate film content well enough that the government no longer felt compelled to step in, but flexibly enough to allow for maximum creativity (and profit) for the studios.

Cautions against animal cruelty have existed since Will Hays’ “Don'ts and Be Carefuls,” which was circulated by the MPPDA in 1927. It separates potential topics for films into two categories: subjects that “shall not appear” in any film produced by the studios, “irrespective of the manner in which they were treated,” and subjects with which “special care must be exercised,” to the end that “vulgarity and suggestiveness be eliminated...and good taste emphasized.” The first category, or “Don'ts,” focuses mainly on acts of sex and profanity, but the “Be Carefuls” includes a much wider range of topics: “Surgical operations,” “firearms,” and “sympathy for criminals” are listed alongside “apparent cruelty to children and animals.” No further information on the restriction is given, and these suggestions rarely curtailed these

subjects in practice. The list was circulated and often mocked, and the practice of including these banned topics continued unabated through the end of the 1920's.¹⁵⁶

The reform movements, however, would not be silenced. As the US government prepared to intervene, the MPPDA was forced to put out the more formal Production Code in 1930. The preamble indicates that the Code's rules are made on behalf of a vulnerable population; it affirms that "motion picture producers recognize the high trust and confidence" placed in them, that they "recognize their responsibility to the public because of this trust," and that "the motion picture within its own field of entertainment may be directly responsible for spiritual or moral progress, for higher types of social life, and for much correct thinking."

The Production Code sets out a paternalistic relationship between the industry and the audience: the industry recognizes the privilege of safeguarding the sensibility of a vulnerable nation, and in doing so takes up the mantle of authority over matters of taste, and more importantly, over moral and social codes of conduct. Much has been written about how the Production Code Administration worked according to this self-understanding, and how the structures it put into place were circumvented by studios anxious to push the limits of acceptable content, but my concern with the PCA runs parallel to that body of scholarship. Paternalistic figures also function as gatekeepers, controlling access to information for groups who cannot or should not consume that knowledge without intervention. The PCA patrolled the boundary between a salacious industry and a vulnerable public, and decisions about what could be shown often rested with one or two individuals. As the next section will demonstrate, this gatekeeping function is doubled with the addition of the American Humane Association; vulnerable populations would be protected from disturbing images, and vulnerable animals were protected

¹⁵⁶ Matthew Bernstein, ed., *Controlling Hollywood: Censorship and Regulation in the Studio Era* (New Brunswick, NJ: Rutgers University Press, 1999), 6.

from dangerous filming practices. Just as one person's sensibility could change an entire nation's film policy on a subject, the distinction between animal cruelty and accepted practice was never codified, but enforced instead by a small group of monitors. When that enforcement failed – either through human error or interference – there was no definition of cruelty to safeguard the vulnerable animal population outside. *Jesse James* shows that films could be perfectly acceptable in the eyes of the PCA, but audiences, when properly assembled and set against the massive public relations arms of the major studios, had the power to demand more oversight when it came to animals on screen.

Jesse James: “Animal lovers and organized groups of such”

Daryl Zanuck, prestige producer, was attached early on to the 20th Century Fox production of *Jesse James*, one of several high budget pictures slated to be released in 1939. The script set out to write a palatable version of the Jesse James story, setting the notorious criminal up as a Robin Hood-type hero in the face of evil railroad overlords. It starred Tyrone Power and Henry Fonda as brothers Jesse and Frank James, and the set was flooded with throngs of up to 50,000 spectators, overwhelming the tiny town of Pineville, Missouri, home of just 500 residents.¹⁵⁷

As was standard practice after the establishment of the Production Code Office in 1934, Fox submitted a script to the office, headed by Joseph Breen, for their review. This system of self-imposed censorship allowed the PCA readers to alert studios to problematic material before money was spent on filming. Detailed script comments were sent to Colonel Joy, head of the Fox studio on June 3, 1938, with a carbon copy kept in the PCA files. Many of the comments involve the character of Jesse James, who if held true to history would certainly violate the Code's warning against criminals being valorized or escaping unpunished from their criminal acts. On the third page of these comments, Joseph Breen indicates that there would be difficulties with

¹⁵⁷ Johnny D. Boggs, *Jesse James and the Movies* (Jefferson, N.C: Mcfarland, 2011), 52.

many of the scenes involving horses if they were to be filmed as written in the script. He writes that “this scene of the horse falling” on pages 103 and 155, as well as the scene with “the action of the horses jumping through the window” on page 156 would be deleted by the British censor board. The British censor board, supported by an active RSPCA presence and much stricter animal cruelty laws in the UK, screened any American film and made cuts before release, often excising whole scenes from the UK release print.¹⁵⁸

Most intriguing, however, is that the PCA office suggested that the production team consider supervision on set while filming a scene where a horse and rider jump off a cliff to avoid capture. Breen writes:

“Page 157: The British censor board will very likely also delete this scene of the horse diving over a cliff. Before shooting the scenes in which animals are involved, we recommend that you secure the services of the local branch of the Society for the Prevention of Cruelty to Animals, or other organized humane group, will be present [SIC] during rehearsals and film of scenes, and who will later, furnish you with a certificate, stating that the animals were not cruelly, or otherwise, improperly treated. This is especially important if your picture is to be released in England.”

This note makes it clear that while there are no formal problems with the scene as written for American audiences or for the PCA’s standards, the scene is problematic in the British context. It is important to note that there is no formal association between the PCA and a “humane group,” and the Society for the Prevention of Cruelty to Animals (SPCA) was in fact a much less powerful or established group than the American Humane Association. The PCA’s recommendation that the film’s producers contract a group to observe the screening and issue a

¹⁵⁸ “Script Notes Jesse James,” Motion Picture Association of America, Production Code Administration Records, JESSE JAMES, Margaret Herrick Library.

certificate is outside of the PCA and its practices; this was not a protocol that they had used in the past nor is it a system in which representatives from the office were visiting the set. A third party, instead, provided verification that the PCA office was unable or unwilling to give. There is no evidence to suggest that Fox reached out to any groups to monitor their set or the animals involved in the production. This is not surprising, however, given that studios of the era typically changed their films just enough to match PCA expectations, but never more, and certainly never when the recommendation was voluntary and expensive.

From the start, the set was plagued with accidents that endangered both human and animal lives. In keeping with common practice, Fox sent out bulletins from the location shoots in Pineville both to drum up interest in the forthcoming production and to emphasize the “spectacular train robbery sequence.” One such release from September 22, 1938 mentions that Lon Chaney Jr., son of the late famous actor, had “missed death by a hair’s breadth” when he was “thrown against the speeding train when the cinch on his saddle broke and he was flung from his racing mount.”¹⁵⁹ The article mentions that he “suffered torn ligaments” in his leg when his horse, “in fright, reared back and came down heavily on the actor’s leg.” Lon is written up as a hero, bravely returning to the set the next day “in spite of his painful injury,” but no details were given about the horse. Publicity material streamed from Fox during filming, with the local newspapers covering the miraculous transformation of the resort town into a bustling movie set, and the film gained a reputation as an authentic Western spectacle, with daring action and brave men risking their lives to bring the story of Jesse James to life.

¹⁵⁹ “Press Kit Jesse James,” Motion Picture Association of America, Production Code Administration Records, JESSE JAMES, Margaret Herrick Library.

The film was issued the PCA certificate of approval, which was required for its exhibition in virtually any US theater, after the finished film was screened for its staff on December 17, 1938. Unusually, a note is included at the bottom of the standard form:

“Note: It is almost certain that there will be a number of serious complaints from animal lovers and organized groups of such, in protest against the shot of the horses, going over the cliff.”

This note, signed by Joseph Breen, is the first mention in the film’s file of any problem in the US markets with the horse cliff scene that had been flagged in the script review.¹⁶⁰

From here, the reports become muddled as to what happened exactly in the horse cliff scenes. A letter from Breen to Francis Harmon, assistant to William Hays, head of the MPPDA, dated December 20, 1938, set out to inform him of “the facts” about the film, as “there is a shot in it that is likely to call forth howls of protest from the various SPCA and humane groups.” Breen describes a “breath-taking” and “very realistically done” shot which shows Jesse and his brother, mounted on horses, “riding wildly across the country and suddenly coming to the top of a cliff over which both riders and mounts plunge into the river, fifty feet below.” He says that:

“The facts behind the shot are these: the whole thing was an accident. It was intended to show dummies for both horses and men, but because of the accident, the real horses and real actors were plunged headlong over the cliff. Fortunately, however, no one was injured. The horses landed in the water and swam away, and so too did the actors. There was no attempt to brutalize, or injure, the animals in any way, and the convincing proof of this is that the actors

¹⁶⁰ “PCA Certificate Jesse James,” Motion Picture Association of America, Production Code Administration Records, JESSE JAMES, Margaret Herrick Library.

went over the cliff with the horses. I want you to know about this, so when you get complaints you will be able to explain what it is all about.”¹⁶¹

It is a strange letter in that while it does reference a specific scene, it says that the actors (Powers and Fonda, presumably) went over the cliff, and yet the Fox publicity material had made much of the stuntman’s pay - \$750 dollars for each jump, as it was staged twice - because it was the highest made by a stuntman on a horse.¹⁶² The letter does not specify, however, who might be behind the “howls of protest,” nor does it reference any specific person or set of information. It reads very much as a call to rally the defense against an impending but unspecified threat.

That threat would materialize just weeks later, on January 15, 1939. About two weeks before the film’s scheduled release, a letter was sent to Hays by Sydney Coleman, President of the American Humane Association. It reads:

“Dear Mr. Hays:

It is with great regret that we are obliged to criticize certain animal sequences in the 20th Century Fox production of JESSE JAMES. The spectacular scene of the horse, going over the cliff, was most objectionable. Well-established reports, from reliable eye-witnesses, and other sources, indicates that a blind-folded horse was placed on a greased slide in a blind chute (sic) and roller-rocker and hurled over a cliff, estimated from sixty to seventy feet high. As the animal was urged forward by members of the crew, its weight automatically tipped the rocker, plunging rider and horse into the water below. According to the statement, backed up by the actual film, as shown at the Roxy Theater, the horse left the chute (sic) hindmost first, and its feet were in the air as it fell. We are informed that this particular horse struck the water in this position, came to the surface twice, and was drowned.

¹⁶¹ Joseph Breen, “Letter to Francis Harmon,” December 20, 1938, Motion Picture Association of America, Production Code Administration Records, JESSE JAMES, Margaret Herrick Library.

¹⁶² Boggs, *Jesse James and the Movies*, 54.

In spite of the fact that the first horse was killed, a second horse was then put into the chute (sic) and thrown over the cliff. This horse was not killed.

The released film also shows two scenes, where horses are violently thrown to the ground, and give every appearance of having been brought down by artificial means. It seems scarcely credible that the animals could have escaped injury.

Time and again we have brought such matters to your attention, with assurances that such scenes would no longer be allowed by the industry. We have been sadly disillusioned, and have taken steps to notify various anti-cruelty associations of the situation.

Will you not make a thorough investigation of these atrocities, and take steps to see that they are not repeated?

Yours very truly,

Sydney H Coleman ¹⁶³

The letter coincided with the screening mentioned within it, where the AHA projected footage shot by a Missouri resident with an amateur camera of the cliff jumping scene. *The New York Times* reported that the film was screened for AHA members and press at the ASPCA headquarters on Madison Avenue. “Sworn affidavits” were taken and provided at the meeting, and Harmon, who had been warned of the situation by Breen some three weeks prior, told the *Times* that Hays was on his way back to Hollywood to deal with the situation.¹⁶⁴

It is clear from Coleman’s letter that two very different accounts exist of what both parties agree was an accident. The first story, told by Breen, states that the actual actors were riding horses and became so caught up in the scene that they jumped over the cliff without intending to,

¹⁶³ Sydney Coleman, “Letter to Will Hays,” January 15, 1939, Motion Picture Association of America, Production Code Administration Records, JESSE JAMES, Margaret Herrick Library.

¹⁶⁴ “CRUELTY TO HORSE IN FILM IS DENIED: Kent Explains Accident That Caused Injury to Animal,” *New York Times*, January 17, 1939, sec. Sports.

while Coleman tells of reluctant animals forced down specially-built props to capture mid-air footage of a horse falling into the water. “An accident” became an “atrocious,” and Coleman successfully marshaled animal rights groups all around the country to flood the PCA and Fox with letters protesting the film and its treatment of the horses used. Two days after the initial public reports of Coleman’s claims, SR Kent, President of 20th Century Fox, wrote a letter to Coleman that was picked up and quoted by the *New York Times*. He “admitted that there was ‘an injury’ to one of the horses...but added that ‘the very fact that the scene was repeated without injury to either horse or rider is definite proof that it was purely accidental and not because we were compelling either horse or rider to take an unnecessary risk.’” He added that “in our opinion, Twentieth Century Fox is no more responsible for this accident than a polo player would be if he fell in a game of polo and one of his ponies was injured.” The letter concludes with the suggestion that had there truly been a problem, the “representative of Mr. Coleman’s organization” would have spoken up on the set rather than waiting until “after the picture had been released in New York” to express “criticism or disapproval.” The letter presents a different story than the one told originally by Breen, and leaves out any mention of a rocking apparatus, and does not address Coleman’s horse-tripping claims at all. The tone is defensive and accusatory, suggesting that the group sought publicity more than change by allowing the film to continue through release without speaking up beforehand.¹⁶⁵

Kent pulled the polo metaphor directly from an unusually long telegram sent on January 14, 1939, the day before Coleman’s letter went public. The telegram was sent to Kent by Darryl Zanuck, the film’s powerhouse producer. It begins by establishing his authority as an “owner and breeder of thoroughbred horses [who is] devoted to same as a polo player and sportsman.” He claims that over 300 horses were used in the production, saying, “while it was necessary for us to

¹⁶⁵ Ibid.

secure exciting scenes in order to properly portray the character of Jesse James we had only one injury to an animal during the fourteen weeks of shooting.” He contradicts himself just three lines later, saying that Fox productions had been supervised by the SPCA “at our request whenever we were shooting a picture with animals and never once have they questioned our purpose or motive and I am proud to say that an animal has never been hurt.” He goes on in this strange, contradictory, almost maniacal tone to say:

“It seems amazing that the Humane Society should wait until after JESSE JAMES is playing in the theaters to bring these charges stop If they were sincere and had these photographs in their possession why did they not approach us before they revealed the photographs to a gathering of newspaper men stop It must also be remembered that many other accidents occurred during the filming of JESSE JAMES stop They were accidents that occurred to human beings in the form of broken bones stop So far the American Medical Association has not approached us regarding them stop We feel that this attack is completely unwarranted and based solely on sensationalism stop If our picture JESSE JAMES has been injured in any way I urge you to start immediate legal action to defend our rights in this matter and I earnestly recommend that you notify SPCA that we are the same producers that made the picture KENTUCKY with the cooperation of the leading thoroughbred owners throughout the world stop I repeat this attack is unwarranted because it capitalizes on an accident in an effort to create sensational publicity stop Regards, Darryl Zanuck”¹⁶⁶

The tone of righteous indignation is perhaps the most striking element of the telegram. Even without the telegram format of all capital lettercase, this reads more like an off the cuff missive written by a man whose feelings are hurt than a telegram from a high-powered producer writing

¹⁶⁶ Darryl Zanuck, “Telegram to SR Kent,” January 14, 1939, Motion Picture Association of America, Production Code Administration Records, JESSE JAMES, Margaret Herrick Library.

to the head of a major film studio. Internal contradictions abound: no animal has ever been hurt, but this animal was injured in an accident; these claims are unwarranted, yet they have the ability to damage the film seriously enough that legal retribution should be on the table. Kent pulled several quotes for his response to Coleman, but most importantly he took the same tone of righteous indignation, portraying the AHA and others protesting the film's treatment of horses as misplaced and malicious. Despite the motion picture footage and sworn affidavits put forth by Coleman and the AHA, there were no structures in place to take the film out of American theaters or control further use of animals on sets, and the film went on to be the third highest grossing film of the year, with countless reviews praising its exciting chase scenes and realistic treatment of the scenery and only passing mentions of the cruelty allegations.

The film was successful at the box office, and successful in igniting a conversation about regulating animal actors on film sets. The AHA sent Richard Craven, whose letter opened up this chapter, from the New York based headquarters to set up and head a "Hollywood Office" for the organization. *The Los Angeles Times* announced on July 31, 1939 that "a new censorship headache loomed today on the horizon of the harassed film producers, and this time it's from a wholly unexpected quarter – the animal anti-cruelty people."¹⁶⁷ After a three-week fact finding mission, general manager of the AHA Eric Hansen declared that he found "some of the picture people holding a contemptuous attitude toward humane societies in general." By working with the PCA, the AHA became an embedded part of the film studio culture, rather than a far-away office. Richard Craven, in a letter dated May 16, 1946, states that he serves as "the interpreter of humane sentiment in all matters contracted with the use of animals in motion pictures." Much like other officers of the PCA, Craven and his successors were given copies of scripts for

¹⁶⁷ "New Film Curbs Loom: Censorship Movement Begun by Anti-Cruelty to Animals Group." *Los Angeles Times*, August 1, 1939.

comment in advance, before production began, and unlike the PCA, they were able to visit studios when “animal action” was scheduled.¹⁶⁸ AHA employees were paid to supervise production, and in theory their work in the script and production phases prevented abuses of the kind the horses in *Jesse James* endured. The AHA in several documents refers to a resolution passed by the MPPDA that allowed them to object to any seal being granted to a film that was deemed cruel to animals. Without the PCA seal, films were not allowed to be played in any theater in the United States associated with the MPPDA, so the AHA in theory had the *de facto* power to prevent films from being shown in the United States.

Craven’s own description of how the AHA functioned within and outside of the film studios and the PCA is intriguing, and speaks to his understanding of his role as “interpreting” rather than censoring or regulating. He writes in the same 1946 letter that:

“This [current arrangement with the PCA] took the place of the old arrangement under which the various studios, when using animals, employed a local humane officer, paying him at the rate of \$10 per day for time spent on any picture. This old arrangement was most unsatisfactory, as it permitted any person holding a humane officers badge to officiate as an authority on matters humane. Under the new arrangement, the entire expense of maintaining this office and paying the salaries of three men is met by the AHA, and no money is accepted from any unit of the motion picture industry.”¹⁶⁹

I will return to the budget in my later discussion of the current AHA arrangement, but his retelling of the previous system of animal monitoring does, in part, substantiate the claims that Zanuck, on behalf of Fox, made about the supervision of their film sets. But it also highlights the gross conflict of interest that the arrangement presented. By paying the “humane officer” directly

¹⁶⁸ Richard Craven, “Letter,” May 16, 1946, Margaret Herrick Library.

¹⁶⁹ Ibid.

from the film's budget, drawing from a pool of people with varying qualifications, often based locally and without much experience observing sets (in the *Jesse James* example, the officer would come from Missouri, rather than Hollywood), the studios created a system not unlike what Breen suggested in the first round of script notes on the film. A certificate, or at the very least an affidavit, would be provided at a low cost from an inexperienced and potentially persuadable "officer" of inconsistent training, and the studio would be protected in the face of cruelty allegations. By paying, training, and collecting reports from his men, Craven and his office created a system that ameliorated many of these criticisms; the men were accountable to Craven and by extension, the PCA office, rather than directly to the film studios and would therefore be more objective in their assessment of risk and cruelty on set.

He goes on to describe an almost unbelievable level of access to film sets and script content, which then as now were guarded with ferocity:

"Every studio lot, stage or location is open to me or my assistants whenever animals are being used for motion picture purposes. I also read many scripts before production begins, and any scene to which I raise objection is either deleted or changed. Further, I have full cooperation from the Code Administration of the industry."¹⁷⁰

The PCA office did not have access to film sets, so this ability to drop in at any time that animals are "used for motion picture purposes" suggests a trusting and open attitude towards the AHA on the part of the studios. However, that attitude appears to be predicated on an understanding of Craven and his associates as "interpreters" of both humane sentiment and motion picture industrial policies, adjusting the needs of both to find a balance between protection and profit, rather than working with a single purpose in mind.

¹⁷⁰ Ibid.

Nowhere does this position of negotiation become clearer than the discussion of a 1946 re-release of *Jesse James*. Fox booked the film, now seven years old, into theaters across the country, although the exact scope of its run is hard to determine. Richard Lloyd Jones, of the *Tulsa Tribune*, wrote to Craven care of the American Humane Association to ask why there was “no law by which perpetrators of such cruelty can be rebuked” after the film was “returned to show houses over the United States.”¹⁷¹ Craven writes in May 1946 that he was “most gratified” to receive the letter, and goes on to explain the procedures, outlined above, put into place to protect animals on set after the film’s release and the “storm of protest from all parts of the country.” He writes that “some of the pictures of former days come cropping up from time to time” and that “these pictures ought to have been consigned to the ash can long ago.”¹⁷² He acknowledges that it would be unprecedented to submit a film through the PCA and AHA processes after the fact, and that he has little power to “remedy a situation like this in an industry where all the units are independently owned and managed.” This cautious tone is in sharp contrast to the description just paragraphs before, where he describes the access he has to current pictures. Craven includes a copy of a letter to Breen, and assures Jones that he is “hoping in the meantime that ‘Jesse James’ will be withdrawn, if only for the sake of the industry itself.”¹⁷³ Concerned and conciliatory, Craven aligns himself fully with Lloyd, agreeing that the film is a relic of a cruel, but supposedly bygone era, and promises to effectively wield his power back into the past in order to raise the standards of all films being screened for audiences.

This alliance shifts most deftly within the letter to Breen, as Craven makes it a point to frame the complaints as legitimate, valid concerns rather than the “storm of protest” that swirled

¹⁷¹ Richard Lloyd Jones, “Letter to Richard Craven,” May 1946, Motion Picture Association of America, Production Code Administration Records, JESSE JAMES, Margaret Herrick Library.

¹⁷² Richard Craven, “Letter to Richard Lloyd Jones,” May 1946, Motion Picture Association of America, Production Code Administration Records, JESSE JAMES, Margaret Herrick Library.

¹⁷³ Ibid.

around the previous release. “The source of this protest,” he writes, “is not to be lightly regarded, as the Lloyd Jones family has for many years been associated with the finer and honored things of life in the State of Oklahoma.”¹⁷⁴ This is not, he argues, the complaints of sensitive or immature audiences, but from a concerned and respectable male viewer and thus should carry more weight than the typical humane letter writer. He calls for films released before December of 1940, when the full force of the AHA regulations went into effect, to be “called up for further view by the Code Administration.”¹⁷⁵ Provisions exist, he argued, to prevent films after 1940 to re-use footage of cruelty filmed before the regulations went into effect in order to skirt the restrictions, but the original films can be screened without any controls. Far from the language of “remedy,” “cruelty,” and “ash can,” his suggestion to Breen that these films be re-examined and re-cut, becomes “something for the industry to think about.”¹⁷⁶ By emphasizing how relatively painless the switch to more humane filming practices was, he downplays the importance of protecting animals’ lives in and of itself, but emphasizes that “the industry has not suffered” despite the restrictions.¹⁷⁷ He takes the concerns of citizens for the lives of the horses thrown off the cliff and the effect of film goes viewing that cruelty and translates that concern into industrial-minded action items meant to increase the reputation of the industry, and by extension the profits of the industry over the long term.

The potential for greater profit was not enough to persuade Breen to even broach the subject of additional review with Fox, as he would write to Craven in a responding letter. He relies on his own knowledge of the industry to state that he is “sure” that “the industry will not undertake to call up for further review” films that had already been reviewed, the passive

¹⁷⁴ Richard Craven, “Letter to Joseph Breen,” May 1946, Margaret Herrick Library.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

construction betraying just how strained he imagined the plan to be.¹⁷⁸ A phone call between the pair occurred, and a telegram sent from Breen to his superior, Hays, states that further letters have arrived protesting the film, and Craven is quoted as saying that people are “simply up on their hind legs” about the reissue, and that it will “stir up resentment and trouble if it is shown now, just as it did when it was released originally.”¹⁷⁹ The animal metaphor is of course striking, especially as it serves to undercut the logic of the argument, describing those concerned as emotionally driven rather than logical or level-headed. Craven suggests going directly to Fox to convince them “it would be a serious thing for the whole industry if a big campaign across the country results from the showing of this picture.”

The phone-call apparently convinced Breen that further action was necessary, and he wrote an extensive letter to the head of the Motion Picture Association of America, the trade association that represented all the major Hollywood studios and lobbied for them in political settings. Breen gives a history of the *Jesse James* controversy, and describes the “gentleman’s agreement” between the industry and the AHA, and details of all the roles Craven plays in mediating. “Rarely do we have any complaints whatsoever on the score of inhuman, or brutal, treatment of animals,” Breen writes, and because of the “great service” Craven has rendered, his “latest, (and first in several years) protest is important and significant.”¹⁸⁰ Again, the situation is presented in terms of profit and reputation rather than potential harm to animal or viewer, with each rendering of the problem being told more and more dispassionately as it rises up the political ladder.

¹⁷⁸ Joseph Breen, “Letter to Richard Craven,” May 1946, Motion Picture Association of America, Production Code Administration Records, JESSE JAMES, Margaret Herrick Library.

¹⁷⁹ Joseph Breen, “Telegram to Will Hays,” May 1946, Motion Picture Association of America, Production Code Administration Records, JESSE JAMES, Margaret Herrick Library.

¹⁸⁰ Joseph Breen, “Letter to Head of MPPDA,” May 1946, Motion Picture Association of America, Production Code Administration Records, JESSE JAMES, Margaret Herrick Library.

What started as a complaint from a concerned filmgoer in Tulsa made it all the way to the desk of Spyros Skouras, President of 20th Century Fox. What was initially described by Breen as “six showings in the course of a year,” is presented by Skouras as “10,000 to 12,000 engagements” making it “impossible to withdraw” the film because of the “contracts already made” and the vulnerability the company would face both from broken contracts and reputation in the industry.¹⁸¹ As each interested party describes the situation, the profit becomes larger and the initial complaints become less and less important. Nowhere in this final letter is the accident or horse even mentioned, suggesting that the AHA had no jurisdiction over this re-release by refusing to acknowledge their involvement in the discussion at all. And so the film played, despite the careful work at each stage of the political chain to restate emotional concerns about the welfare of animals and the effects of watching cruelty in a movie theater as potential profit loss. By tracing how this language modulates the desires of filmgoers and filmmakers, we can see how the position of the AHA, both embedded within the industry and yet responsible to entities outside of it, both facilitated this mediation and made it the primary mode of communication between the parties. The next section examines how this mode of mediation, rather than protection or regulation, necessarily put the Hollywood office in a vulnerable position. As the documents surrounding *National Velvet* demonstrate, mediation does not carry with it the full force of enforcement; raising concerns on set may have protected animals in danger, but it may also have endangered the privileged status of the AHA within the larger industry.

¹⁸¹ Spyros Skouras, “Letter to Joseph Breen,” May 1946, Motion Picture Association of America, Production Code Administration Records, JESSE JAMES, Margaret Herrick Library.

National Velvet: Velvet and the Pie, Liz and King Charles

National Velvet, while not Elizabeth Taylor's first film, was the first she made with MGM and the biggest role of her young career. Taylor played Velvet, a young and headstrong girl in the British countryside who, with the help of a dark but caring stable hand played by Mickey Rooney, trains a wilding gelding to compete in the national steeplechases. The film was embraced by horse lovers and Anglophiles alike, and it endures as a clear showcase of Taylor's incredible screen charisma, unsullied by her chemistry with her co-stars or on set antics. However, what does that say about the horse? Is it simply a prop for Taylor to act against, or does it serve as a character in its own right? This section argues that *National Velvet*, with its fraught production history and even more tumultuous stars (both human and animal), serves as a window into how the animal is seen through and around star figures. While Velvet and Taylor both speak often about the embodied, real and important relationship between girl and horse, the film and film production crew approached King Charles, the lead horse, as well as other horses on set, as a lesser tier of on-screen talent. Unlike the horses in *Jesse James*, which were used as props to facilitate jaw-dropping action sequences, the horse in *National Velvet* mediates anxieties: about the relationship between the United States and the United Kingdom on the eve of American entry into World War 2, and about the dangers necessary to capture "authentic" acting. Despite AHA protests, filming practices on set regularly endangered the horses, and they proved to be a true test of the AHA's ability to intervene at any stage of the filming process, from script to set, just five years after the office was established. This section tracks how this challenge arose out of the gate-keeper position that the AHA held in the industry; the organization was forced to rely on the PCA as muscle to enforce their understanding, because to

push for change themselves could endanger their valuable, and visible, position on set and in the industry writ large.

National Velvet, based on the novel by Enid Bagnold, is the story of a young, “horse-crazy” girl named Velvet who falls in love with a difficult gelding she names Pie, after his piebald coloring. The horse is wild and supposedly unrideable, but the pair quickly form a bond as they train for the impossibly difficult race, the Grand National Steeplechase. Velvet is an unlikely rider, as she is both young (twelve in the film and a slightly older fourteen in the novel) and a girl and thus expressly forbidden to compete. With the help of a trainer named Mi, played by Mickey Rooney, who in the novel inadvertently caused the death of another jockey in a race years back (in the film the jockey just “took a bad spill”) and has hardened his heart against horses and horse racing, she trains for and successfully competes in the race. At the finish line, Velvet is so overwhelmed by the exertion that she faints, and when revived by the track doctor, her true gender is revealed and she and Pie are disqualified. She turns down offers from Hollywood to star in films with Pie and Velvet returns home to come clean to Mi and connect with her mother, who was long ago a fabulous athlete who swam across the English Channel, coached by none other than Mi’s father.

The preliminary draft of the script was read in the Production Code Office in early 1944 and early critiques focused on the characterization of Velvet. Sandy Roth, working in the office, prepared the standard synopsis based on the script. These synopsis documents were used within the office to draw attention to potentially troubling aspects of the script and forward the material to the relevant persons, including the Hollywood office of the AHA. However, these documents also reveal much about the tenor of the script in the early production stages, as well as the subjectivity of the reviewer. Sandy Roth describes the Brown sisters as such: “16 year old

Edwina has reached the age where her heart skips a beat when she thinks of boys. 11 year old Velvet, with a pixy, dreamy quality about her, experiences the same reaction when she thinks of horses.”¹⁸² The trope of the horse-crazy young girl is a well-understood one, and it is clear from this synopsis that parallels are being drawn between the heady infatuation of adolescent love and a similar infatuation with horses. As Natalie Corinne Hansen writes, “Girls are given license to be horse-crazy as long as this passion is seen as a training ground for future ‘proper’ male love objects... in order to ‘mature,’ girls must give up horses for boys.”¹⁸³ Velvet, here embodied by the strikingly beautiful young Taylor, is *allowed* to be horse-crazy, as the film from the outset takes a patronizing tone towards her obsession as something she’ll grow out of, as all the other women in her family have. She may love Pie as long as it is understood that eventually she will move on to love a ‘proper’ partner and start a family; in no reality may she continue on to be a jockey or work with horses professionally, but she will, like her mother, eventually give up her dreams in order to settle down and start a family. As Velvet’s mother says, “everyone should have a chance at a breath-taking piece of folly at least once in his life,” but that folly must not stand in the way of the other things a life, especially a woman’s life, must accomplish.

Velvet, Mi and the Pie are brought together as a unit in their very first scene, which begins with Velvet cantering on an imaginary horse through the English countryside. As she grows larger in the frame, we hear Mi call “whoa” to her, immediately communicating that he understands that this girl is engrossed in her imaginary world. The pair banter back and forth about what Mi is doing in Sewells, but eventually they are interrupted by a whinny in the distance. We switch to a long shot of a horse, brown and white, running through a field with a

¹⁸² Sandy Roth, “Script Report: National Velvet,” 1944, 4, Motion Picture Association of America, Production Code Administration Records, NATIONAL VELVET, Margaret Herrick Library.

¹⁸³ Charlie Blake, Claire Molloy, and Steven Shakespeare, *Beyond Human: From Animality to Transhumanism* (A&C Black, 2012).

small human figure chasing after it, as the score swells and the camera cuts to follow Velvet as she runs to the fence to get a closer look. The score abruptly fades as we move into a two-shot of Rooney and Taylor as they admire the horse, Taylor clutching her heart and Rooney asking her if she feels alright. The synopsis describes the scene as almost a romantic encounter, not between Velvet and Mi, but between Velvet and the horse: “Velvet stops the beautiful beast, falls in love with him immediately, and names him Pie.”¹⁸⁴ The rhyming name, although ostensibly based on the horse’s coloring, doesn’t actually fit in the film, as the horse is Russet and lacks the irregular white patches that indicate a Piebold. Instead, the rhyme serves to closely associate Mi with Pie, and muddies the water of Velvet’s attraction and investment in these relationships. “Velvet is beside herself with longing to own the horse... although Mi has been discouraging her love for horses, he buys a raffle ticket for each of the girls” to enter the auction to own the horse.¹⁸⁵ To be beside oneself with longing is a nearly sexual state and Mi actively discourages her from placing her affection, such as it is, on the body of the horse, which is dangerous, and has the possibility to hurt her both physically and emotionally. Much is made of how young she is, too young for a horse, and perhaps too young for Mi as well. It is her tenacity in training, refusing to give up on the horse even when Pie acts, as horses do, headstrong and difficult that makes her successful.

The production was monitored closely from the beginning; set in England and starring a British teenager, the Office of War Information was involved with the script from its first submission. The OWI worked in concert with the Production Code Administration throughout the 1940’s, holding films not just to the standards upheld by the Production Code, but to a codified language of representation for both potential and current allies as well as enemies. As the recommendation at the end of the synopsis reads, the film is a “story about a little English

¹⁸⁴ Roth, “Script Report: National Velvet,” 5.

¹⁸⁵ Ibid.

girl and her love for horses, [and] raises no serious problems relating to the program of this office,” but it does recommend that the script be “checked with the British authorities to avoid any presentation which could cause resentment on the part of our British allies.”¹⁸⁶ The novel, as many children’s stories do, romanticized the English countryside, considerably tempering the realities of life on a working farm where children, especially in war time, did not have disposable time or energy to train wild horses and instead were needed to support the running of the household. As Gaylyn Studlar writes in her piece, “Velvet’s Cherry: Elizabeth Taylor and Virginal Girlhood:”

“The film takes the ubiquitous girlhood fantasy in which prepubescent females obsess over all things ‘horsey’ and places it within a pastoral dream version of a coastal English village in the 1920’s. In this respect, the film nostalgically contextualizes the girl’s fantasy with a prewar world scene of familial and national contentment guaranteeing the ‘purity’ and ‘innocence’ of the fantasy to which this idyllic setting gives birth.”¹⁸⁷

This may be the story of a young girl and the horse at the center of her fantasy life, but it is also the story of a national fantasy, where young girls can fall in love with a horse and ride him in the National race, a thousand miles away from strife, war and politics.

This romanticizing carried into the film, which was set before the war and starred Taylor, who had been born on British soil to American parents and maintained dual citizenship her entire life. Her parents returned with the children in tow to the United States in 1939, at which point Taylor’s career exploded and her ties to her British identity were slowly dissolved. Taylor’s English accent, if she had one, is barely present here, and the accents of the other main characters fluctuate from a parody of a British accent to a Midwestern American one. Like most Hollywood

¹⁸⁶ Ibid., 10.

¹⁸⁷ Tamar Jeffers McDonald, *Virgin Territory: Representing Sexual Inexperience in Film*, (Detroit: Wayne State University Press, 2010), 30.

productions, *National Velvet* is a thoroughly delocalized film, but perhaps the initial script report indicates that a different representation was the heart of the potential conflict: that of the horse.

Horse owning and racing has long been a part of the culture of the entire United Kingdom, from Irish work horses to the polo games of the English royalty, but unlike the United States, provisions in the law protected these animals from cruelty in both the profilmic and filmic space. British law, as discussed in the previous chapter, is fiercely protective of animal lives, and has a much richer and longer history of animal welfare concerns in both legal and civil situations. The RSPCA was instrumental in setting up a wing of the UK film censor boards that would remove suggestions of animal abuse from American films before they screened. Most films passing through the Production Code office have a memo that details the cuts made by international censors to films, and nearly always these cuts are to images of animals being abused (whipped horses, bull fighting, etc) or stunts that were created through violent or cruel means (horse tripping, bull horns, etc). Films containing any such action in the script were immediately flagged and the producers were strongly encouraged to hew to the British, rather than the American, standards of filming practices to avoid scenes being cut. As seen in the *Jesse James* case, UK censors cut scenes of horses jumping through windows or off cliffs because of their content despite those scenes being allowed in the final American cut. In a film like *National Velvet*, the risk is double, as the film shows not the “outlaw” treatment of animals in the United States, but the treatment of horses in the widely known and deeply traditional Grand National Steeplechase. The race has always drawn the ire of animal advocates in Britain and accidents and deaths of horses have occurred in almost every iteration of the race. Like the Kentucky Derby and other traditional track races that American audiences would be familiar with, in the Steeplechase the horses begin the race in a large pack, rather than running the course alone, and

the jockey becomes essential as he literally jockeys for an advantageous position within the pack. In a Steeplechase race, the horses have the added challenge, or perhaps danger, of jumps and obstacles in the course, as the race is imagined as the equivalent of a cross country, all terrain race that a human might run. Considerable opposition to the idea of a Steeplechase race has always been part of these discussions; the races have been outlawed in Australia and continue to drop in popularity in every country save for the United Kingdom. In such a distinctly British form of horse racing, care had to be taken by both the Office of War Information and the Production Code Administration to protect our ally from offensive representations of their politics and their culture, avoiding the “resentment” deemed possible by the reviewer at the Production Code office.¹⁸⁸

These warnings were apparently not heeded, as an accident occurred during the filming of the Steeplechase scene which tested the relationship between the PCA and the Hollywood office of the AHA. *National Velvet* was in production in the summer of 1944, filming on both studio lots and on location in California. During the Steeplechase scene, which was filmed at a Southern Californian equestrian club called Midwick, a horse took a “very bad spill in making one of the jumps,” according to a letter written the next day by Richard Craven. He first describes a trial run of a jump as such:

“The horses were called upon to jump a five-foot hedge, beyond which is a sort of moat about four feet wide and four feet deep. Sides of the moat are lumber, so that the sides are vertical. As a test we had one horse make the jump alone, and this animal cleared the hedge

¹⁸⁸ Roth, “Script Report: *National Velvet*,” 10.

and moat with approximately 10 feet to spare. I was assured that all the horses had done the same thing in their daily training. ¹⁸⁹

This description is significant in that it indicates that Craven's presence on set was at least somewhat intermittent; he needs to be assured that this thing was regular and part of the training for the horses used. His language indicates that he was at least part of the decision to run the test, saying, "we had one horse make the jump alone," but his phrasing makes it unclear whether he is speaking of the group of AHA representatives there, including "Mr. Fred Wilson, an experienced humane officer, whom I took along," or a group of studio personnel with whom he consulted. Rather than a constant monitor of any animal activity on each set, which would have been a drain on the resources of the three person Hollywood Office, it made fiscal sense that the AHA was called in to both advise on scripts and monitor the most dramatic parts of the action, but it does reveal that Craven's aspirations from just five years earlier had proved to be just that, and not the reality of the office's day to day functions.

The letter goes on to reveal that Craven doubted his own authority on set and in the Production Code Office. After witnessing the trial jump, he states that: "Under the circumstances, though with some misgivings, I did not feel I could object to the scene being attempted."¹⁹⁰ If Craven did not feel he could object as the head of the office, who would feel that authority? Even if the system of supervision was functioning, as it was in this case, the voice of the advocate is silenced here, and the jump took place with "fifteen horses and riders" going over the jump at the same time, at which time the "bad spill" occurred. Craven describes the scene:

¹⁸⁹ Richard Craven, "Letter to Breen - National Velvet," July 14, 1944, Motion Picture Association of America, Production Code Administration Records, NATIONAL VELVET, Margaret Herrick Library.

¹⁹⁰ Ibid.

“Some of the horses bunched closely together. When they reached the hedge, one horse refused to jump, turned broadside to the hedge, obstructed several other horses, with the result that two horses fell into the moat. Their riders were thrown clear and were not injured. Fortunately, the horses were brought out of the moat, practically uninjured.”

What he describes here is the animal performer refusing to participate in the stunt as planned, called “a refusal” in horse training circles, a word that suggests that the agency of the horse is actually the controlling factor in the success of the jump, rather than the will of the rider. The horse does not “decline,” “avoid,” or “fail to complete” a jump, but refuses it in a clearly communicated way. The complication in a steeplechase scenario is that one horse can refuse and put the rest of the horses and riders in danger, as happened here when the two horses are forced into the moat, with its “vertical sides” made of “lumber.” Craven’s language here is that of relief; “fortunately” none of the horses have been seriously hurt, but are only “practically uninjured,” leading to some question about what kind of injury would have been significant for Craven in this situation.

Despite the lack of significant injury, Craven had serious misgivings and wanted to put an end to the stunt altogether, which is the cause for his letter that night to Breen. It is unclear from his letter if he protested the stunt on set, but he does say that “there was a considerable opinion that [Steeplechase stunts] should have no place in motion pictures, and persons employed on the picture have so declared in complaints to local societies.”¹⁹¹ These complaints, as was the case for *Jesse James*, had the potential to galvanize public opinion against the film and inspire protests against it, so this is a veiled threat to the PCA office. If Craven feels he is unable to stop the stunt, and he closes the letter by saying that “yesterday’s scene is to be related today,” he will, this letter warns, involve the public, a group much less reasoned and initiated than he, but

¹⁹¹ Ibid.

whose force far exceeds his in this neutered role.¹⁹² His position as interlocutor, rather than enforcer, is clear here: he can speak up on set, but only by suggestion, and the only real weight he carries is in activating the concerned public that he, and the AHA Hollywood office, work to keep at bay.

Craven's letter was accompanied by a note that described the scene at the office when the letter was delivered, and this note from Breen's assistant to his supervisor is telling in the new information it contains. The memo reads:

"Craven came to our office, bringing enclosed letter. He is very unhappy about these scenes and the way the director is insisting they be made. Mr. Craven asked if we are still enforcing that part of the Code wherein we refuse to approve pictures showing "cruelty to animals" and told him that we were. He was on his way to today's shooting and wanted us to have this information before he talked further with the director. CRM"¹⁹³

The memo, firstly, suggests that Craven has spoken at least indirectly to the director, Clarence Brown, to voice his concerns about the stunt, but that the director has the power to "insist" on a method of filming over and above the objections of the AHA set monitor. This directly contradicts how Craven himself would describe the AHA functioning on sets nearly two years *after* this incident in a 1946 letter, saying that "any scene to which I raise objection is either deleted or changed."¹⁹⁴ He clearly cannot stop any scene with a mere objection, either in the script supervision phase or on set, and in fact must appear in the office in person to confirm that the AHA has any power over the PCA seal granting process. The "full cooperation" that he publicly declares he has is in fact provisional; to the public, the AHA is presented as a powerful

¹⁹² Ibid.

¹⁹³ CRM, "Memo to Breen," July 14, 1944, Motion Picture Association of America, Production Code Administration Records, NATIONAL VELVET, Margaret Herrick Library.

¹⁹⁴ Craven, "Letter." Motion Picture Association of America, Production Code Administration Records, NATIONAL VELVET, Margaret Herrick Library.

force working for the rights of animals on film sets, yet inside of the industry, the Hollywood Office of the AHA is little more than a vanity exercise, to be consulted but rarely taken seriously.

However tenuous Craven felt his position to be, his voice was heard by Joseph Breen at the Production Code. Breen wrote to a Mr. A Block at MGM studios, and says that he is attaching “the original copy of the Craven letter, which [he] read to [Block] over the telephone,” reminding him that it is “mandatory upon the PCA to withhold our seal of approval on a picture, in which animals are involved, unless such a picture is certified by the local representative of the Humane Association as a picture which has been produced without cruelty to animals.”¹⁹⁵ Only Breen has enough authority to threaten the production, but even he can only threaten, saying: “this matter is important, and I hope you can do something - pronto - about it.” Perhaps the phone call was more terse, but this is a pleading letter, asking for cooperation in order to avoid trouble. The horses in question are not mentioned, nor are the crowds that could potentially protest if the picture were to be deemed cruel, and Richard Craven is only called by his surname; the letter seems to be among equals, rather than being written in the beseeching tone of Craven’s letter itself, asking if some arrangement can’t be made to spare the trouble. Discussion of the stunt inside of the film’s correspondence ends here, and while reviews draw attention to the drama of the race sequences, there is no mention in any popular press coverage that any accident took place while on set.

If Craven could only wield power through the PCA office, rather than on behalf of it, or even on behalf of the AHA, the problem was as structural as it was personal. The AHA placed itself as intermediary between the interests of the concerned public and the film industry, but in working to preserve the magic of film and allow the studios artistic license to film mostly as they

¹⁹⁵ Joseph Breen, “Letter to Mr. A. Block,” July 14, 1944, Motion Picture Association of America, Production Code Administration Records, NATIONAL VELVET, Margaret Herrick Library.

see fit, the organization created a single point of information access and fell victim to the dangers of such a system. It became impossible to fully serve the public's desire for animals to be safe and treated well on sets because full evidentiary support (explaining how a stunt would work, or what tricks or training tips were used to encourage or prompt specific behavior) was seen both to jeopardize closely held professional secrets of trainers, stunt performers and set designers, and also to step beyond the purpose of the AHA's role. Craven goes as far as to say in his later letter about *The Overlanders* that he does not have "the right to explain to the world how this or that scene was obtained, in order to satisfy those that imagine that if an animal was used in a picture there must have been cruelty." His rights here supersede those of the animals he has sworn to protect, in deciding what will or will not constitute cruelty on set, but that is to be expected. What is unexpected is that Craven places the rights of the motion picture industry at large over his own: the film industry has a right to protect its "technical achievements," and not to "be restricted because of the fears of a few super-sensitive souls."¹⁹⁶ This assurance that the AHA is uniquely positioned to protect animals because of its embedded position inside of the industry, rather than despite it, sets the groundwork for the modern day Hollywood Office, as discussed in the next section.

Luck: "It's embarrassingly stupid"

Whatever power the AHA had to influence sets, it diminished greatly when the office through which they worked, the PCA, was disbanded in 1966. Several challenges to the PCA surfaced in the 1960's, including a wider, more open network of independent theaters, foreign films challenging the PCA's jurisdiction, and a general loosening of societal expectations for films and culture at large. Once the threat of boycott diminished and the seal was no longer needed to distribute films in the United States, the MPAA had to work to implement another

¹⁹⁶ Craven, "Overlanders Letter."

protocol for evaluating the content in movies. After some deliberation, a system of pre-screening films and assigning a rating to each was put in place in 1968, with ratings ranging from G (suitable for all audiences) to X (reserved for the most explicit films, only to be seen by adults). However, unlike under the Production Code, the ratings board is no longer allowed influence in the scripting or production process, nor does it have the legal or implicit power to stop a film from coming to market. Much work has been dedicated to parsing the far-reaching effects from production to reception caused by this switch in policy, but very little has been written about the concerned bodies, like the AHA, that worked through the PCA office and lost their institutional place in Hollywood after it shuttered.

The American Humane Association decided to keep the Hollywood Office open, but became a voluntary monitoring service. The first step, as the organization tells its history, was to begin publishing a newsletter for members in 1972, called the “National Humane Review Newsletter,” an offshoot of their regular publication, the National Humane Review. Films were initially deemed “Acceptable” or “Unacceptable,” but these categories were expanded in 1978 to include “Believed Acceptable,” “Questionable,” and “Inappropriate for Children.” The last rating was dropped in 1985 as more parents “relied on the Motion Picture Association of America’s (MPAA) Ratings Board.”¹⁹⁷ The history of the ratings published by the AHA is scant, but it does include the telling line that “each decade, film and television production increases, and the American Humane Association changes its movie reviews to reflect the realities of coverage capabilities... we fine-tuned those ratings to manage the rise in production and our strict standards.”¹⁹⁸ Any organization would struggle with more demand and a perpetually strained budget, but the AHA is explicit that they changed their rating system to reflect their reduced

¹⁹⁷ American Humane Association, *A Long History of Ensuring Animal Safety*, accessed May 2, 2015, <http://humanehollywood.org/index.php/end-credits/end-credit-evolution>.

¹⁹⁸ Ibid.

capabilities. “No Animals Have Been Harmed” became a brand rather than a factual statement, a label placed on cooperative films rather than a certification of an actual condition of production. Market forces and the audience’s misplaced trust in the animal protection scheme allowed gaps in the actual protective structure to go unnoticed by the public. Films of this period produced an aesthetic rather than material reality of safety for animal actors.

Rather than subjecting films to the monitoring imposed by the PCA, the AHA allows film productions to self-identify as ones where animals are being used or could potentially be injured on set. A recent *Hollywood Reporter* article describes the situation as such: “This unique compact, in which a nonprofit has taken on the role of a regulator of industry in lieu of more traditional, government oversight — and therefore is not subject to public disclosure laws, allowing its work to mostly remain shrouded in secrecy — means the AHA is accountable only to Hollywood itself.”¹⁹⁹ Much like the PCA before it, the AHA stands in as a voice for animals, yes, but also as a regulatory body meant to shield the industry from more invasive, and perhaps less lenient, governmental oversight. And unlike the Production Code Administration, whose files were private at the time of operation but now housed in archives and regularly consulted by both academics and journalists, documents relating to the Film and TV Unit, historical and current, are tightly guarded by the AHA. Documents have been made available through public legal filings and through leaked documents provided by anonymous employees afraid for their jobs, but it remains difficult to verify claims on either side of the debate, especially when animal actors are unable to communicate verbally their experiences on set or off.

Today, once contacted, the AHA provides a variety of services, from consultation on filming or stunt practices to on set monitoring. Their documents state that any domestically filmed

¹⁹⁹ Gary Baum, “Animals Were Harmed: Hollywood’s Nightmare of Death, Injury, and Secrecy Exposed |,” *The Hollywood Reporter*, November 25, 2013.

Screen Actors Guild (SAG) production using animals are "required to provide [AHA] Safety Representatives unlimited on set access whenever animals are used." The "no animals have been harmed in the making of this picture" tag is granted only after the AHA is satisfied that it is true, and a seal is placed at the end of the credit sequence to verify the film's participation in the program. This actually designates the highest level of certification that the AHA can provide, which is called "Monitored: Outstanding" and is described as such: "Safety Representatives were on set to ensure the safety of the animals throughout the production. After screening the finished product and cross-checking all animal action, we determined the film met or exceeded our 'Guidelines for the Safe Use of Animals in Filmed Media' and is awarded the end credit disclaimer 'No Animals Were Harmed.'™" Although this tag is often understood to be an all or nothing verification of a safe set, in reality the AHA will grant a variety of designations, from "Monitored: Acceptable" ("...Representatives were not able to monitor every scene in which animals appeared... [but] oversaw significant animal action filmed in compliance with our 'Guidelines...'" to "Not Monitored" ("The production did not seek monitoring oversight from the American Humane Association's Safety Representatives during filming. We cannot attest to the treatment of animal actors or know whether our 'Guidelines for the Safe Use of Animals in Filmed Media' were followed."). Allowances are made for "an accident, injury or death involving an animal" that occurred during filming, provided that the production "followed the American Humane Association Guidelines..." ("Monitored: Special Circumstances") or productions that "complied with all registration requirements... submitting a shooting script and relevant scheduling information, and provided a pre-release screening of the film" but for which the AHA was "unable to directly supervise the animal action due to limited resources and/or scheduling conflicts" ("Not Monitored: Production Compliant").²⁰⁰ However, these expanded categories are

²⁰⁰ American Humane Association, "About the No Animals Were Harmed® Program," *American Humane*

only available to the general public when reports on films are published to the website. Although the website currently has over 100 reviews available, there is little information about which films are excluded, and no way to quickly search through the reviews to find films which were given less than an Outstanding rating, a feature that would seem useful for an interested audience.

Films are of course encouraged to pursue the AHA “No Animals have been harmed” credential any time animals are on set, but a variety of problems arise in the present system, which fall into three major categories. Firstly, the tagline, although trademarked, has a long history of being applied to films that did not work directly with the AHA. The organization maintains a section on their website called "Unauthorized End Credits" that indicates which films have fraudulently applied the seal to their films, but rarely does this information cross into the mainstream reviews or publicity about films. For example, according to the AHA website, both *District 9* and *The King's Speech* have "inserted unauthorized 'No Animals Were Harmed' end credits" into their films and in doing so "mislead the public and create a significant breach of trust with film-goers."²⁰¹ The AHA rightly assumes that the certification is only meaningful if it carries with it the force of their enforcement, but this statement also implies that the brand is so well established that the presence of the end credit alone is enough to convince the public that animals were indeed protected during filming. The public trusts the AHA to monitor animal action on sets, and the public trusts that those end credits are given by the AHA to qualified productions. False credits violate this trust and threaten the entire system.

One might argue, however, that the bigger breach of trust is the interdependence between the AHA and Screen Actors' Guild (SAG). The second category of problems is the funding of the Hollywood Office itself. As of 2013, a \$2.4 million dollar grant funded the majority of the

Association Blog, accessed May 15, 2015, <http://americanhumaneblog.org/about-no-animals-were-harmed-program/>.

²⁰¹ Ibid.

office's activity. The grant is administered by the "merged SAG-AFTRA actors' union and the Alliance of Motion Picture and Television Producers via its shared Industry Advancement and Cooperative Fund," setting up a system where the industry directly funds the body that is meant to be regulating it – a classic example of a conflict of interest.²⁰² In the founding of the Hollywood Office, Craven was quick to demonstrate that financial independence was key to the AHA's ability to regulate sets fairly, but that is far from the present situation. Recently, the AHA has explored ways to reduce reliance on the IACF grant, including a 'fee-for-service' plan that would require productions to pay for the services, which is hotly debated, as it creates an even closer financial link between the productions that are requesting the service and the organization that provides it. While other sources of funding flow into the Hollywood Office's budget, these are also often embedded within the larger Hollywood culture. For instance, the annual "Hero Dog Gala" raises funds by selling tickets to the event for \$25,000 a table, but is only successful if it is attended by celebrities and other powerful industry figures – a hard market to capture if the organization were actively pursuing actions against productions that endanger animals.²⁰³ Continued visibility in the industry landscape is important for the continuation of the AHA's work; continued visibility, however, increases the likelihood that the AHA will be viewed as a collaborator on sets rather than an enforcer of animal protection legislation or a guardian for the animal's interests, especially when their interests conflict with those of the production.

The third barrier to the AHA's effectiveness is its limited powers of enforcement or influence. Even if the AHA is on set and observes animal cruelty or unsafe filming practices, internal documents suggest that there is little that monitors can do to stop production or change practices. Just as Craven had to go through Joseph Breen to assert his authority on the *National*

²⁰² Gary Baum, "IS THIS HOLLYWOOD'S MOST DANGEROUS CO-DEPENDENT RELATIONSHIP?," *The Hollywood Reporter*, November 25, 2013.

²⁰³ Ibid.

Velvet set, *The Hollywood Reporter* obtained internal documents that suggest that AHA monitors are virtually powerless to influence actions on set. Despite being licensed as law enforcement officers, and even being able to make arrests within the state of California, *The Hollywood Reporter* claims that neither power has been exercised “in the AHA’s Hollywood history, which spans at least 35,000 productions since 1980.”²⁰⁴ Monitors file reports about animal injury, illness and on set behaviors, but sources inside the AHA allege that ratings are given to films without consulting, or only briefly consulting, those reports. One staffer says, “It just goes into the database and nothing ever happens. Things go away all the time; they’re never taken further.”²⁰⁵ Taken all together, these conditions create a situation in which even in the increasingly unlikely case that a monitor is on set for filming, that monitor is at best reporting what he or she sees on set to supervisors who are making decisions about whether to pursue further action. At worst, that particular monitor may have been requested by the production because they have a reputation of being ‘good,’ or of not ‘making any waves.’ From the on set monitor to the head of the AHA, from on set relationships to sources of funding, this system contains potential conflicts of interest at every level. The result is a deeply ineffective, if not blatantly dysfunctional, system of enforcement.

Many of these issues surfaced when the high-profile HBO show *Luck* was shut down a few days into shooting its second season. The show was created by Michael Mann (*Heat*, *Miami Vice*) and David Milch (*Deadwood*, *Hill Street Blues*), and it centered on the high-stakes world of professional horse racing and the lives that intersected in and around the racetrack. Both Mann and Milch stated repeatedly in publicity for the show that they wanted the show to portray horse

²⁰⁴ Baum, “Animals Were Harmed.”

²⁰⁵ *Ibid.*

racing realistically and dramatically.²⁰⁶ Other films that were contemporary to *Luck*, like *Seabiscuit*, shot very little race footage and used camera angles and repeated footage to essentially create full races. Horse racing, as many have noted, is incredibly taxing to the horse - single races have been known to cause broken legs and other potentially career or life-ending injuries. *Luck* multiplied these stresses by shooting multiple races, over multiple takes and days of shooting.

All HBO and AHA statements about *Luck* emphasize that the two organizations worked together to implement safety protocols that went “above and beyond typical film and TV industry standards and practices.”²⁰⁷ Lead trainer Matthew Chew was brought on to supervise the 50 horses, which the production was careful to note were actual racehorses (either retired or from racehorse stock), saying that “the differences between a racehorse, or a quarter horse, or a war horse” are substantial. Mann says in one interview that racehorses are indeed “more delicate, and they’re more spirited,” with Milch chiming in to add that “it’s in their nature” to want to run and to race, and that to imply that the horses on set were being subjected to “something unnatural... you know, it’s embarrassingly stupid.”²⁰⁸ The protocols specify that horses were to have a “15 to 20 minute break” between each run, which can last between a “quarter and third of a mile.” AHA monitors were alerted in advance any time a racing scene was scheduled for production, and “we do not film if [the AHA] does not approve the schedule.” The document continues to say that “a veterinarian examines our horses every day, and they are in the constant care of a team of

²⁰⁶ “The Vulture Transcript: Michael Mann and David Milch Open Up About the Cancellation of *Luck*,” *Vulture*, accessed May 16, 2015, <http://www.vulture.com/2012/03/michael-mann-david-milch-interview-luck-horses-cancellation.html>.

²⁰⁷ Dave Itzkoff, “After a Third Horse Dies, HBO Stops Filming ‘Luck’: [Brief],” *New York Times, Late Edition (East Coast)*, March 15, 2012, sec. C.

²⁰⁸ “The Vulture Transcript.”

grooms, exercise riders, trainers, hot walkers and a veterinarian.”²⁰⁹ However, this document was published, with a preface from Mann and Milch, after production had been shut down, and switches oddly from the present tense to the past tense from bullet point to bullet point, suggesting at least some revision after the fact.

During production of the first season, several individuals voiced concerns that the production was not treating its racehorses humanely. One whistleblower on set reached out to PETA, who published the earliest reports of abuse on set, but complaints were filed with the Pasadena Humane Society and the LA County Attorney’s office as well. Several AHA employees were interviewed for coverage by *The Hollywood Reporter*, but chose to remain anonymous because of concerns over their job safety. As one field representative described it, the production prioritized the realism of the racing scenes over the well-being of the animals: “In horse racing, it’s seen as acceptable to have X number of horses breaking their legs and breaking down. It’s also very commonplace to drug them. But this was a [fictional] TV show. And in our world, we are supposed to have zero tolerance. I mean, on *Saving Private Ryan*, they didn’t really blow anyone up!”²¹⁰ However, some sources claim that these complaints fell on deaf ears because the AHA was unwilling to unsettle their relationship with the production team and chose not to follow up on early reports of cruelty in the production.

Production reports detailed in various legal documents reveal a systematic disregard for both the on set safety of horses and the selection of healthy horses to participate in filming. The first horse, Outlaw Yodeler, died on April 30, 2010, very early into the first season’s production schedule. He fell and broke his leg (the right humerus) during a racing sequence and he was

²⁰⁹ “WHAT REALLY HAPPENED ON HBO’S ‘LUCK’ – AND WHY NOBODY WAS HELD ACCOUNTABLE - Animals Were Harmed: Hollywood’s Nightmare of Death, Injury, and Secrecy Exposed |,” *Hollywood Reporter*, accessed April 15, 2015..

²¹⁰ Ibid.

ethanized when his injuries were declared too severe for rehabilitation. A second horse, Marc's Shadow, also broke a leg (the right radius) during a similar racing sequence and was euthanized. A necropsy was performed, which states that the horse was eight years old, and had been retired from racing from 2007 to 2011, or for about half of its life. As the report states: "This was second workout for filming - 25 min rest in between. Horse had not been running/working since 2007 - (supposedly in training 45 days over at Hollywood) filming a race." The necropsy also revealed that the horse had moderate degenerative arthritis in both legs, which would make it painful to run for the long distances needed for filming. The AHA recommended that all scenes involving horses be put off until the necropsy was complete, but as co-executive producer Henry Bronchtein explains, the pressure to shoot was too great. Documents filed in support of a lawsuit against the AHA and HBO quotes Bronchtein saying in an email: "We absolutely need to find a way to augment the amount of horses we have to race and the pressure is mounting each day to get this done."²¹¹ Filming continued without delay until production was completed, and the request for a delay was the only formal action the AHA took to intervene in the production process.

It was not until the second season of production began in March of 2012 that the horse deaths were widely publicized, which resulted in the studio ceasing production with only the first episode's material having been shot. The final fatality on set occurred on March 13, 2012, when the horse Real Awesome Jet "reared up as she was being led back to her stall from set, causing her to flip over and hit her head on the ground." The "vet determined the thoroughbred's injuries were too severe to be treated, [so] she was euthanized."²¹² After the horse's death, production

²¹¹ Ibid.

²¹² Itzkoff, "After a Third Horse Dies, HBO Stops Filming 'Luck.'"

was halted and *Luck* was cancelled without broadcasting any of the material shot for the second season.

Barbara Casey was working as a production manager for the AHA during *Luck*. She claims that she was fired from her job because of her insistence that the AHA pursue more vigorous action to protect the horses, including replacing the head trainer, Matthew Chew. AHA monitors filed reports from their sets, and according to *The Hollywood Reporter*, they claim that he “consistently uses horses that are not prepped for the work required;” “feeds and exercises the bare minimum to cut costs, resulting in very thin horses;” “never offered information about illness or injury;” and “openly admits wrongdoing in all these instances except drugging (which he does admit to privately).”²¹³ Chew was never removed, nor was he charged with any abuse or neglect, despite AHA field representatives being empowered to do so.

The AHA was pressed to do an investigation and submitted its report to L.A. County Deputy District Attorney Debbie Knaan. The report stated that there was no evidence of “foul play,” but Knaan rejected the investigation because of the inherent conflict of interest. The second investigation, conducted by Lt. Nemesio Arteaga of the Pasadena Humane Society, found that the AHA report was conducted “by phone and from out of state, didn’t attempt to procure a search warrant to pursue crucial toxicology results from the Racing Board and never interviewed key AHA staffers who were working on *Luck*.” Arteaga’s report indicated that Sgt. Ed Lish, the AHA representative in charge of the investigation, felt that he was blocked by AHA supervisors: “I did the best I could under the circumstances... They have no clue about investigations, yet they sit behind their desk and dictate what I should do!”²¹⁴ Lish’s testimony, even secondhand in

²¹³ “Hollywood Docket: HBO Escapes Lawsuit Over ‘Luck’ Horse Deaths,” *The Hollywood Reporter*, accessed June 17, 2014, <http://www.hollywoodreporter.com/thr-esq/hollywood-docket-hbo-escapes-lawsuit-682791>.

²¹⁴ “WHAT REALLY HAPPENED ON HBO’S ‘LUCK’ – AND WHY NOBODY WAS HELD ACCOUNTABLE - Animals Were Harmed.”

the Arteaga report, indicates that his supervisors actively discouraged him from investigating the matter fully, and intervened to make information, like the testimony of field representatives on set, unavailable to him. Despite the best efforts of Lt. Arteaga to unravel the facts of what had occurred on set almost a year afterwards, his investigation did not generate enough evidence to warrant any criminal charges against Matthew Chew or any other member of the production team.

Barbara Casey was terminated by the AHA during this period, along with two of the field representatives on set who reported to her. In a wrongful termination lawsuit filed against the AHA which also named HBO as a party in early stages, Casey claims that she was fired for refusing to be silent about the abuses happening on set and demanding that action be taken. After nearly a year in litigation, the suit was settled out of court, and Casey is no longer able to speak about the case. However, the court filings are public and her statements and visual evidence suggest that horses on set were routinely drugged in order to make them compliant with “gate scenes,” horses ran while underweight or ill, and monitors on set were routinely disregarded.²¹⁵ Although the case was settled and no criminal charges for cruelty were filed against members of the production, the media surrounding the shutdown of the set was enough to invite a large-scale investigation into the AHA by the industry newspaper, *The Hollywood Reporter*.²¹⁶ Barbara Casey also went on to form a competing animal welfare monitoring company, Movie Animals Protected (MAP), which functions in a virtually identical way to the AHA’s Hollywood Office.²¹⁷ MAP will send representatives to production sets, give feedback on scripts and grant

²¹⁵ Ibid.

²¹⁶ “Hollywood Docket: ‘Luck’ Horse Deaths Lawsuit Settled,” *The Hollywood Reporter*, accessed May 15, 2015, <http://www.hollywoodreporter.com/thr-esq/hollywood-docket-luck-horse-deaths-755612>.

²¹⁷ “About US,” *MAP / MOVIE ANIMALS PROTECTED*, accessed May 15, 2015, <http://www.movieanimalsprotected.com/aboutus/>.

certifications of safety, and emphasizes that creating competition in the safety monitoring arena will only improve conditions for animals, the truly vulnerable parties in this situation.

Competition may help to release the stranglehold the AHA has on the on set monitoring business, but other problems will invariably remain. As long as the conditions on set are shielded from the public, whether because of proprietary script secrets, production tricks, or more blatant obscuring of abuse, it will be difficult for the one or few organizations to remain effective. The AHA needs to remain in the good graces of the industry to sustain its operating budget, even more so now that productions pay directly to finance the monitoring services. That need makes it impractical to assume that they can feel free to report abuse as they see it happening. Implicit in much of the HBO case is the idea that the higher tiers of the organization were able to see reports of abuse and decide whether they warranted action, or whether they fit underneath an ever-expanding catalogue of questionable, dangerous, or fatal behavior that is nevertheless not considered cruelty. By shielding the reality of animal treatment on set from the public, the one effective weapon for ensuring safe treatment of animals – negative press on a widespread scale – becomes useless. The aesthetic of safety and concern that circulates around the brand of the AHA is firmly engrained enough to keep the undesirable and expensive affect of concern at bay. As it stands, despite the harrowing reporting done by *The Hollywood Reporter* and others, the AHA remains free from widespread, mainstream press criticism and continues to perpetuate a brand that No Animals Have Been Harmed, rather than a reality of the same.

Chapter 3 Dolphins: Realism and the Animal Body

Introduction: Does anybody like dolphins?

On July 9, 2015, Harry Styles, international pop sensation and member of the hugely popular band One Direction, said the following on stage in San Diego: “Are you having a good time? Does anybody like dolphins? Don’t go to Sea World.” The comment was not given any context, but clips of the comment were soon circulated and reblogged, eventually by PETA, which praised Harry for his criticism of the park. Despite quick action by SeaWorld’s PR firm, which posted an “open letter” to Harry on their blog assuring him that all dolphins were indeed well cared for, the beleaguered park took a huge hit in both negative publicity and revenue.²¹⁸ According to the data analysis branch of Credit Suisse, the concert coincided with the biggest spike yet of negative conversation, measured by NetBase and Credit Suisse, with the highest spike in Twitter conversations, over three million in a month (compared to less than 500,000 in the same month two years prior), with over 85% of the commentary coded as negative.²¹⁹ In the second quarter of 2015, SeaWorld Entertainment reported profits down 84% as compared to the same quarter of 2014, and although suggestions for the downturn ranged as far as increased rainfall in Texas and the timing of Easter, “increased brand challenges” was present in the list of possible reasons for that catastrophic loss of profit.²²⁰ It seems as if the risks of keeping marine

²¹⁸ Molly Lynch Mar 27 and 2015, “SeaWorld Tried to Answer Questions on Twitter, and It Did Not Go Well,” *Mashable*, accessed October 5, 2015, <http://mashable.com/2015/03/27/seaworld-twitter-questions/>.

²¹⁹ “The Chart That Shows How Much Harry Styles Hurt SeaWorld,” *The Independent*, accessed October 5, 2015, <http://www.independent.co.uk/news/business/news/harry-styles-has-hurt-seaworld-even-more-than-the-blackfish-animal-rights-documentary-did-10479490.html>.

²²⁰ “SeaWorld Entertainment, Inc. Reports Second Quarter 2015 Results,” accessed October 5, 2015, <http://www.prnewswire.com/news-releases/seaworld-entertainment-inc-reports-second-quarter-2015-results-300124561.html>.

animals in captivity are no longer adequately justified by the ability to see dolphins, orcas and other sea creatures up close, performing or otherwise.

While Harry Styles is not singlehandedly responsible for the serious financial challenges facing the “wildlife amusement park,” he marks a watershed moment in public opinion about marine animals in captivity or used for human gain. The Academy Award-winning 2009 documentary *The Cove* examines dolphin hunting and consumption in Japan, depicting brutal herd and kill techniques in an effort to bring attention to the ecosystem damage and public health concerns that the mass killing and consumption of dolphin meat can engender.²²¹ The documentary *Blackfish*, released in 2013, focuses on the mistreatment, confinement and training of Orca whales in amusement parks like SeaWorld that ultimately lead to the death of three human trainers employed by the park.²²² While these conversations are necessary, and lead to much work in the area of marine animal advocacy, they are not my focus here. I instead turn to non-fictional, realistic depictions of animals that do not explicitly or primarily engage in political conversation, but instead “show” the animals so that we may know them. I contend that the discussions around marine animals, and the natural world at large, are irrevocably shaped by the audio-visual depictions of these creatures and their habitats that form the bedrock of natural history films and television productions. When Harry Styles (and more importantly, his fan base) can be mobilized into arguments of the value of live animal performance, it is only because an affective relationship has been built between understandings of what dolphins “are like” and their needs and wants. Realistic footage of these animals is the bedrock of that understanding.

Images of the natural world, and by extension the animals within it, have progressed from hand-drawn illustrations in naturalist notebooks to multi-billion dollar international co-

²²¹ Louie Psihoyos, *The Cove* (Lions Gate, 2009).

²²² Gabriela Cowperthwaite, *Blackfish* (Magnolia Home Entertainment, 2013).

productions that travel to the most remote places on earth to capture unseen but scientifically valid observations. My argument proceeds in three parts. Firstly, I argue that the burden of realism, theorized by Bazin and taken up by scholars following him, is placed unevenly onto animal bodies as a result of their non-human subjecthood. Like Flike, the dog in *Umberto D*, and the very real whale at the heart of the mythical film *Kon Tiki*, animals are assumed to act in a pure, un-self-conscious way. In doing so, they can cut through the artifice of film and bear the weight of objective, scientific or realistic truth. Realism in this way operates as an aesthetic regime functioning to situate audiences in an affective relationship with the subjects seen on screen. Secondly, I use this frame to discuss images of animal bodies in high budget nature documentary productions like the BBC's *Planet Earth*. These films become sources of knowledge themselves, as the production works to de-emphasize the scientific knowledge that guided and informed the image collection and to present the images as standalone records of spectacle as well as science. Like the zoos discussed in Chapter One, the visual regimes of these non-fiction films both produce knowledge themselves and shape our relationship to the views on offer. Lastly, I argue that the animal body has increasingly been collapsed from realistic image par excellence to simply image, and the proximity between embodied creature and image has been partially severed, or at the very least complicated, with the advent of the digital animal body. Although not a single text I examine explicitly engages in conversations around conservation, climate change or the ethical treatment of animals, they are not operating outside of politics. I argue that Bazin points us not only to the profilmic animal body, but to the whole profilmic space in which that animal lives. What remains in the frame, even after it has been recut and recast to work for an international audience, marketed as apolitical spectacle, or presented as technological feat? This chapter asks: will the animal body always be seen as

realistic, and thus activate a connection, to varying degrees political, back to a profilmic world that can be known?

Bazimals

The films that Bazin covered in his varied and prolific career ranged from the stylized adaptations of Bresson to the adventure film infused with what he calls “documentary authenticity.”²²³ Recent work, spearheaded by Dudley Andrew's efforts to collect all of Bazin's writing into one project, has translated many previously understudied pieces by Bazin, widening the range of objects upon which his incisive commentary can focus scholarly conversations. Bazin is emerging from these explorations as a nuanced, diverse thinker who drew extensively from the intellectual and political climate in post-war France to make sense of an expanding film market. Several scholars have focused on the relationship between animals and Bazin's life and work as a site of interrogation, expanding intriguing asides and drawing connections between articles to extrapolate a more cohesive attitude toward the animal subject. In my own work, I have found Bazin's writing on animals, yes, but also documentary and voice-over to provide a framework that is flexible enough to discuss the burden that realism places on the specifically animal body. As Bazin suggests, the animal body stands apart from others captured on screen, standing in for the element of chance that an open camera eye will capture. I focus first on two key essays by Bazin, “Cinema and Exploration” and “De Sica: Metteur En Scène,” and selected secondary sources that engage with them, to examine the arguments Bazin himself makes, and how those arguments are marshaled into discussions in the animal studies field. I return to Bazin and a piece he wrote about voice-over and the animal documentary at the end of this piece in order to provide context for the choices that the BBC makes in presenting its animal bodies, in

²²³ André Bazin and Hugh Gray, *What Is Cinema*, Qu'est-Ce Que Le cinéma? English (Berkeley: University of California Press, 1972), 155.

order to counter the argument that animals have entered into the same profilmic plane, and thus occupy the same space on film, that human animals have long laid claim to. The writings of Bazin return our attention repeatedly to the connection between the profilmic space and the embodied lives it captures, and gives us language to discuss the effects that the disappearance of the profilmic world, and the increasingly expensive technology used to capture its image, has on our understanding of the world outside the frame.

While discussing De Sica's masterwork, *Umberto D* (1952), Bazin wrote the famous line: "I have no hesitation in stating that the cinema has rarely gone such a long way toward making us aware of what it is to be a man. (And also, for that matter, what it is to be a dog)." ²²⁴ If cinema, specifically those films heralded by Bazin, gives us the ability to understand better the basic human condition, then the argument follows in this telling aside that the interior life of the animal is as accessible as that of the human. This is not to be read as an equivalence, per se, with the two types of sentient beings as equivalent in the moral, social or political order, but that there is a being worthy of interrogation in much the same way as one would interrogate the human counterpart. The essay goes on to argue that De Sica, and neorealism as a movement, aspire to "present man only in the present," separating it from the novel and allowing for a "time discovered" rather than memorialized. ²²⁵ The dog in *Umberto D*, at least from what we can discern, lives continually in the now, with no art, literature or language to complicate his relationship to the moment at hand; he is perpetually present until he exists no more. Unlike the humans with whom he shares the screen, Flike is shown to be, in the world of the narrative, dependent on his human companion, a living reminder of all that would be left behind and would suffer should Umberto end his life. But as Umberto is seen, especially through his relationship

²²⁴ Ibid., 78.

²²⁵ Ibid.

with the dog, to imagine his life backwards and forwards, a being able to move through time, Flike is not afforded that luxury. He remains persistently present, his reactions to the threat of his life ending are concealed from us, existing in the frame but opaque – we cannot see through or around his image. For Bazin, what it means to be a dog is to be reduced to an unknowing cipher, a body outside of time, free to hold the projections and symbolic weight placed on him through the contextual image, but remaining staunchly present. To be a dog is to be, and to have that existence captured in full by the photographic medium.

However, the animal must not even be fully photographed, present to us in the frame, for an impression to be made for Bazin. In his essay “Cinema and Exploration,” Bazin argues that in the film *Kon Tiki*, some of the most powerful imagery is that which traces the danger, the potentiality of the excursion into the deep: “It is not so much the photograph of the whale that interests us as the photograph of the *danger*.”²²⁶ He argues here that it wasn't the rarity of the whale, or even its depiction on screen, that was extraordinary, but the idea that the whale that we can “barely see refracted in the water” could at any time overpower the image-makers, and thus threaten the image itself. The wonder of the film, from the briefest of scenes depicting the whale to the endless footage of the crew at rest with their parrot mascot is that the image is so “totally identified with the action that it so imperfectly unfolds,” unable to capture the world in an aesthetically pleasing or even complete way because of the overwhelming life force that overruns the frame.²²⁷ The whale, even more so than a human, is outside of the control of the camera and its operators; it is not conscious of its status as a filmed being and therefore acts even more “realistically” than the least self-conscious of the non-professional actors Bazin champions elsewhere. Unlike his human counterparts, caught up in the double time of fantasy and

²²⁶ Thor Heyerdahl, *Kon-Tiki*, Documentary, (1950); Bazin and Gray, *What Is Cinema*, 161. Emphasis original.

²²⁷ Bazin and Gray, *What Is Cinema*, 161.

recreation, the whale exists regardless of the film, and it is the medium's pleasure and capacity to capture it, however incompletely. The narrative constructed around the whale collapses onto his body as he appears on screen - there is no way to verify the whale's understanding of its participation, and as such it is a willing body to accept the full weight of the narrative, of the fantasy, onto itself. And just as the fantastical frame so often for Bazin took away from the realism of the shot, of what the camera could or should capture, the whale here supersedes reality. But rather than an action one can blame on a human (a poorly written line, a glance to camera, a boom in the shot), the whale represents not the danger of fiction but the possibility of the profilmic. Thus, the fantasy (and the reality) of the whale operate differently than that constructed on and upon the human characters of the film. Wordlessly, the whale glides onto screens to remind us that life unfolds around, and indeed in, the frame, even as the camera rolls.

From these two articles has arisen a small but concerted body of literature pushing the seeds of the ideas expressed by Bazin into more complete explorations of the ideological or political import of the animal in realism. Serge Daney, an influential *Cahiers* film critic who wrote prolifically throughout the second half of the twentieth century, argues that Bazin saw in the animal, especially in the whale of *Kon Tiki*, a site for the human to acutely feel the reality of their own mortality, and is therefore constantly searching for their own analogue in the image: "The humans for whom this spectacle was intended will not be interested in it unless they are representation in it: faced with two *others* there's still a choice to be made: *man/animal*".²²⁸ The animal here is a foil for the human; the difference throws our own characteristics more sharply into relief, and never more so than in the moment of danger, of bodily harm. The animal, he argues, serves to redirect attention back onto our own human bodies, themselves animals, to

²²⁸ Serge Daney, "The Screen of Fantasy (Bazin and Animals)," in *Rites of Realism: Essays on Corporeal Cinema*, ed. Ivone Margulies (Durham: Duke University Press, 2003), 36.

remind us of their finite nature. While Bazin suggests an otherness to the animal body, Daney asserts a hierarchy, one serving to illuminate the condition of the other.

Seong-Hoon Jeong similarly expands upon the “Cinema and Exploration” essay by suggesting that what Bazin is actually describing with animals on screen, but particularly the whale in *Kon Tiki*, is the index of the invisible, the “para-index.”²²⁹ Since the whale is not, and perhaps cannot, be fully represented in a way that gives us both a sense of its embodied existence and interior life, it becomes an object somewhere in between. Rather than reducing Bazinian realism to a condition absolutely tied to the physical manifestations of the profilmic world, Jeong argues for a type of emotional or psychological realism that only manifests itself in the trace, the absence, the invisible. The “para-index” then relates to the animal in its appearance on the “threshold between the seen and unseen, between positive and negative imprints, between subjectivity and nothingness.”²³⁰ Somewhere between the fully developed consciousness of a human being and the non-sentient nature of a rock or a river, the animal becomes then a liminal site, complicating the idea that realism only depicts that which can be represented, that which can be imprinted. For Jeong, the animal stands in as symbol for the imperfect transmission of the profilmic world to the filmic space, and directs us to the distance, loaded as it is, between that which we can see and that which we can know.

Jennifer Fay examines Bazin's work from the vantage point of post-humanism, traveling from Bazin, to Benjamin's infrahuman optics where the camera acts nearly autonomously, to Derrida's philosophic encounter with his cat to posit that not only do Bazin's writings reveal an engagement with the animal as a sentient, knowable being, but that this engagement necessitates a reconfiguration of the value our society places on the animal and even human life. She uses the

²²⁹ Jeong, “André Bazin’s Ontological Other: The Animal in Adventure Films.”

²³⁰ Ibid.

Jacques Perrin film of 2001, *Winged Migration*, as an example of a film that forces the human figure to “the periphery of bird life,” “stressing...the contemporary world and temporality that humans and birds share.”²³¹ Like the whale refracted through the water onto the celluloid, the contrast between the animal figure and the human one not only forces the viewer to reflect on the essence of the human condition, but on the wider political implications of that world, and our viewpoint of it. Fay expands the argument, saying that “by absenting the human as both the explicit subject and object of knowledge, *Winged Migration* retrains our eye to see outside the political.”²³² This displacement of the human subject as the locus of knowledge and central viewpoint is indicative of a strain of post-humanism she sees in Bazin's work, one that can be used to “provoke a more imaginative and compassionate relationship to those humans whose language, habits, or states of imperilment may be even more foreign to us [than that of the animals].”²³³ Just as the old man in *Umberto D* is forced to reconsider his plans to end his life when the life of his dog hangs in the balance, the animal can be used more broadly to engender compassion for those beings different from ourselves, whether animal or human. But just as Bazin would hardly argue that the dog is outside of the political or moral implications of the world he exists in simply because of his non-human existence, it seems a bridge too far that the animal body can move film into a non-political register. Although *Winged Migration* does emphasize a frame without humans, that does not make the camera an autonomous, impartial observer, and Bazin would never assert that the camera could capture the world in such a way. Despite scholarly insistence otherwise, Bazin was engaged in the political, moral and ethical truths that films could illuminate, and I argue that realism works for Bazin, regardless of the

²³¹ Jennifer Fay, “Seeing/Loving Animals: André Bazin’s Posthumanism,” *Journal of Visual Culture* 7, no. 1 (April 1, 2008): 59.

²³² *Ibid.*, 60.

²³³ *Ibid.*

status of the subject, to point our attention to the world as it is captured in context, the profilmic as it is captured in full. The power-laden relationships between human and animals are structured not just into the filmmaking apparatus, but into the spaces which the animals inhabit, whether the camera captures human presence or not.

More than entering into the question of subjectivity, or drawing connections between the subject and the ontological nature of film, Bazin helps us think through the political implications of how we read animal bodies that appear on screen, and whether we assign them a different meaning based on the status of their subjecthood. I neither subscribe to Daney and Jeong's world of pure metaphor, reducing animals to unspeaking cyphers for the unspoken mystical conditions of life, nor do I invest so heavily in their subjecthood that I claim to have taken them outside the world of politics. If animals appear on screen, whether intentionally or accidentally, in focus or out, they appear because of human intervention. It is this human intervention that is operating in the following section, which examines the non-fiction "natural history" films that have become a massive, branded empire for the BBC. These films show us how animals live, so that we may know them.

Nature on Display: Early Natural History filmmaking and the BBC

The rise of the nature documentary continues to intrigue scholars and media critics alike. After years of being relegated to educational programming and public television, programs like *Planet Earth* or the *Blue Planet* have become massive successes in terms of ratings and funding. This section traces the history of the nature documentary as it transitioned from small news units working in direct connection with botanists and naturalists to the massive international co-productions that now dominate the market. As cameras changed to become easier to handle in the field and capable of capturing incredible detail on a massive range of scales (from butterfly

wings to massive migrations), the genre has evolved to showcase the spectacular natural world. I argue that the nature documentary, because of its unique claims to realism, necessarily engages with truth claims about both its subjects and its medium specificity. The fetishization of the natural becomes the fetishization of the real, separated from scientific discourse and supported, although not exclusively, through the claims of the image. I work through the history of the Natural History Unit in the British Broadcasting Corporation, or BBC's organization, examining how and why the mandates for their programming shifted over time. I will demonstrate that although its productions have evacuated some political content in order to facilitate global distribution, the NHU works to emphasize the animal body as a site of spectacular realism, embedding their work in a discourse of technology that did not so much create fiction as redirect the thrust of the realism into an imagistic realm.

The majority of the programs discussed in this section fall under the heading of "blue-chip" nature documentaries. While nature elements are incorporated into many non-fiction works, from public television broadcasts to crowd-funded documentaries, only a small number of these productions are funded well enough to receive superior attention at all levels of the filmmaking process, from camera selection to distribution. Derek Bousé, author of the ground-breaking monograph, *Wildlife Films*, argues that such films are marked by the following characteristics: 1. The depiction of mega-fauna; 2. Visual splendor; 3. Dramatic storyline; 4. Absence of science; 5. Absence of politics; 6. Absence of historical reference points; 7. Absence of people.²³⁴ While these are generalized points of commonality, it is important to note that most previous scholarship on the nature documentary has associated higher production values with lower political and scientific value, and thus relegated blue-chip nature films to a category more akin to fiction films than ones with serious truth claims. To assert that there is value in these objects is to

²³⁴ Derek Bousé, *Wildlife Films* (Philadelphia: University of Pennsylvania Press, 2000), 14–15.

go against the grain of much established scholarship which seeks to undermine the genre by pointing out the ways in which it does not function perfectly in a set agenda: conservationist, educational, nationalistic or global. Factual inaccuracies have been examined far more than the reasons they exist, and a simplistic reading of the interaction between the material and filmic conventions have given rise to an argument that the documentaries are art, but not truth. Bousé writes:

I am more concerned with how those images are manipulated, intensified, dramatized, and fictionalized by other non-photographic means - not in a single film, but systematically over decades. The use of formal artifice such as varying camera angles, continuity editing, montage editing, slow-motion, ‘impossible’ close-ups, voice-over narration, dramatic or ethnic music, and the like should by no means be off limits to wildlife filmmakers, but by the same token we should not avoid critical reflection on the overall image of nature and wildlife that emerges, cumulatively, from the long-term and systematic use of such devices.²³⁵

This troubling conflation of the elements of film grammar with “non-photographic means” points to a naive understanding of the relationship between profilmic and filmic world. Moreover, it assumes a great naïveté on the part of the audience; long gone are the days in which even the rumors of the train on screen frightening audiences could seem plausible, as contemporary viewers are immersed in a world that treats filmic conventions as part of a daily, imagistic grammar. However, Bousé is correct in pointing out that the construction of the finished film necessarily impacts both the relationship between the filmic image and the profilmic world to which it is connected, through narrative or other means. I follow his charge, though rather than focusing on the ways those techniques are used to manipulate viewers, I argue that they often are

²³⁵ Ibid., 8.

our best window into understanding the logic behind how the BBC imagines the images it captures are related to the world, and the animals that fill it.

It might seem that Bousé is simply suggesting that we train our cameras on the world and let them roll, as Warhol might have done, and indeed, he does: “Indeed, the natural world may actually be better suited to a television aesthetic of the CSPAN sort, or to the cable channel that shows those slow, continuous satellite views of the earth, than it is to competitive prime-time television.”²³⁶ While the following chapter will examine the strategic deployment of the long duration in order to heighten a sense of authenticity in a live-streamed kitten cam, I argue that in the case of the BBC, filmic conventions are deployed both as a demand of the medium and the framing of their programs, rather than an unintentional or deliberate mechanism to distort the reality of animal life. The BBC NHU brand, seen as the pinnacle of the blue-chip nature documentaries, engages in filmic conventions in order to establish credibility, not as naturalists or scientists, but as image-makers.

The British Broadcasting Company, or the BBC, has produced nearly 60 years of nature documentaries with its Natural History Unit. Famous for such productions as the 1979 *Life on Earth*, the 2006 *Planet Earth*, and a sequence of smaller scale series like *The Life of Birds* or *The Hunt*, these productions are shown on BBC1 and 2, the public access channels in Great Britain. I have chosen to focus on these texts for several reasons. Their public broadcast nature, while similar to the *Nature* or *Nova* series shown on the United States’ PBS, is in a much longer, and more entrenched history of programming embedded within a public discourse. As I will demonstrate, the public nature of these programs builds a set of expectations about how the films will (or will not) interact with the political and public discourse around nature and the environment, and those expectations in the UK are more firmly established than they are in the

²³⁶ Ibid., 4.

US. Secondly, the NHU has been an established and respected segment of the BBC for over half a century and has established the practice of nature filmmaking as both essential to the nation's character as well as well-rated entertainment with educational value. Thirdly, the catalogue of the BBC's NHU has been made widely accessible not only in the UK, but worldwide, through lucrative distribution deals with the online-streaming platform Netflix and broadcast deals with Discovery/Time. These films are truly global in their reach and audience. The BBC has become a major player in the production of these films going forward, partnering with other companies and governmental bodies around the world as the footage and programs become expensive, intricate co-productions. While marketing itself as a body catering to the needs and wishes of the British viewing public, films like *Planet Earth* are attempting to reach the audience implied by its title, and thus become the subjects par excellence for examining this context.

Natural History programming, as it is called in the UK, was part of the fabric of public broadcasting from the very beginning. David Attenborough, who would soon rise to international prominence as the host and author of many of the BBC's most remarkable natural history programs, argues in a forward to an informal history of this transition that the material rose out of an inherently British mindset. He writes, rather poetically, that the desire to be among the British natural world leads "the richest and the poorest, the humblest and the noblest, to stand for hours up to their waists in chilling salt marshes watching wildfowl, to tramp for miles across bleak moorlands just to glimpse a rare flower in bloom, to spend night after night counting migrant birds as they fly across the face of the moon."²³⁷ While it is by no means the sole purview of the UK, natural history is a cultural touchstone for the British, and Attenborough links this tradition explicitly to the output of this team over the years.

²³⁷ Christopher Parsons, *True to Nature: Christopher Parsons Looks Back on 25 Years of Wildlife Filming with the BBC Natural History Unit*, (Cambridge, England: P. Stephens, 1982), 7.

The Natural History Unit was born out of the Bristol offices of the BBC, referred to as the West Region or simply Bristol. Although it operated with close connection to the main offices in London, the West Region had a separate controller, responsible for budgets and programming, who was authorized to produce and distribute content to its own network, as well as to other regions in the nation, or internationally. Young producer Desmond Hawkins began producing a radio show, *The Naturalist*, in 1946 based on his personal interest in outdoor activities, which was then built upon and eventually transitioned into *Look*, a television program begun in 1953. Filmed under the purview of the Bristol team, the show built a following and eventually was transmitted weekly during the height of its nearly twenty-year run. Essentially a narrated slideshow featuring Peter Scott, a prominent ornithologist and conservationist, the show's most famous format was in-studio, with Peter Scott guiding guests through visual material as context about both the animals featured and filmmaking techniques was discussed. Unlike other later personalities, Scott had scientific credentials that made him a trusted source on camera, and the scientists providing the source material were highlighted, and were presented through their interviews as knowledgeable sources in their own right. The images themselves, while memorable, were presented as supplemental to the knowledge embodied by the host and guests, rather than knowledge in and of themselves.

The provenance of the images displayed during *Look* match the trajectory of the Unit's output as a whole. The very first episodes of *Look* utilized amateur footage shot by Scott himself throughout his expeditions, and were narrated much like one would narrate travel slides to friends and family. A finite supply, the footage was quickly augmented; first by friends and colleagues of Scott and their own expedition footage, who as guests were brought in to be interviewed on camera by Scott as they walked the audience through their material. Later, films

and footage were bought from wildlife filmmakers, and one of the most famous of *Look's* episode was a film, *Woodpeckers*, purchased from Heinz Sielman and broadcast with virtually no alterations. These professional films were the exception, and the BBC put much more emphasis (as seen through the budgeting) on the live, hosted material shot on set: "Although a *Look* prorate might contain up to 20 minutes of film sequences within a total duration of 30 minutes, film was still considered as being of minor importance in television and this largely accounted for the small amount of editing time allocated to the programme (not necessarily a condescending attitude by London toward the region)."²³⁸ While the footage was essential for illustrating the points being discussed, the draw and pedagogical value of *Look* was not its views of wildlife, but the contextual scientific information presented about them. Images were illustration, rather than direct instruction.

As the *Look* program grew, the need for more footage was apparent. Editor Christopher Parsons, who would later become head of the unit and chair of its most successful programs, lobbied to be allowed to film original material for the program. He was often disappointed with the quality of the amateur footage, not in a technical sense, but in how it was constructed, with naturalists interested, he writes, "in *taking* films of birds rather than *making* films about birds."²³⁹ Parsons was one of the first to differentiate between the entertainment and naturalist functions of the programming he produced; the distinction here between taking and making films is essential. *Look's* developing ethos - to make films about animals, to produce them singularly for that purpose - is distinct from the taking, collection or observation methods of a hobby naturalist. The most successful film material for *Look* was purpose-made, tailored and fitted to fit the program's need, rather than documenting the natural as it was observed and then repurposing it into

²³⁸ Ibid., 39.

²³⁹ Ibid., 65. Emphasis original.

television material. And it was essential, in that case, that the growing program be responsible not for culling through the best of the amateur material made available, but for producing material to its specifications, requiring the use of personally employed cameramen to shoot where and when they wanted to shoot based on its programming. This model is much more closely aligned with a traditional studio model, of making spec scripts, planning shoots, filming material and then editing it, than the previous ‘filmed lectures’ where the guests, or the topics, were built around what material was already available.

The Natural History Unit was officially formed in 1957 based on the success of *Look* and the strong cadre of people who were coalescing within the Bristol station. Christopher Parsons was passed over as head for the Unit, presumably because he lacked management experience. Another possible candidate was David Attenborough, whose interests in natural history programming were clear from his participation in *Zoo Quest*, a program that I will discuss later in this section. Attenborough chose to stay in London, however, both for familial and career reasons. The first head of the NHU was Nicholas Crocker, a senior producer from the West Region. As an official unit, the formerly ragtag group could now demand space in the BBC production spaces, like the editing and developing rooms, and had a budget of their own to control. With this newfound independence, although not yet elevated to the level of department, the Unit began to differentiate itself from the Talks department in the main London offices. Attenborough’s department dealt “with pretty well everything that could be described as non-fiction. Books, current affairs, science, arts, gardening, do-it-yourself, archeology, knitting, quizzes, medicine, politics, travel - the list was as long as we cared to make it.”²⁴⁰ The NHU then could focus on natural history programming as something distinct from non-fiction more generally, the animal subject demanding a different set of filming conventions, practices and

²⁴⁰ David Attenborough, *Life on Air: Memoirs of a Broadcaster*, (London: BBC, 2010), 15.

distribution. This brand allowed the NHU to make the shows for BBC1 or BBC2, but also to develop a marketable stable of shows for foreign interests.

When David Attenborough turned down the Unit Head job, choosing to stay in London and not relocate to Bristol, speculation was rampant that he was staying to develop the Talks department into a direct rival. However, Parsons frames the interaction as cooperative, saying “...Attenborough always maintained that conflicts and ill-feeling could be avoided by keeping up a friendly dialogue between Talks Department and the NHU, pooling information and reaching agreement on areas of responsibility.”²⁴¹ By distinguishing the animal and natural subject as different from other documentary or non-fiction topics, the NHU was able to differentiate in terms of content, approach, and even unit designation. Whether competition between the two units was implicit or explicit, the discussions around territory reaffirm that the formation of a cohesive, focused brand in both practice and output was paramount to the early years of the NHU.

One of the major benefits of the NHU’s designation as Unit was the ability to control their own budget. Parsons describes these early days as “ambidextrous,” with all members of the unit involved in all areas of the enterprise from script to editing. This marks a distinct shift from the earliest programming, when material was funneled to the unit, recut and distributed with minimal additions. The NHU allowed each member of the small team to influence the output - all while keeping costs low by doing all work in-house. Parsons mentions that early organizational talks must have centered around “discussing the tactics of how to increase the output of natural history programmes and acquire the necessary staff - a delicate matter if the ambidexterity of the region was to be maintained as television began to grow in importance.”²⁴² While this reflects a concern

²⁴¹ Parsons, *True to Nature*, 56.

²⁴² *Ibid.*

from the beginning that the unit be spare and efficient, it also suggests that the placement of the Unit in the Bristol region, rather than in the main London offices, was deliberate. By keeping the unit isolated from the larger, more well-funded London studios, the NHU was kept small. The budget did not include, however, scientists on staff. The ambidexterity ethos extended to the intellectual content of the shows produced. Any interesting subjects were to be discovered by the crew on basis of their filmic qualities, rather than brought to the unit or suggested by scientists irrespective of them. Scientists were consulted, and were integral to the research phase of any pre-production, but consulted as needed, rather than built into the fabric of the unit.

The NHU continued for several years, producing shows, moving through heads and controllers, but only fully coalesced as the Unit we know today after David Attenborough was appointed head. Attenborough was a biologist only through undergraduate study, and had made a career for himself as a television producer and later, executive. His earliest program was the colonialist *Zoo Quest*, a show that ran from 1954 to 1963 and followed prominent zoo staff around the United Kingdom as they went to far flung locations to scout their newest zoo acquisitions. *Zoo Quest* was the program produced by the Talks department that most directly competed with the NHU output, and unlike *Look*, was led by a charismatic on-screen host in Attenborough. Younger than *Look*'s Peter Scott, and with a more compelling narrative frame to the show itself, Attenborough and *Zoo Quest* were exceedingly popular, and reached a market share that *Look* was unable to capture. By first offering the head of the Unit to Attenborough, it was clear from the start that its output was imagined to be more along the lines of *Zoo Quest* - fun, engaging, narrative with a basis in natural history - than the naturalist-tinged output *Look* represented. Attenborough, however, declined the position in order to pursue leadership positions, eventually becoming the Controller of BBC2. When he became disillusioned with the

executive life, for reasons that are never specifically detailed in any of the histories of the BBC written, Attenborough began to put out inquiries in the production spaces. It his attachment to the nascent series *Planet Earth* that cemented his career, and the reputation of the NHU.

“The television equivalent of all the glossy Time/Life nature books”: Life on Earth

By the early 1970s, the NHU had been a Unit producing moderately successful standalone specials and shows for both BBC1 and BBC2. *Faraway Look* built on the success of the *Look* program, but took it to new and foreign locations through specially made film produced by the Unit, rather than relying on footage taken by naturalists and recut by the Unit. The more exotic locations, and animals not native to Britain, signaled a move toward the sensational, but more directly, a desire to compete with *Zoo Quest*, which was built primarily around those spaces and species. But it became clear after the success (and expense) of *Faraway Look* that regularly occurring natural history programs were hard to produce on the scale that viewers demanded, and focus could and should shift to producing higher quality, limited run mini-series. Starting in the 1970s, the NHU began searching for a host and structure for a large-scale, glossy production, according to Parsons, who by this time had advanced to head of the Unit. Plans began to coalesce around the idea of a massive series, described by Parsons as such: “So I reached for an old file and re-typed some of the ideas in it for a definitive natural history series - the television equivalent of all the glossy Time-Life nature books and other noted coffee-table volumes rolled into 20 programmes.”²⁴³ However, even Parsons admits that the Unit was not well-prepared to take on a series of this scale in the early 1970s, despite their ardent insistence to the controller otherwise: he argued that they were competent in color television even when they were not, knowing that the budgeting process would give them the time cushion needed to become skilled

²⁴³ Ibid., 310.

in the meantime.²⁴⁴ Attenborough, who had recently stepped down as Controller for BBC2, was hunting around for a new project, and was picked up as a presenter for a short anthropological series co-produced with Warner Brothers, called *The Tribal Eye*.

It was this connection to Warner Brothers that ultimately got the NHU project off the ground. Hesitant to fund the entire enterprise itself, the NHU actively sought out co-production partners from the outset, based on a first look distribution deal that allowed Warner's to purchase the series for distribution in the US after it was completed. By 1976, Parsons writes, "The BBC had at last committed themselves to form a production team during spring 1976; and encouraged by the enthusiastic Aubrey Singer [Controller BBC2], Warner Bros were happy to co-produce," suggesting that this scheme of co-production originated from top-down encouragement rather than a commitment on the part of the Unit to produce internationally appropriate content.²⁴⁵ Warner's was, in Parsons' words - "very interested in co-production" and their interest and support of the project was essential in obtaining the sign-off from the larger BBC organization to devote as much time and resources as they did to the production of the series.²⁴⁶

Once a production team and funding were assembled, work on *Life on Earth* began in earnest. From the files pulled by Parsons, David Attenborough set to work scripting the series. Attenborough writes that he was interested in maintaining continuity with the NHU output, and illustrating naturalist concepts with great photography, despite finding some resistance. His structure and narrative were deemed by senior producers to be "a very outdated approach - nineteenth century natural history at its most boringly conventional," but were ultimately supported by Parsons.²⁴⁷ Calling the show "conventional" was a slight that is not elaborated on

²⁴⁴ Ibid., 308.

²⁴⁵ Ibid., 313.

²⁴⁶ Ibid.

²⁴⁷ Attenborough, *Life on Air*, 280.

by Attenborough, but perhaps points to the concern that the series would be overly reliant on a show-and-tell, curio cabinet approach much like *Look* was: centered around themes and narrative rather than the most cutting-edge research. As Parsons describes it, the show was built around the themes, understandings and knowledge that Attenborough suggested, which is the effort that gave him the distinction of presenter rather than narrator. Rather than incorporating scientific advisors from the earliest stages of the project, Attenborough "suggested animal and plant species with which he was personally familiar, to serve as illustrations for his storyline; he fully expected that research would sometimes lead to far better and less well-known examples and, indeed, this was often the case."²⁴⁸ This distinction is important. The scripts, and therefore the concepts being communicated within the programs, originated from the NHU; the programs and their content were not driven by the scientific research, but rather, illustrated by it. This "slotting in" of research to illustrate the topics preselected by the NHU allowed the Unit to maintain flexibility about topics, to work only with teams that were open and receptive, and to select species and locations to highlight based on their own production criteria rather than a scientific mandate.

That is not to say that there was no scientific consultation as part of the show - *Life on Earth* took fully one year to research and plan before production began. After Attenborough finished the first draft of the script, the team began to fact-check, and more importantly, started to organize around potential field sites. The planning process demanded that "every part of the script was checked, and, if necessary, modified. This was done by going straight to the leading experts in each subject area; sometimes this was done by correspondence, sometimes by telephone but more often than not by visiting the expert concerned wherever he or she was."²⁴⁹

²⁴⁸ Parsons, *True to Nature*, 315.

²⁴⁹ *Ibid.*

This "checking" is important to note, especially as it is not framed as a consultation, a partnership or a revision. The NHU team was "checking" that their plans were in alignment with "leading experts," but by framing it as verification or fact-checking, this freed the team from needing to adjust their content to fit the science, only to verify that the facts that they presented were true. Animals and their habitats are of course studied by scientists, but they were presented by the BBC, and their inclusion in the programs were based on their spectacular appeal above their scientific import.

The spectacular appeal of the footage was the driver during the script phase, but also guided the budget and production phases. Two "guiding principles" informed the budgeting for *Life on Earth*: that Attenborough would be "required to appear in at least six different locations all over the world in each programme" and that the "standard of wildlife photography" should be "very much higher than that currently enjoyed on the screen."²⁵⁰ The standard of the photography meant that they could "effectively" forget the idea that any previous library or footage could be used, or that outside sources could be employed to produce some of the footage for the show.²⁵¹ By prioritizing the on-screen appearance of Attenborough on location, the NHU still maintained the legitimacy of the on-screen host model employed during the *Look* era, but focused on the integration of Attenborough with the natural world that he presents. Rather than bringing the animals into the studio, or framing the footage from the studio in Bristol, Attenborough appears on screen six times an episode in various locations; his body's movements demonstrate the lengths to which the unit, or at least, its ambassador, has gone to bring these sights back to the viewing public. The colonial project that so colors many of the NHU's shows is present here, taming wild scenes and animal bodies through the polite, charismatic host on screen, and

²⁵⁰ Ibid., 314.

²⁵¹ Ibid.

couching all of it under the guise of simply making the wonders of the world available to the British, and later global, audience.

Attenborough was not only responsible for the script of *Life on Earth*, but for being in and among the natural world. One of the most famous sequences of the entire series shows Attenborough laying on the ground with mountain gorillas in Rwanda. In his memoir, Attenborough describes the slow process of ingratiating himself with the gorillas, but more so, with the American scientist, Dian Fossey, who had been working on the site for years and was "very protective of her gorillas and unwilling to receive visitors" generally.²⁵² It is telling that Attenborough includes these details in his recounting of the site visit. Very little is said about the scientific nature of Fossey's work, but much weight is given to the fact that she allowed the small BBC team to film with these animals, and that Attenborough proved himself to such a degree that she "glowed with pride and pleasure at seeing her magnificent animals behaving in such a relaxed way."²⁵³ The spectacle thus assured, the BBC had the co-signature of a "leading scientist" and the relaxed, unnatural behavior of the gorillas, conditioned by the crew's week long acclimation process before shooting, to present to viewers. Not only was nature available to be filmed, but also it was malleable and safe enough to include Attenborough in the pack, literally.

Life on Earth premiered on BBC1 on January 16, 1979 to amazing ratings and much critical acclaim. Most reviews of the time praised the quality of the photography, the dynamism of Attenborough and the views that had never before been seen on screen. However, the series proved to be much more British than anticipated, and the co-production deal with Warner Brothers ultimately went through. In Attenborough's retelling, the "new monarchs [of Warner Brothers] did not care very much for the thirteen fifty-minute programmes that they had

²⁵² Attenborough, *Life on Air*, 287.

²⁵³ *Ibid.*, 289.

inherited."²⁵⁴ The fifty-minute length of the programs is significant because it shows that the programs were explicitly cut for broadcast on American television, with breaks for advertising without alteration, as the BBC does not broadcast commercials inline with content. The concern ultimately was not the subject matter, but Attenborough's accent, which "simply would not be understood in Peoria or Chattanooga," and eventually the presenter exercised a right of refusal in his contract over any changes when the condition of the sale became dependent on a new, "Hollywood film star," recording an overdub track for the entire series.²⁵⁵ The rumored use of Robert Redford as voice-over actor was ultimately an affront to Attenborough who called *Life on Earth* "the most ambitious thing I had done in television." He scuttled the deal despite the fact that "both the BBC and I would get substantial residual payments."²⁵⁶ And thus, the history of natural history programming in the United States was forever altered, as *Life on Earth*, when it did finally air in the 1980s (the date varies by local affiliate), aired on the public broadcasting system, PBS, when they purchased it for a "much smaller sum than the commercial network would have paid."²⁵⁷ The series was well-received and understood clearly in the United States, beginning the establishment of both the NHU and Attenborough himself as a trusted brand overseas.

Planet Earth and Beyond

NHU programming walks a fine line between spectacle and lecture, balancing the majesty of the images with a desire to learn and understand the animal life it is displaying. *Look*, an early centerpiece of the NHU, was perhaps too far towards lecture for the eventual NHU model, but it did effectively tap into the desires of the audience to understand the context and import of the

²⁵⁴ Ibid., 293.

²⁵⁵ Ibid.

²⁵⁶ Ibid.

²⁵⁷ David Attenborough, "Q & A: Building on Paradise," *Nature* 457, no. 7232 (February 19, 2009): 293.

images. *On Safari*, another early show, was cancelled in 1965 after it failed to capture viewers with its anthropomorphized romp through large cats and their habits. The NHU wrote a letter explaining the reasons behind its demise, characterizing the show's treatment of the animals as "pet"-like and saying that "the television audience does not take too readily now-a-days to an anthropomorphic approach, i.e., pets' names. They want to know about animals as animals, but not so much about animals as extensions of human activity."²⁵⁸ Pointing to an increased desire for "information," but not necessarily science, this is indicative of the NHU's approach to animal education. One must treat the animals as animals, and not as extensions of the domestic space, but "animals as animals" also does not require much in the place of context. A lion can be a lion *On Safari*, and needs to be treated as integrated into an environment, but that environment need not be related back to our own. Harkening back to early calls for the television to be a "window on the world," this framing allows us to watch fantastic scenes, and even endeavor to understand how habitats and ecosystems function, but necessitates that it remain bounded as a view of the world, rather than as a selection of our world in total.

But rather than actively pursuing knowledge alongside scientific comrades in the field, viewers of the series were encouraged to sit back and soak in the views presented to them, a colonialist spectacle over dinner. Michael Jeffries in a work comparing the BBC NHU output to standard scientific publications, argues that *Life on Earth* "transformed every domestic sitting room into a "sedentary naturalist's study."²⁵⁹ The television spectators would sit in front of the television set, just as naturalists would stand in front of an open drawer in the calm enclosure of their cabinet. The program was not meant to take viewers into the heart of the untamed wild, but to show that wild space so that one could observe, marvel and then walk away. The cultures that

²⁵⁸ As quoted in Michael Jeffries, "Bbc Natural History versus Science Paradigms," *Science as Culture* 12, no. 4 (December 1, 2003): 437.

²⁵⁹ *Ibid*, 439.

live embedded with the rainforest frogs displayed are elided to focus on the color of the frogs and the survival strategies the frogs use in the hostile environment, without ever referencing the hostile environment that the ecosystem is in an economic or political sense. The fact that these animal bodies are being displayed, either in a curio cabinet or on a television program, gives them their power and truth claim; if it was not being shown on the BBC, these animals could very well go unnoticed, but their selection as significant, buttressed by the attention and resources paid to capture them, allows audiences to feel their significance even outside of their scientific context. Nature has come “through the window” to them, rather than being explained to them with pictorial assistance. They are seeing nature, on the television. They are discovering it, full of wonder if not ethnographic import.

The NHU dances a thin line between finding spectacular sights to photograph and present to its viewers, and not revealing much of the process of how and why those sights were discovered or documented. Field researchers, who became the most efficient source of information as hobby naturalists waned throughout the course of the twentieth century, could alert the NHU as to where the most compelling sights were, but had to necessarily be separate from the process of filming. While many researchers have relied on film equipment, and still photography before that, to capture their subjects in the wild, the NHU programming very rarely, if ever, acknowledges their contributions to the programming. Field researchers are framed as doing the scientific data collection that allows us to conceptualize what we’re seeing (and understand how spectacular it is) but the filmmaking itself is the purview of the NHU team. While one group finds and studies the site, the second takes the audience to it, photographs it in its entire splendor and brings it back, freeing the knowledge (and beauty) inherent in those images from its scientific enclave to be consumed in your living room.

To this end, the NHU endeavors to conceal or at least downplay the interactions and partnerships between field researchers and NHU filmmakers. Much is often made in the voice-over that various sights have “never before been recorded” or are “being seen for the first time,” despite their existence being known to field researchers and these facts being covered in scientific literature. Many of the behaviors and animals documented on the show are well-considered in scientific research, but “Attenborough’s commentary makes clear it had never been *seen* before by persons of authority — scientists *or* Attenborough — and implicitly, since it had not been *seen* it was not fully *known*.”²⁶⁰ Again, NHU films are posited as bringing the wonders and discoveries out of the scientific enclave and into living rooms where they can be “properly seen,” and it is the NHU film, not the scientists, who are to be thanked for this largesse. The NHU is not about publicizing science, however, or even making more easily known and understood the advancements that scientists are making. These films set out to establish themselves as part of the knowledge canon themselves. As Jeffries says: “Natural history film-making in this perspective does not appear as a project leading to an increased public understanding of science, but as an enterprise of knowledge-production in its own right.”²⁶¹ The films do not need to showcase their scientific prowess because they themselves are producing knowledge: knowledge of what the world “looks like” from a very specific point of view. To look is to know, and these things are not public, or at least trusted, knowledge without the eye of the camera to “impartially observe them.” Just as Bazin insisted that the camera be trained on scenes in order to let lives (and the political realities those lives operated in) be seen and at least partially understood, the NHU provides the apparatus so that we may all look, and perhaps can all know.

²⁶⁰ Ibid., 544.

²⁶¹ Ibid.

To further the sense that these views are complete unto themselves, the NHU has been continually moving away from the visual presence of an on-screen host. In order to legitimate the scenes being shown, early NHU programming like *Look* or *On Safari* relied on trustworthy, credentialed men of science like Peter Scott or Desmond Morris to narrate, frame and appear alongside the natural world in order to interpret and frame it for the audience. These men, scientists perhaps at one point but at the very least embedded within, if not completely subsumed by, their roles on television, were eventually replaced with minor framing appearances by David Attenborough. What was once constant visual and audio presence in the shot became only small framing vignettes and constant voice-over exposition, and in the most recent iteration of the *Planet Earth* series, Attenborough appears visually only rarely. That images, as Jeffries argues, become able to speak for themselves stems from the fact that the NHU is relying “exclusively on the film-making apparatus and its advertising to support claims to cognitive credibility.”²⁶² The images become the authority: birds look like that when they fly and we know this because the best cameras in the world have captured them on film, or later, video. We know that the best cameras in the world have captured these views because the marketing for the series, and the NHU output in general, emphasizes continually the amount of time and money spent to capture the footage. The cameras need only to be trained onto these natural wonders for them to be revealed, and we only require human intervention after the fact to reiterate and reinforce just how spectacular and unique the images are.

In the most recent series produced by the NHU, the images are positioned as authoritative even without Attenborough appearing at all. As he ages, and the show must travel to even more exotic locations to find its unique and uniquely captured sights, Attenborough has transitioned from his role as presenter to narrator, simply providing voice-over for scripts he did not write

²⁶² Ibid., 437.

and filming in which he did not participate. In one recent series, *Blue Planet* (2001), Attenborough never once appears on screen, and yet is billed on title cards, DVD covers and commercial spots as the narrator. This of course has started a trend of celebrity voiced nature documentaries, perhaps most famously Morgan Freeman's narration in *March of the Penguins*, but in no case does anyone confuse Morgan Freeman for the scientists, filmmakers or production head of that documentary. Attenborough, in contrast, absolutely receives more credit for reading the narration than he is due, by his own reckoning: "Both Alastair [Fothergill, the director] and I recognized that as a consequence I was likely to get a considerable amount of reflected glory and undeserved credit but he was happy to accept that."²⁶³ While this points to a brand specific conflation of production credit and voice-over narration, it also plays into a specific creation of credibility and authenticity that the BBC has built around the NHU brand. Not only has the scientific underpinning of the programs been underplayed to emphasize the visual richness of the images, their spectacular nature and the BBC's role in achieving them, it has conflated the presenter with the voice of authority.

The BBC NHU shows no signs of slowing production, with new series launching in 2015 and 2016 and deals forthcoming to bring the Unit well into the next decade. *Planet Earth* cost in excess of 16 million pounds, or 30 million dollars, which is comparable to major Hollywood action productions, but the Unit is more lucrative than it has ever been. The Discovery/Time deal that sold the *Planet Earth* series to the US cable giant allowed for modifications, with new trailers and even new voice-over added by Sigourney Weaver, and a large responsibility in the co-production budget, funding even more elaborate and remote productions. Attenborough felt no need to oppose the voice-over, because he knew that "this time, however, the BBC decided

²⁶³ Attenborough, *Life on Air*, 374.

that it would also put the original British version on videodisc in the US."²⁶⁴ Access to the original BBC versions was driven, in no small part, by the "phenomenal" sales of these series in the US on DVD, and later, Blu-Ray. Lucrative deals with streaming platforms like Netflix grow even more interest in the series, especially in its original British form, as those are the versions covered by the deal and available most widely on the streaming platform.

As more audiences are exposed not only the NHU's footage, but its star personas, David Attenborough's reputation as the "grandfather of natural history" is cemented. A recent 2015 poll found that he had been voted the "most trustworthy figure in Britain," which is ironic as he appears even less on screen than in his heyday, when even then he had no real scientific training to speak of.²⁶⁵ Attenborough speaks often in his memoir and other public writings about the political import of his role as presenter as being key to providing credibility and consistency not only in branding, but in authenticity and claims to truth. He writes: "in this situation it seemed to me that a presenter might now have a new and additional function. Many of the things he talked about in natural history films were, after all, quite difficult to credit...If a presenter is known and trusted, viewers might accept what he says and shows is indeed actuality. But if viewers are to continue to believe him, he has to guard his reputation for sincerity."²⁶⁶ If he is to be taken at his word, Attenborough is not only suggesting that he is, as voted, the most trustworthy man in Britain, but that the "sincerity" he brings to the projects allows viewers to make a truth claim about the things he says without being provided any additional verification. Simply by reading the facts his team researched about the locations, animals and phenomenon they image, Attenborough allows viewers, in his own estimation, to believe everything he is saying as truth

²⁶⁴ Attenborough, "Q & A," 375.

²⁶⁵ "Wildlife Presenter David Attenborough Is Named the UK's Most," *The Independent*, accessed October 27, 2015, <http://www.independent.co.uk/news/people/news/wildlife-presenter-david-attenborough-is-named-the-uks-most-trustworthy-figure-9102139.html>.

²⁶⁶ Attenborough, *Life on Air*, 341–342.

and "actuality." The brand of the NHU, housed so securely in the brand of Attenborough, is only solidifying as more viewers access the films, and by extension, the colonial worldview being presented.

Criticism is growing, however, around the depoliticized nature of the NHU's output. The films rarely overtly address the real threats to the natural world, framing disappearing habitats and species as mourned losses of time, mentioned in bracketing frames at the end of episodes rather than as thematic foci. As a nominally publicly funded institution, many argue that the BBC, and by extension, the NHU, have a duty to engage in the debates, and use the extraordinary reach of the program to influence minds. However, just as the films are content to show nature in isolation rather than contextualized amidst the broader planetary scale, the politics are similarly constricted. Rising water temperatures are mentioned without providing a reason for the rise, and viewers are left to draw their own connections as to the causes, while being presented a gorgeous visual image of the effect.

Fetishization of the natural world is lucrative; audiences crave views of the world that are separate from their everyday vistas but still within the realm of possibility of a human life. Through careful framing, the scientific underpinning of any discoveries are downplayed and any human presence at all is similarly mitigated. This creates the illusion that the world presented in *Planet Earth* continues without human interference, if we only travel to the right location. Power lines are excised, no structures pictured, no humans seen farming, hunting or even living lives that are adjacent to these places and spaces. The frame is full of splendor but devoid of connection. But as Bousé argues, "the 'world' created on the screen is one we enjoy for its own sake, on its own terms, and by its own logic, without comparing it to, or judging by it, our

experience of reality.”²⁶⁷ Political concerns being what they may, we return to Bazin to ask whether these images are within the bounds of realism. The NHU attempts to promote nature for visual splendor, but by stripping it of its political heft, it both becomes raucous and easily filled by different political contexts. For Bazin, realism came from both the combination of the profilmic space being allowed to unfold before the camera without intervention, but also the ability of the camera to frame that within a broader context connected to the human and non-human lives “caught on film.” For the NHU, the broader context has been removed so that the images can be enjoyed, reused, translated or simply observed as images, and thus their realism becomes subsumed, or perhaps even evacuated. By creating what is essentially high quality stock footage of visually attractive animal bodies, the BBC has ensured that they can combine the footage into different combinations, adding or updating voice-overs as needed, to make the bodies tell any story that the brand so dictates.

Attenborough at least believes that the image has become unstable, until presented within the frame of the NHU. He concludes his memoir by writing:

Today, viewers can have little chance of deducing from the screen what is the truth and what fiction. If computer animation can show dinosaurs rampaging across the land in a wholly convincing way, it can certainly without any difficulty whatsoever modify some detail in the behavior of a real live animal. Ultimately, a viewer will only be able to judge whether a sequence is truthful or fictitious by considering the integrity and record of the people who made the film and the organization that broadcasts it.²⁶⁸

He acknowledges freely the effect of digital manipulation on the digital medium, without naming it as such, but in my estimation, misjudges the actual phenomenon. I argue that the images of a

²⁶⁷ Bousé, *Wildlife Films*, 5.

²⁶⁸ David Attenborough, *Life on Air: Memoirs of a Broadcaster*, 402.

realistic dinosaur, however convincing, are never confused for a profilmic reality, but instead, stand as testament to the power of the technologically embedded image to produce a cohesive, if not profilmic, reality. The natural image, as brand, presented by the NHU, is not at risk of being understood as manipulated, but instead as spectacular. We trust that the image is "real" because of Attenborough's voice-over, to be sure, but we do not watch *Planet Earth* to see the Earth. We watch to see images of the Earth, to marvel and feel awe, and trust not that we are seeing truth, whole and singular, but a spectacular truth that compels us to look more than it does to think.

Pure Image: Animals as Ambient Nature

Although many point to the success of the nature documentary as a key factor in the popularization of the conservation movement, these images also maintain their value as nearly pure image. I survey here the uses and rhetoric of the natural image as showcase for the latest image technology -from screensavers to Blu-Ray and projection advancements - to argue that the natural image is read as the most natural, but yet most compelling, way to showcase the previously unseen, or at least, seen in detail, natural sights. This use of the image relies on the assumption that the natural image is true, spectacular and accurately captured by imagistic technology, but perhaps is being at the same time undermined by its substitution for the purely imagistic. As computer-generated imagery increases, the line between the naturally occurring but spectacular and the replicated natural spectacle becomes blurred. When films like *Rise of the Planet of the Apes* move away from real animals to completely computer-generated characters, those concerned with animal welfare on sets rejoice, but viewers are left, for the first time, to doubt that the realistic animal body is a lance of realism, and the animal on screen ceases to be the indexical marker that it could be understood as before.

When the *Planet Earth* films were first released for home distribution in 2007, much discussion pointed to them as the ideal “first blu-ray” for many. The higher quality picture and sound had finally come down to a price point where market saturation was possible, and viewers were encouraged by friends and commercial establishments alike to see what all the fuss was about and buy *Planet Earth* to show on their new systems. These discussions did not center on the wonders of seeing unique animals for the first time to better understand their experience, but in the detail of the visual image that was captured by the NHU team and reproduced in a home setting. Although blu-rays remain the video storage medium of choice, televisions capable of greater and greater resolution are being introduced in a constant stream, and still, these films are held up as the ideal showcase for their capabilities. One only need walk through a consumer electronics section or store to see image after image of the natural world being projected. Stock footage, screensavers, phone backgrounds - ambient images are continuously circulating around us, and more often than not, they’re imagistic representations of the natural world around us in our most unnatural of technologies. We look at animal bodies not to see their embodied presence transmitted through a realistic medium, but to see how their bodies look on our screens as they

verge towards the real.



Figure 6 Natural Background Image – Mac OSx

These ambient images are read as filler, as demonstration, as technological showcase, but as nature comes to stand in for pure image, it is easy to overlook the theoretical framework in which they operate. *Planet Earth* is marketed as the spectacle, undoubtedly, but as un-manipulated, natural spectacle. Most theater patrons are familiar with custom animations and sound tracks created to show off projector capabilities, but those images, of swirling animated forests and sparkling light with accompanying full bodied swells of sound are designed to show off the equipment, perfectly calibrated to match the strengths of the system. The images and sounds in *Planet Earth*, consumers seemed to argue, are all the more spectacular for its realistic images. These are not shots that have been constructed in the studio in order to best highlight the strengths of the television or video system, but are naturally occurring sights that we can only see in their full splendor because of the advancement in technology. But from the framing to the final image presentation, these shots are just as heavily edited as any other high production value

documentary. Audiences just tend to overlook that because of the strong pull of the natural realism they depict.



Figure 7 LG 4k Displays

Some of the most striking sequences in the whole of the NHU oeuvre are time lapse or slow motion shots of animals in motion, or natural elements shifting over time. While it is quite a sight to see an eagle fly, it is another, even more visually arresting sight to see it flap its wings in slow motion, giving the eye a chance to observe the minute movements of a complex wing, the richly textured colors of its plumage, and the uneven arc of its flight path affected by currents in the air that would otherwise escape us. Although these sequences are presented in order to show us these natural phenomena, they are not necessarily scientifically framed as knowledge in its own right. We as viewers are not measuring the shifts in wing muscle or the exact flight path when we watch, but reveling instead in what we can see, the sights available to us through the technological advances.

BBC NHU filmmakers readily admit that the sounds of their films are manipulated, however, drawing a distinction between what we see and what we hear. Foley is regularly added

to add dimension to field recordings and to make events seem sonically proximate even when the framing is from a distance. Cameras may have needed to stay well away from polar bears walking on glaciers, for safety and realism reasons (no one likes to see the camera trailing the bear as it eats), but the sound of snow crunching and squeaking is added to balance the richness of the images captured.²⁶⁹ As lenses improve, filmmakers can film from farther and farther distances, but the sound, if captured wild and used as is, would underline that distance and seem thin in comparison to the image track. By manipulating the sound, adding sound effects, tracking several layers of wild and created noise together, the richness captured visually can be matched with a sonic density.

Planet Earth is not a particularly original or unique visual object. Outside of the David Attenborough narration, which is removed for international versions of the film, there is not much within the image itself to suggest a style. One author, Richard Beck argues that “the visual effects are not wedded to any distinctive or coherent set of stylistic imperatives - formally, the series resembles nothing so much as an airport postcard rack - but their accumulation eventually prompts the viewer into asking what kind of world is being represented on the screen.”²⁷⁰ The effects being referred to are not, in my estimation, heavy-handed enough to move the films from realistic nature documentaries to stylized renderings of natural spaces. The films are most definitely heavily saturated in color and tone, especially in underwater sequences where the colors of tropical fish swimming in and among brilliant coral reefs have an otherworldly look. Expensive, high-quality equipment and a variety of lens lengths allow the editors to move between richly detailed shots taken from a telephoto lens to richly detailed shots taken by a wide

²⁶⁹ “Producers of Attenborough’s *The Hunt* ‘Recreated Animal Sound Effects,’” *The Independent*, accessed October 30, 2015, <http://www.independent.co.uk/news/media/tv-radio/the-hunt-producers-of-sir-david-attenborough-s-latest-series-admit-they-recreated-animal-sound-a6709666.html>.

²⁷⁰ Richard Beck, “Costing Planet Earth,” *Film Quarterly* 63, no. 3 (Spring 2010): 65.

angle lens, varying the visual texture in terms of depth of field. The colors are brighter, the framing is artistic but does that qualify as “manipulation?”

Cinematographers and editors regularly make distinctions between “special effects” and images that have been processed to present a certain look. Bazin lauded the ability of the camera to capture spaces and characters in time, but was the exact color of those spaces involved in his calculation of their realism? Does adding sound to an image to approximate more closely the reality of the polar bear in space take away from the realism of the image, or the realism of the polar bear? Although rumors have abounded that events and animal behavior have been restaged for NHU cameras, it does not, I argue, change the fact that the events were captured on film and presented. And just as a colorist or timer would manipulate the footage of a fiction film in order to achieve a visual style or correct a camera malfunction or deficit, cinematographers and editors within the NHU work not necessarily to undermine the ‘realism’ of the image, but to preserve the spectacle of it. Just as Bazin’s camera takes in detail that it did not intend, but renders significant nevertheless, the NHU’s realism takes in detail that the human can’t see or predict. The footage is realistic, the animals alive and embodied, but it is the framing that reduces what we see to image for the purposes of consumption, rather than education.

In a recently published collection, Dudley Andrew translates a lesser-known piece of Bazin’s, titled “Voice-Overs on TV: Let the Animals Speak.” In it, Bazin laments that television is full of nature specials that show animals with a constant commentary that he finds “relatively discreet, descriptive and vaguely explanatory, but most often...useless.”²⁷¹ The programs he describes are actually by a husband and wife team, and were regularly broadcast on the BBC, and the article was coincidentally published within two months of the formal establishment of

²⁷¹ André Bazin, “Voice-Overs on TV: Let the Animals Talk,” in *Andre Bazin’s New Media*, trans. Dudley Andrew (University of California Press), 64.

the NHU. Bazin points to the voice-over commentary as distracting the viewer from the real import of the films being broadcast, which is to work as cinema does to direct our attention through images to the world that surrounds us. The piece is eerily prescient, because as Bazin was writing, a Unit was forming in the UK to promote just the ethos that Bazin advocates: nature films that show the world, and rely on voice-over to point us to the wonder that the images show, rather than provide extensive, dull scientific commentary. Bazin goes as far as to say that the “narrator is also the auteur of the film,” a sentiment we will see Attenborough echo nearly fifty years later to justify his own role in the productions and brand of the BBC’s Natural History Unit.²⁷² The position of auteur is one of power, and by acknowledging that power so early, Bazin points us to the ways that a voice-over narration can change the meaning of the images.

While I have spent considerable time exploring the structural and industrial reasons that Attenborough’s persona, and person, loom so large over the NHU oeuvre, I argue that there is also political power in his constant voice-over. His voice directs us to the elements we are meant to see in the frame – the rippling of the seaweed, the dolphin’s body as it propels over the sand, the bright colors of the coral reef – and allows us to look over what we are not meant to notice. The commentary never draws our attention to the lack of humans in the frame, to the history that has passed to change the landscape, to the ways in which we also use the animals, resources and environments for human gain each day. Attenborough’s posh, BBC English accent also gives the whole enterprise a sense of dignity and mastery. We never question his knowledge, its sources or the ways in which his voice seems to effortlessly capture every space on earth. For members of the colonial lands once or currently held by the British, who see their natural sights swept up into the voracious visual appetite of the NHU, the violence seems doubled: the sights become British just as the geographic sites were or are. The narrator is the author indeed, describing what we are

²⁷² Ibid., 67.

to see, pointing us to the splendor of the world for our visual consumption, but conveniently leaving out the scientific history, import, or consequences of the material. But it remains true that without the work of the NHU, many around the world would not have the visual understanding of the world that the programs offer. Other than going to Sea World, already established as a poor facsimile for seeing dolphins in the wild, *Planet Earth* remains a passable alternative for humans to see what it looks like when a dolphin swims, eats, and plays.

I often encourage my students to switch the positions of power between characters, or shift the scene to a different setting to unsettle their assumptions when reading a media text. A recent clip from BBC radio shows Sir David Attenborough narrating the opening sequence of Adele's 2015's "Hello" music video. He draws our attention to visual elements, like bugs and dust on the windowsill, that might have otherwise gone unnoticed, and creates a narrative whereby Adele becomes a huntress, out for prey in order to survive. The clip is funny, and certainly full of good humor. Attenborough's charisma carries the piece, but it also demonstrates for me the power of the visual. The video exists underneath the narration, a record of Adele, remaining intact. Shot for visual splendor and pop slickness, and meant to capture a mood, the video is heightened as Attenborough draws our attention to some details and directs us away from others. Adele has a voice and can respond, or not, to the clip, but animals are unable. Animals are marshaled constantly as support for arguments of increasingly theoretical complexity, bearing the burden of a world without politics, or the weight of human death, but the BBC NHU's output reminds us that there is still pleasure, and still reality, to be gleaned from photographing the world as it exists around us. Could and should the BBC do more to engage directly in a conservationist agenda? Of course. But as Harry Styles has demonstrated, millions of people around the world do like dolphins, and that affection, anthropomorphized, simplified or

not, comes from a culture which shows us through media, at least partially, what it is like to be a dolphin. And when the screen directs us back to our lived experience, our space in the profilmic, to call for the end of captivity, or the end of mistreatment, then can we truly say that realism in the Bazinian sense has been achieved.

Chapter 4: Cats: Digital Bodies, Digital Platforms

Introduction: Why do cats rule the Internet?

At this point, to mention that cats are a massive presence on the Internet is a cliché. Think pieces abound about trying to get rich off your cat online, or how to create a compelling cat video that will net you thousands of dollars in ad revenue.²⁷³ I myself have wondered if the reams of cat photos and videos that I take to document my three cats could be monetized and at least help to offset the costs of keeping those three cats. I then enjoy the strange pleasure of watching felines on the Internet, often in front of my real, live embodied cats, who refuse to be cute, cuddly or even pleasant on command. While other animal species discussed in this work are decidedly exotic, in the case of elephants and dolphins, or at the very least, a luxury; cats are domestic animals. They share our spaces, and as such, we understand them differently. We name them, feed them, share our beds and countertops with them, and yet, their interior world, I argue, is as distant to us as that of the elephant or horse. So why do we feel the need to film them so incessantly, and consume their images in so many ways, and in such quantities? Do the same structures of power exist in these domestic spaces, as they did in the zoo, the circus, the film set, the documentary shoots?

The affect of online feline cuteness, often treated as a novelty of the Internet age, is also being culturally constructed and commodified in ways that are specific to digital media. A cute

²⁷³ Museum of the Moving Image, “Exhibition: How Cats Took Over the Internet,” <http://www.movingimage.us/exhibitions/2015/08/07/detail/how-cats-took-over-the-internet/>; Rebecca J. Rosen, “Are LOLCats Making Us Smart?,” *The Atlantic*, May 8, 2012, <http://www.theatlantic.com/technology/archive/2012/05/are-lolcats-making-us-smart/256830/>; Lev Grossman, “Lolcats Addendum: Where I Got the Story Wrong,” *Time*, accessed September 3, 2015, http://techland.time.com/2007/07/16/lolcats_addendum_where_i_got_t/.

cat in a shelter is a cat that can be touched, seen, heard, smelt and felt, but a cute cat on a shelter live stream is constructing, authenticating and commodifying that cuteness in a way that is separate from how one would interact with the cat in the shelter. Cuteness on the live stream is to have total access to a cat as it grows and changes, and to witness small moments of cuteness only after wading through hours of sleeping or eating. In all of my cases, cuteness works in conjunction with a system of liveness and embodiedness to assert a connection between a cat in real space with a cat in a virtual one. The cats in digital spaces are not animated nor imaginary, and the framework within which audiences experience them insist on the connection back to the real cats despite being digital. Unlike previous chapters, where the medium of photochemical film itself was imagined as the link back to the profilmic, this chapter explores how that connection between animal and image is maintained in digital spaces.

I work through three examples of "cats on the internet": memes, including Grumpy Cat, shelter live streams, and crush videos to argue that not every cat on the internet is experienced in the same way, and that by triangulating these representations within the network of cuteness, liveness, and authenticity we can begin to parse the variations of cat in digital media forms, and cultural understandings of animals. Because there is not a single affect at the core of the cats on the Internet phenomenon, it is no longer productive to examine one type of image, one type of media distribution schema, or one type of audience. While earlier chapters focused on the animal in specific historical moments (proto-cinematic technologies, early cinema shorts, Hollywood set regulation or British television), this chapter is less situated in the historic moment than it is in the mode of address. Cats appeared in early shorts, films and television, but their bodies do different work on the Internet, and in doing so set up a different, more intimate relationship between animal bodies and our own.

Cats on the Internet frustrate any attempt to place their representations on a continuum - not in the least because reactions to the images vary so widely, as many internet-based phenomenon do. While not they are not the only theoretical frameworks at play, cuteness, liveness and embodiedness form a network that allows us to situate these objects in a more complex frame than simply how these objects make viewers feel. Rather than examining just the affect that these objects engender, I work here to examine how that affect is called upon, how it is ritualized, how it is framed to face outward, and how ultimately it is converted into transactional exchanges, monetary or otherwise. Just as each earlier chapter introduced the ways that the process of image creation, distribution and exhibition set up a relationship of unequal power between the human consumer and the animal body, this chapter continues to examine that relationship as it shifts into the digital. This chapter examines the ways that our understanding of the animal body shift due to the variations in their digital production, distribution and consumption. When we treat digital objects as functioning in ways that are identical to one another, regardless of their mode of distribution, platform or technological specifications, we flatten the function of those objects to the point where technical knowledge has been obliterated, and we skate over important differences in temporality, legality and reception. This chapter aims to reintroduce some of these distinctions back into the discussion of digital media and digital mediums.

Cats might be seen as ruling the Internet, but to lump all cat media into one category of cute, vapid entertainment is to miss an opportunity. The cat body on screen, and the anxiety that swirls around its ever presence and cultural import, indicates that the animal body is viewed as a subject set apart from others, functioning differently than human or animated bodies. Digital objects create and represent cuteness, liveness and authenticity in medium and distribution specific ways, and by examining those constructions, both within the texts and in the culture that

surrounds them, we can connect this conversation to the larger discussions about animal bodies and the human power structures that create, control and commodify our access to them.

Cuteness, Liveness, Embodiedness: A Frame

Of all the theoretical frames I offer in this chapter, cuteness can seem frivolous. Describing objects that are routinely dismissed as feminine, juvenile or otherwise unworthy of scholarly attention, the quality of cuteness is both a designation and an affect, one used to incentivize and capture viewers. I draw here from accounts by Lori Merish and Sianne Ngai, scholars who have worked to historicize cuteness as an affect, but also broadened their interest beyond the affect as it is embodied in any one spectator or consumer. I follow them in arguing that cuteness is much more than a feminized, easily dismissed affect; rather it is one that works in a network of power relations that expose power imbalances between subject and object. As Ngai writes, "There is no judgment or experience of an object as cute that does not call up one's sense of power over it as something less powerful."²⁷⁴ The "asymmetry of power" that Ngai describes speaks to the inherent imbalance between the object that is cute, weak, small, childlike, young, or worthy of protection, and the subject making the judgment, basing those assessments on his or her status as larger than, older than, stronger than the object. In order to be cute, the subject must be diminished, though Ngai goes on to suggest that the judgment of "less than" upon which cuteness relies is not a static judgment, but a continuously negotiated struggle: "But the fact that the cute object seems capable of making demands on us regardless, as Lori Merish underscores -- a demand for care that women in particular often feel addressed or interpolated by -- suggests that "cute" designates not just the site of a static power differential but also the site of a surprisingly complex power struggle."²⁷⁵ It is the ongoing relationship of care that truly marks

²⁷⁴ Ngai, *Our Aesthetic Categories*, 12.

²⁷⁵ *Ibid.*, 11.

the cute as an object different from the pitied, the weak, or the small; a cute object must be swooned over, cared for, worried about; it becomes a subject of imaginative, if not actual, care that is coded as feminine. To be cute is to be weak, small and powerless, yes, but in a way that demands a relationship between the subject and the object. If a kitten stands alone in a forest, it may be small, hungry, or in need of care; it only becomes cute when observed, when it activates that affect in another being and creates a relationship of real or imagined dependence.

However, this affect in the body of the subject is transactional, dependent and transient, and in the case of the live cam, continuously in need of refreshing. Ngai writes that even though the pleasure of observing a cute object is as strong as other, more traditional pleasure activities like "sex, a good meal or psychoactive drugs like cocaine", we are taught to be suspicious of it. She describes the pleasure of cuteness being "routinely overridden by secondary feelings of suspicion", making the original pleasure "weak."²⁷⁶ Especially for those bodies not meant to notice or appreciate cuteness, this feeling of protection and pleasure is regularly sublimated by dismissing the pleasure as juvenile, feminine or unsophisticated. Unlike a meme, which remains as a static image even as it is circulated and modified by individual users, the live cam allows access to a cuteness that is also evolving from moment to moment. Cuteness can shift, grow and evolve over time and that weak affect can be constantly re-experienced as a remedy for its unsustainable nature.

The animal in a meme is separate from the animal in a live feed, but that difference is rooted in the liveness of the video feed, not the animal itself. The cat experience in real time is much closer to a live television star than it is to a film celebrity. Mary Ann Doane describes televisual time as "an insistent 'present-ness' – a '*this-is-going-on*' rather than a '*that-has-been*'", in order to separate it from the "embalmed" time of film, but this condition of "this-is-

²⁷⁶ Ibid., 12.

going-on” persists into digital media spheres as liveness.²⁷⁷ Liveness is a condition less of presence and more of structural construction. I use it here to indicate the sense of temporality, or lack thereof, that the media object conveys. Liveness relates to the sense that a viewer has, increasingly so in digital media, that the representation is unfolding in real time, or captured without intervention. Often, the idea of liveness is co-constructed with the idea of the recorded, less innate qualities of a broadcast apparatus than qualities that only exist in opposition to one another. Phillip Auslander quotes Steve Wurtzler as saying that far from being intrinsic categories that media easily fall into, recorded and live are historically contingent and shifting designations: “As socially and historically produced, the categories of the live and the recorded are defined in a mutually exclusive relationship, in that the notion of the live is premised on the absence of recording and the defining fact of the recorded is the absence of the live.”²⁷⁸ What is essential, in Auslander’s argument as in my own, is to reiterate that the conditions of the media object, recorded or live, are read as separate and mutually exclusive, regardless of the technology underpinning its transmission.

Auslander argues throughout that it is not the medium of recording or transmission that determines liveness; it is not an ontological quality. “The best way of thinking about that relationship is to understand liveness as a historically contingent concept continually in a state of redefinition and to look at the meanings and uses of live performance in specific cultural contexts.”²⁷⁹ Liveness in this articulation becomes something that is framed, rhetorically or visually, for the viewer rather than being a quality that can be pinpointed in any specific ontological configuration. Liveness then becomes a quality ascribed to a live stream, rather than

²⁷⁷ Mary Ann Doane, “Information, Crisis, Catastrophe,” in *Logics of Television: Essays in Cultural Criticism*, ed. Patricia Mellencamp (Indiana University Press, 1990), 222.

²⁷⁸ Philip Auslander, *Liveness: Performance in a Mediatized Culture* (London ; New York: Routledge, 2008), 3.

²⁷⁹ *Ibid.*, 184.

something inherent in the technology of its recording or broadcast. This does not mean that the technology is not essential to our understanding – far from it. Careful attention paid to the method of capture and broadcast can illuminate the space between the technology and the way that it is framed to the viewer. For instance, a live stream is often delayed because of the rates of refresh and server lag time, but the liveness, or quality of real time, is reinscribed by the chat streaming alongside the video window in some feeds. The chat appears to affect, or at least, coincide with the video, and as long as those two entities are in sync, the relationship to the time of the profilmic is less important. Liveness becomes a draw for viewers and a reason to engage, if not a technological fact based in the ontology of the digital object.

This pair of concepts – cuteness and liveness – is essential in reframing the live stream as more than simple distraction, cultural curiosity or crass capitalist consumption. The live stream works differently than other cute media objects – the moments that would otherwise be edited into a video or taken and used as a meme are buried within hours of animals sleeping, eating or otherwise being uninteresting. Cute moments, and the affect that accompanies them, become the reward for consistent and patient viewing; a viewer earns a moment of cuteness after watching many boring moments, and with both categories of experience, can feel empowered to know the animal beyond its performance and as it “actually is.” However, this sense of the cam showing the animal’s actual existence is employed to varying ends. Not all boredom is created equal.

Liveness is connected to, but not synonymous with embodiedness. I use the separate term of embodiedness to discuss the strength or weakness between the image of the animal body and the animal body as it is represented, or how strongly a viewer senses a connection to an animal life in time and space. While liveness deals with temporality and medium specificity, embodiedness deals with the connection between the animal and its consumption as image. This connects

directly to the discussion of realism in the third chapter, which argued that the connection between the image of an animal and the animal as it exists in profilmic space is governed by a realism that is individual to the animal subject above others. While a viewer might be moved to understand how a dolphin exists in the world after seeing images of it, that viewer is less likely to form an attachment to that specific dolphin as an individual. The affective charge in these objects is different in that it attaches to a specific animal body located in time and space; viewers are fixated not just on any cat, but on Grumpy Cat, a specific cat living in a specific space at this point in time. Grumpy Cat is embodied even if she isn't perceived as live from her still image memes, we feel connected to her body as it lives even if the image does not frame that as liveness. Viewers consume hour after hour of live stream kitten footage because they connect the images, grainy as they are, to the bodies of real kittens who exist in space, thus validating their attention and affection as more worthy, or performing a function of support to their embodied lives. The digital distribution systems allow for this embodiedness to be transmitted not through the ontological properties of the medium, but through the relationship between an image and its broadcast method.

In post-humanist conversations, much discussion has centered around the idea that the animal body is only different from the human body because of the cultural constructions that make it so. By dissolving rather than upholding that boundary, the argument follows, we allow for a greater cultural and societal compassion towards all beings and the earth in which they reside.²⁸⁰ While some compelling literature has arisen out of the mandate to consider all types of animals, human and otherwise, in the same plane, I argue that cat objects provide an excellent example for how

²⁸⁰ Perhaps the most prominent example of this discussion is Haraway's piece on the interrelated status of humans and animals in the modern cultural landscape. Although she widens her focus beyond domestic animals, she maintains that the "contact zone" between species provides a fertile ground to examine the relationships between human and animal bodies as co-constitutive, rather than hierarchical. Donna Jeanne. Haraway, *When Species Meet*, Posthumanities ;3,

the boundaries continue to exist, are upheld not just by legal and societal constructs, but by the rhetoric that informs and at times polices how we consume images of animals. Anat Pick grounds her argument about vulnerable bodies in a similar place: “While I am certainly indebted to the sort of post humanism that Wolfe has been painstakingly developing, the present argument proceeds in the opposite direction, *externally*, by considering the corporeal reality of living bodies.”²⁸¹ I follow Pick’s charge to consider the external reality of animal bodies, in this case, their images as they are captured and transmitted through a variety of digital delivery methods. The corporeal reality of these cats are the stakes here: their bodies are the objects that are captured, consumed, and commodified, and it is in these places that their bodies are made visible on a public scale.

No matter the method of image creation or distribution, it is imperative that we return to the external state – the images and how they circulate – of these animals in order to examine the power relations at stake, rather than arguing for or against access in to an internal condition. While moving to decenter the human is a philosophic goal of post humanism, the reality is that the digital animal body exists within, through and because of the human need to digitize it. We only access these images through structures created and centered around humanity, and therefore it is politically dangerous to remove oneself from the view which foregrounds those structures. Rather than flatten these discussions by conflating live streaming video with videos edited and accessed through YouTube, or assuming that Grumpy Cat’s status as still image accessed on the internet brings the same structures to bear as an illegal crush film, as I have argued throughout.

Mememes: Flatten, Circulate, Reinscribe

The word meme is defined as such:

²⁸¹ Anat Pick, *Creaturely Poetics: Animality and Vulnerability in Literature and Film* (New York: Columbia University Press, 2011), 2–3. Emphasis original.

1. an element of a culture or system of behavior that may be considered to be passed from one individual to another by nongenetic means, especially imitation. 2. a humorous image, video, piece of text, etc. that is copied (often with slight variations) and spread rapidly by Internet users.

Used to describe any variety of objects, verbal patterns and ideas, memes are as fascinating as they are hard to study. Through careful detective work, we can often determine the original image, but the meme is an organic body - it originates, replicates and mutates quickly enough to make the overall trend and spread of the image much more significant than any of the individual iterations. “Grumpy Cat” is both its own distinct media event and a trend within a larger tradition of “lolcats”, or cat-based memes. If there were ever a place that cats were “taking over the internet”, their first conquered territory was that of the still-image meme. While easily dismissed as a passing image culture, or outside of the bounds of significant, cultural artifacts, I argue that tracing the paths that these images taken from original file to recognizable visual and often linguistic trope gives insight into the modern spread and variability of visual culture online.²⁸²

One large and popular subsection of the meme phenomenon is the “lolcat”, or humorous cat image. Endless journalistic space, seemingly, has been dedicated to both determine how and why lolcats became a “thing”.²⁸³ Lolcats are still images of cats superimposed with text, often written in a broken English variant referred to as “lolspeak”. Most likely, the first lolcat image to circulate was a reclining cat to celebrate “Caturday”, a variation on Saturday, which was posted onto an internet messaging board named 4Chan in 2005.²⁸⁴ Sites developed as a place for images of cats with the broken English, or lolspeak, to be posted and then circulated, and” to trace the

²⁸² Alice Marwick, “Memes,” *Contexts*, Fall 2013.

²⁸³ Rosen, “Are LOLCats Making Us Smart?”; Grossman, “Lolcats Addendum.”

²⁸⁴ “Google Trends,” accessed September 3, 2015, http://www.google.com/trends/fetchComponent?hl=en-US&q=lolcat,cheezburger,caturday,kittih&content=1&cid=TIMESERIES_GRAPH_0&export=5&w=600&h=350.

origin and circulation of images and families of images. The text of these images, often in a sans serif font like Impact, serves as a sort of internal monologue for the cat, expressing needs or espousing commentary on the world that surrounds them. The image is then used as a reaction or a shorthand for the emotions of the human who links to or uploads it to a forum, website or social media post; humans create the meme, the cat voices the emotion that the human wishes to convey in the online space.



Figure 8 Crying Cat

Depending on the terms of creation, the meme image can circulate with or without a connection to the original image file. Metadata are contained in the first few bytes of information in an image file, and it is easy to write scripts that override that data, a process that is often hidden from consumers or creators of memes. This erasure of provenance is one reason why memes are so difficult to trace and study - the image files themselves inconsistently contain traces of data that point back to their origins, and with the saving and reposting of the images by hundreds, thousands or millions of users, the path back to the original post, or original file, is obscured.

“Know Your Meme”, a site run under the umbrella of “i can Has Cheezburger?” original site, attempts to trace these images by capturing memes as they originate, and then correlating their appearance and circulation with other, outside markers of popularity, like the frequency of Google searches for a term associated with the meme. Footnoted and crowd-sourced not unlike the Wikipedia model, “Know Your Meme” serves as a virtual encyclopedia for these image genres and attempts to trace and link between related trends. Lolcat images are described on the site, as well as in academic literature, as belonging to genres, marked by common semiotic elements: the actual image of the cat, a similar syntax or recurring thematic marker. Underneath the broad term of lolcats, consisting of any image of a cat with lolspeak text overwritten, there exist many genres: “Ceiling Cat”, “Happy Cat”, and “Monorail Cat” to name only a few. It is the mechanism of the text, overwriting the agency of the animal picture and then stripped of any connection back to the profilmic life of that animal that is rarely discussed when the spread of the image is viewed as the most significant aspect of the meme.

One such meme is “Grumpy Cat,” originally appearing in late September 2012. A person photographed an actual cat, named Tardar Sauce, and uploaded the pictures to a popular media-sharing site, reddit,²⁸⁵ The cat’s dwarfism and underbite make it appear as if she has a permanent frown and text was quickly overlaid over the most popular of the images that was uploaded, a picture of her face from above, as if the cat was resting on her back on a lap, looking up at the camera.

²⁸⁵ “The Man behind Grumpy Cat Reveals What It Takes to Be a Star Pet,” *Mail Online*, accessed May 29, 2015, <http://www.dailymail.co.uk/femail/article-2735759/Does-pooch-takes-hit-big-time-The-man-brought-world-Grumpy-Cat-reveals-takes-make-Hollywood-pet.html>.



Figure 9 Original Grumpy Cat Image Uploaded and “Two Types” variation

Unlike other, earlier memes, the text is normally written in grammatically correct English, and often is set in two separate phrases, one neutral or potentially positive in tone when read in isolation above the cat’s face, and then a negative response underneath of its face. For example, “There are two kinds of people in this world / And I don’t like them” plays on the expectation of the first phrase, while subverting it in the second by not giving descriptors of the categories as expected, but lumping all people into one scorned group. The images quickly spread, with nearly a million views of the file in the first 48 hours.²⁸⁶ Because of the consistency of the text and the grammatical formulas, however stilted, the first person point of view is quickly and easily associated with the cat, a translation of the inner life that is so evocatively suggested in the animal’s face.

However, unlike Cheezburger cat or Ceiling Cat, Grumpy Cat is capitalizing on the connection between the popular meme and the real life Tardar Sauce.²⁸⁷ Just four months after the original images were posted to reddit, an LLC, “Grumpy Cat Limited” applied for a

²⁸⁶ “Google Trends,” accessed December 16, 2015, http://www.google.com/trends/fetchComponent?hl=en-US&q=%22grumpy%20cat%22&content=1&cid=TIMESERIES_GRAPH_0&export=5&w=600&h=350.

²⁸⁷ For clarity’s sake, when I am referring to the embodied cat living in real space, I will refer to her as Tardar Sauce. I will use the name Grumpy Cat to refer to the media presence of the cat.

trademark for both the name “Grumpy Cat” and an image of her.²⁸⁸ This trademark spawned a wave of endorsements and official merchandising, from plush webkinz toys through Ganz, a line of iced coffee drinks appearing in stores nationwide, a book, calendar and stationary. Grumpy Cat perhaps reached peak saturation when a Lifetime Television Christmas special, *Grumpy Cat’s Worst Christmas Ever*, which aired in November of 2014 with the cat appearing live, with voice-over added by Aubrey Plaza. Plaza, most recognized as the cantankerous, ironic but good-hearted intern on NBC’s *Parks and Recreation*, voiced the cat in the film as well as appearing in a host of promotional media tours and appearance with her feline counterpart. The film was universally panned (cats are perhaps not the most active of on-screen presences) as trite and only marginally funny, but Grumpy Cat’s popularity seems to be untouched.²⁸⁹ The “live” version of Grumpy Cat, no matter how famous the voice acting or how campy the final product, the brand remains consistent. Whether or not Tardar Sauce is actually grumpy, the meme insists, and the brand depends, on the grumpiness of Grumpy Cat regardless.

²⁸⁸ Grumpy Cat, “Grumpy Cat | About Grumpy Cat™ - The Internet’s Grumpiest Cat! | Grumpy Cat® - The World’s Grumpiest Cat!,” accessed September 3, 2015, <http://www.grumpycats.com/about-grumpy-cat/>.

²⁸⁹ Nov 27 and 2014 6:27 Pm, “Review: ‘Grumpy Cat’s Worst Christmas Ever’ with Aubrey Plaza as Grumpy Cat,” *HitFix*, accessed September 3, 2015, <http://www.hitfix.com/whats-alan-watching/review-grumpy-cats-worst-christmas-ever-with-aubrey-plaza-as-grumpy-cat>.



Figure 10 Selected Grumpy Cat Merchandise

This popularity is aided in part by the extensive in-feline appearances that Tardar Sauce makes as Grumpy Cat. In addition to a website (www.grumpycats.com), an active social media presence with new posts on a near daily basis, Grumpy Cat also makes appearances at large gatherings like the tech and music festival, South by Southwest (SXSW) and as part of her endorsement deal as the official mascot of Friskies brand cat food. Celebrity gossip site TMZ reported that as part of her Friskies contract, Grumpy Cat flew first class to Austin, Texas to participate in several Friskies photo and video shoots for upcoming promotions and to appear at the SXSW festival. Other perks reportedly include endless bottled water and Friskies food and treats, a personal assistant to brush and keep her calm, and her own room (with king sized bed) at

a four diamond hotel.²⁹⁰ While at SXSW, Grumpy Cat made two in feline appearances and posed for photos with fans for several hours, with fans remarking how “calm” and “chill” she was. Of course, anyone with any familiarity with cats will likely guess that this behavior, who on average are prone to over stimulation and do not often enjoy being handled by strangers, was at the very least well outside the range of typical patterns and at worst a sign that the cat had been tranquilized in order to stay laying in its bed for hours at a time. Grumpy Cats owners insist that she is a normal cat “99% of the time” and that she truly enjoys the attention, travel and handling by strangers. Weekly photo shoots happen at her home in order to keep the stream of fresh meme-eligible images fresh, and her social media accounts have followers on the order of millions.²⁹¹ While Tardar Sauce might enjoy a “normal cat life”, the performer Grumpy Cat is staged by and for the cameras, not unlike other performing animals like Topsy, or the subjects of BBC documentaries.

Recent speculation suggested that Grumpy Cat has earned \$100 million dollars through various appearances, although that number has been denied by her owners who declined to provide an actual figure.²⁹² Whether the number is on the order of seven or eight figures, it is clear that Grumpy Cat is a lucrative enterprise for the owners of this domestic, mixed breed cat, and that through the shrewd legal and business decisions undertaken by her owners, she is able to produce astounding wealth for those owners. Unlike other cat stars, like the arguably most famous global cat, a Scottish Fold named Maru living in Japan under conditions of relative anonymity, Grumpy Cat and her team continually reassociate the image with the pro-filmic

²⁹⁰ “Grumpy Cat -- Pamprrrrd at Friskies Photo Shoot,” *Http://www.tmz.com*, accessed December 16, 2015, <http://www.tmz.com/2013/03/08/grumpy-cat-friskies-paycheck-sxsw-film-festival/>.

²⁹¹ Cat, “Grumpy Cat | About Grumpy Cat™ - The Internet’s Grumpiest Cat! | Grumpy Cat® - The World’s Grumpiest Cat!”

²⁹² Alison Griswold, “Has Grumpy Cat Really Earned \$100 Million?,” *Slate*, December 8, 2014, http://www.slate.com/blogs/moneybox/2014/12/08/what_grumpy_cat_is_worth_did_tabatha_bundesden_s_pet_really_earn_100_million.html.

reality of her life. While Maru lives in an apartment in an undisclosed city in Japan, uploading videos infrequently and working exclusively through a third party agent to book media deals and interviews, Grumpy Cat has weekly photoshoots, throws out the first pitch at Arizona Diamondback games and is featured in a weekly blog, and at least six active social media channels.²⁹³ Maru lives in relative obscurity, despite her constantly filmed life, and is only encountered through her image, but Grumpy Cat lives in both the virtual and embodied worlds.

It is this constant call back to the pro-filmic that sets Grumpy Cat apart from other cat media stars, and from other memes more broadly. By providing a constant stream of easily manipulated images (Grumpy Cat often appears against a solid and/or out of focus background, easily selected in Photoshop and removed, with plenty of negative space to add text), Grumpy Cat feeds the meme machine while also complicating it. New images are continually provided, but so is new merchandising; Grumpy Cat continues to circulate as a meme just as Grumpy Cat the media personality overwhelms the original, mute images. Grumpy Cat is famous because the images grew far beyond the first pictures posted of her relative, because of the meme, but the meme can only be monetized because of the continual reassertion of her profilmic presence. Famous because of her image, but rich because her docile body is able to appear in public, meet fans and “throw the first pitch” at Houston Astros games despite the lack of an opposable thumb, Grumpy Cat’s presence is re-associated with the digital image of her likeness in order to grow demand for her brand. Grumpy Cat never speaks, but exists to be spoken for, whether in a meme in virtual space or by her handlers in a public one.

Muteness then is the key element of a meme - the being or object pictured is made to speak, rather than speaking for itself. Although the image itself can carry some semiotic weight

²⁹³ Gideon Lewis-Kraus, “In Search of the Living, Purring, Singing Heart of the Online Cat-Industrial Complex,” *WIRED*, August 31, 2012, http://www.wired.com/2012/08/ff_cats/.

(Grumpy Cat's frown, for instance, signifies independently of the text laid on top of it), the meme relies on the text and/or visual manipulation of added or different backgrounds in order to transform itself. Without the text, Tardar Sauce can be pictured as she is, a cat with a congenital defect, but with the text, she transforms into Grumpy Cat, a meme, a manipulated image, a meaning beyond her profilmic reality. Just as Bazin argued that the voice over fundamentally changed the function of the animal image, the voice added through the text speaks for the subject who cannot speak. This is not unlike memes of human images, which often occur when a person's photo is unwittingly or unwillingly posted and circulated. But unlike those memes, Tardar Sauce cannot meaningfully object to her condition as meme. Ridiculously Photogenic Guy, for example, is the meme created around an image of Zeddie Little, who ran in a Charleston, South Carolina road race only to have his (ridiculously photogenic) picture taken and uploaded without his consent to Reddit.²⁹⁴ The photo circulates with his tacit approval, and he has parlayed his relatively modest "internet fame" into news interviews. Although Ridiculously Photogenic Guy is innocuous, other humans featured in memes can be the targets of bullying, or online harassment, particularly if they react in a negative way to an unflattering meme. In all cases, however, humans can react to the publication of their image, even if it is to simply rail at the viral spread of the images without their consent, or to capitalize on their fame by linking the meme to their embodied existence and reaping the benefits. While the meme remains mute, malleable and transmittable, the embodied person can voice itself, and through that voice assert power over, or at least, attempt to, his or her image.

²⁹⁴ Erik Hayden, "Internet, Meet 'Ridiculously Photogenic Guy,'" *Time*, accessed December 16, 2015, <http://newsfeed.time.com/2012/04/06/internet-meet-ridiculously-photogenic-guy/>.



Figure 11 Ridiculously Photogenic Guy Meme and Meet and Greet with Grumpy Cat

The still nature of the meme is the key to its circulation, but it confirms its lack of liveness. Grumpy Cat, except for being held or placed on props, appears only in still images, or in appearances in real space. The lack of video available of Grumpy Cat speaks to the lack of liveness associated with her media image. It has even been speculated that this lack of video is also because Tardar Sauce is only mobile in limited situations, as her dwarfism both enables her grumpy face and makes her back legs nearly unusable. But while other cat media focuses on how cats play, move or eat, Grumpy Cat is easily reduced to her still image as evidenced by the effective trademarking of that image, regardless of her profilmic mobility. The still image is so iconic, and so un-changing, that it can circulate with an infinite variety of texts overlaid and still register as Grumpy Cat. The Grumpy Cat meme can be endlessly replicated because the connection to the profilmic has been separated, and thus its liveness mitigated. Once the picture of Tardar Sauce is uploaded, text can be added to create Grumpy Cat - a voice has been added, emotions associated, and the image comes to speak, not as an embodied cat but as a sign of grumpiness, cruelty, meanness or any other in the range of human or anthropomorphized negative emotions. The meme does not add a sense of liveness into the still image, but rather a variation on top of a static entity.

Grumpy Cat speaks for humans, to humans and about humans in a cruel way; Tardar Sauce, one could argue, is as unaware of her voice as she is of the photo's circulation. The image can be saved and resaved, run through meme generators to add new and different text, and stripped quite easily of any identifying metadata that even associates the image with the original post on Reddit. One single photo, of a real cat, becomes an infinite set of possibilities that can exist and replicate itself forever with no further participation on the part of Tardar Sauce. But when the image is continually tied back to her embodied existence, the profilmic link between the viral image and the actual cat is strengthened. The still image, however, remains still – the meme is ultimately unsatisfying to those who wish to see Grumpy Cat move, walk, or exist in real space. Grumpy Cat as meme is never live.

The more the images circulate, the more famous Grumpy Cat becomes, and the more insatiable the desire becomes for Tardar Sauce and Grumpy Cat both, the cat and the star image. Every time that Tardar Sauce appears as Grumpy Cat in public, every time new photos are posted for the express purpose of feeding the meme machine, the connection between the meme and the animal body is strengthened, and an element of liveness is added back into the public understanding of the meme. While there is a certain amount of mystery around other cat memes, (no one knows the true name of Ceiling Cat, for example), Grumpy Cat appears not only on message boards but general merchandise. Your grandmother might not know what Reddit is, but she may have the Grumpy Cat calendar, books or apparel, and can be a fan of the cat without the knowledge that the images started as a specific, idiosyncratic internet image genre. By continually linking the two entities together, Tardar Sauce's life as a regular becomes the motor that drives the commodification of Grumpy Cat.

The language used to describe the spread of memes is often rooted in images of disease: viral, spread, mutation, replication. But how do we describe this transition from still image into embodied star? If the meme does work, it does so at the service of humans at the cost of the image, becoming a mute site for the implantation of human emotion and human language. Grumpy Cat does work as a meme, but also in embodied space. And by going out in public, posing for photo shoots and generally “performing” as a star, Tardar Sauce too is spread, mutated, and made to work. Her live body is commodified in order to bring life to the still image, her profilmic reality as house cat is changed and altered in order to support, and more importantly, profit from, the circulation of her likeness. The next section explores how liveness and embodiment work together to form networks and communities, exploiting the link between live kittens and the video that showcases that liveness to commodify cuteness.

Live stream Kitten Cams: Earning Cuteness Through Boredom

I was sent the link to a LiveStream cam of two-day-old kittens during the end of the semester, when I was struggling to write, grade papers and research at the same time. I watched as the mother of the litter, Eve, nursed and groomed her five kittens, collectively known as the Palindromes and had the guttural reaction that humans can have to small, vulnerable creatures. I saw the number of people watching the stream would spike and dip around the rhythms of the day and the news cycle: visits from their human caretaker, Shelly, happened several times a day, and if a news article or blog post publicized the link, the number of watchers would spike to in some cases over two thousand viewers. Over the weeks, the kittens grew, received their Palindrome names (Arora, Siris, Pip, Izzi and Otto) and lived in an ever-expanding area of the basement, bounded by foam core walls and often decorated with a rotating selection of new toys, fan art and white boards advertising the website of the project, www.tinykittens.com , and links

to donate to the cause. I checked in nearly daily until the kittens were adopted in pairs when they were about three months old. Although the Tiny Kittens feed is undoubtedly one of the more popular of its type, it is still but one example of the shelter live stream, a live view into a subject at turns cute and soporific.

In a shelter live stream, kittens that would otherwise languish in shelters are instead broadcast around the clock, turning them into minor internet celebrities. David Giles, in his taxonomy of animal celebrity types, names the “promotional celebrity” animal, which after being publicized through a human interest piece or otherwise gained a fan following, continues to “generate publicity for the zoo or other institution where they are kept.”²⁹⁵ While not conflating the shelter with the zoo, as their missions and ethics are importantly distinct, the Tiny Kittens are often featured in local and sometimes international news sources with the stated purpose of driving traffic, and ultimately donations, to the shelter. The 24/7 live kitten stream is the innovation of Shelly Roche, an American graphic designer and former Facebook employee who relocated to British Columbia and began to volunteer at a shelter while her Visa was being processed. The webcam initially allowed her to monitor the litters of kittens she began to foster while she was out of the house, but eventually, interest in the stream reached beyond just her immediate fostering needs.²⁹⁶ The Tiny Kittens project now broadcasts live litters of kittens from birth to adoption, often focusing on cats with pressing medical needs or that had been abandoned or discarded in some way. One mother cat, Eve was “abandoned and pregnant, and took refuge under someone’s porch until a kind neighbor brought her” to the shelter and Roche took her home.²⁹⁷ More than just a way to watch kittens online, the Tiny Kittens program has been

²⁹⁵ David C. Giles, “Animal Celebrities,” *Celebrity Studies* 4, no. 2 (July 1, 2013): 112,.

²⁹⁶ “TinyKittens,” *The New Livestream*, accessed February 15, 2016, <http://livestream.com/tinykittens>.

²⁹⁷ “Kittens an Internet Hit,” *Langley Times*, accessed May 29, 2015, <http://www.langleytimes.com/community/205866931.html>.

incredibly successful in raising money for the umbrella shelter, Langley Animal Protection Society, or LAPS, with which it is associated, a classic function of the promotional celebrity animal. Donations can be made directly to the shelter, but Roche also appears often on camera asking for donations from an Amazon wish list of shelter supplies, food and litter, forming a direct visual and spatial link between the kittens and the personal spending that viewers can engage in to support them. Viewers also have donated new technology, toys for the cats and even tiny suitcases for them to pack up toys to take to their “forever” homes. The language used by Tiny Kittens plays up the idea that the kittens are rescued from cruel fates, unwanted and discarded, only to become cute, adoptable and valued by this community and those that will eventually go on to adopt them. The emphasis on “forever” homes and “furry tail endings” plays up the romantic quality of Tiny Kittens, and encourages viewers to cast themselves as the “heroes” of the story as it unfolds. By watching the feed, using the vocabulary, and perhaps most importantly, supporting the efforts of Tiny Kittens, viewers become active parts of this idealized familial narrative, instead of passive consumers of its cuteness.

The kittens are, at the core, highly effective (and affectively charged) fundraisers for the Tiny Kittens non-profit foundation support not just the “on-screen” cats, but a wider, unseen population of needy felines. For a recurring monthly donation, or a one time donation of \$100, kitten lovers can become VIPs and have access to an HD webcam which is placed to facilitate “prime viewing” conditions of the kittens, and also take part in raffles in order to win naming rights for kittens in future litters. Tax deductible, the VIP status is regularly detailed and promoted on the publicity pages for Tiny Kittens and members regularly identify themselves as VIP in various social spaces associated with the kittens. More than just passive consumers of these kittens as they grow up in front of the camera, viewers are increasingly asked to give

money to support both the technical needs of hosting such a large and popular video feed, and to support the actual kittens financially and publically. As Heidi Nast writes in her call for a new field of critical pet studies, this increasingly visible love of pets has “paralleled the growth of post-industrial service and consumption sectors under largely neo-liberal regimes of accumulation, [with] pets figuring as both commodities themselves and sites of intensely commodified investment tied to global inequalities”.²⁹⁸ What once was limited to in person volunteering or local shelter support has turned, thanks to the live feed, into a cause that anyone around the world can support monetarily, a concrete symbol of just how much these “forgotten” cats are valued. Chatters perform this support by declaring what they have contributed, or their VIP status, but they also perform their inability to fully participate in a fiscal sense, often announcing that while “money is tight” they have shared posts on Facebook to raise publicity and encourage others to donate.

Alongside the video feed itself, there are several social spaces that are built in and around it. These social spaces consist of the chat function on the various live stream channels, as well as the Facebook and Instagram pages maintained by both Shelly and fans of the kittens. The most consistent activity is in the chat spaces, especially on the free version of the feed. People from all around the world, at all hours of the day and night, comment on the activity of the kittens, using lingo picked up from Shelly, derived from lolcats and perpetuated by the chatters, calling food “fudz,” referring to nursing as going to the “milker”, or the “milkbar” being opened or closed, and any activity involving kittens running or scampering as “the zoomies.” Regular chatters are recognized by screen name or avatar, and new chatters are directed to a long list of rules, vocabulary and topics to avoid before they are welcomed into the social space. Even though very few of the chatters go on to adopt the kittens, the entire community is framed as directly

²⁹⁸ Heidi J Nast, “Critical Pet Studies?,” *Antipode* 38, no. 5 (November 1, 2006), 897.

contributing to their well-being simply by watching, chatting and spreading the word about adoptions and donations. More than just a fleeting burst of cuteness, the live stream becomes a community with its own rules, regulations and structures in place to regulate and standardize the affect among participants.

These regulations are never more ardently enforced than during events, like births on cam. For example, Eve gave birth on April 27, 2015, after about a week of “BellehVision”, Tiny Kitten’s slang for impending birth because of the focus on the cat’s contracting stomach. Disclaimers were posted on the main hub of communication, the Tiny Kitten’s Facebook page, that emphasized that much could go wrong during this birth: kittens could be stillborn, Eve could prove unable to properly clean and prepare them after birth, or they could refuse to breathe, as well as the general warnings about blood and other fluids being present. “This is live, uncensored rescue kitten reality TV”, the “PSA” urges - “labor and delivery is hard work, it can be messy and there may be times where we may have our hearts broken”. Like trigger warnings in a classroom, these announcements are both meant to warn the viewer that upsetting (i.e. not cute) events may occur while highlighting the live nature of the feed and the unique access viewers are given to the birthing process.

In the content of the chat during these “special events,” it becomes clear that the regulation of behavior stretches, at least attempts to stretch, into the space of the cam itself. After about a day of “pre-labor”, Eve gave birth to five kittens in the space of four hours. Comments alongside the stream expressed worry for the kittens, and copious praise for Shelly, whose presence did seem to soothe Eve, who purred throughout her contractions while Shelly was with her in the room, and stopped and appeared stressed when Shelly would leave. Not all of the commentary was positive, however; many criticized the picture or sound quality of the feed (“I

keep getting error messages!!” “is the feed frozen?”), consistently asking for Shelly to move the camera so that a better view was possible (“can you move the cam?” “I can’t see anything ☹”), or remarking that her use of a flashlight to examine Eve during birth was cruel or unsuitable for the kittens as they adjusted to their new surroundings (“and those poor kitties don’t need to see that light when they come out! Stop flashing that light!!!! I know their eyes are closed but the light can go through their eyelids”). But in general, the chat was positive and full of effusive praise for “good” mama Eve and “angel mama” or “human mama” Roche, with viewers emphasizing the feminine bodies and roles of those appearing on screen, and the trans-species “miracle” of birth that both cats and humans participate in. As one chatter remarks, “I’m so happy that I got to see the birth of Eve’s kittens!!! Just a beautiful video!!!” While the chat might seem inconsequential, it becomes a record of how viewers believe they can, or should, be able to interact with the profilmic space.

The live nature of the Tiny Kittens live stream allows the animals to be treated differently than cats encountered in still image memes or in short video clips. The kittens are broadcast continuously excepting only technical interruptions, from pre-labor contractions to adoption into their new homes. The stream, started in order to monitor kittens in a foster situation, now exploits human interest in the cute, the fragile and adorable and provides constant incentive to tune in. Not unlike some long form experimental cinema experiments, these feeds are both compelling and boring, progressing in real time and challenging the attention of the viewer. Kittens, like their full-grown cat counterparts, sleep the majority of the day, and especially in the first few weeks of life, are contained in a small area and move very little. A viewer must tune in repeatedly, over the course of several months, in order to observe appreciable changes in the kittens, and many express their joy in watching the kittens grow and develop. This joy could be

achieved in brief checks of the cam, or even from still pictures, which leads one to ask: why do some viewers watch live, or for hours at a time?

The draw of liveness at least partially explains the fascination of this mode of cat media. Still images captured by Roche and posted onto social media sites show the kittens developing, highlighting the small changes in fur coat, size, bone structure and physiognomy, but watching the kittens move on the feed allows for movement to be conveyed, interactions between the kittens to be observed, and a heightened sense of embodiment to be felt. The live nature of the feed ensures that even if Roche is not updating the social media feeds, viewers can feel empowered to “check in on” the cats and monitor their development personally. Rather than a recorded clip of the kittens uploaded to a video sharing site like YouTube, the live stream can be both more mundane and more immediate and vibrant, as the images are appearing constantly, in an ever-refreshing manner. When and if the cats experience a crisis or difficulty of some kind (an infection, lower than expected weight gain, physical impairment, etc.), viewers are empowered to observe the kittens and assess their progress themselves, and chatters pride themselves on length of time spent observing the kittens and the ability to pass valuable information to Roche or other chatters about when significant events happened. When one kitten appeared to be struggling to gain access to his mother to nurse, one chatter calmed others by saying “Otto was just hooked on [to the nipple] about an hour ago, no need to worry”, directing other viewers to the time stamp in the saved footage to verify the observation. In this way, viewers are not just passively consuming images of the kittens, but providing a seemingly valuable service through their viewing, directly impacting real kittens.

While the camera may capture events like eating, nursing, playing or sleeping, it is not an infallible observational eye. The stream often struggles to broadcast in the highest definition, as

the bandwidth required is much beyond that of a standard residential Internet connection. The lower quality feed can have trouble broadcasting accurate or synced audio, or be so low resolution that it becomes difficult to tell similar looking kittens apart. The angle of view is also limited, so if the kittens move to a new area, fall asleep behind a toy or piece of furniture or otherwise escape the boundaries of the viewable area they can disappear from view for hours at a time. Kittens are notorious for “cam take-downs”, where curiosity about the light and lens focusing noise draws their attention and often results in the camera being knocked off a tripod and left to focus on the empty carpeted floor or ceiling for hours. Unlike an edited clip, these moments are tolerated as the cost of live access, and astounding amounts of traffic and chat will occur even when the camera has been focused on carpet for more than a few hours. Liveness, whatever its limitations, has appeal beyond the still image, or short video.

While the chat may seem ancillary to the actual medium of kitten cams, in reality it serves a multitude of functions essential to framing and meaning making of the visual and audio material. The chat provides incentive and function for viewers to stay engaged and interested in the feed even when the stream itself is not captivating. It provides an outlet for viewers to communicate with each other, and build a community around the kittens. Chatting also allows viewers to communicate back to Roche, who often will sit with a computer monitoring the chat talking to the live stream, in a delayed question and answer session. By communicating intermittently with the humans appearing in the stream, the chat can feel like a participatory space, with chatters able to actively comment upon and change the course of the stream. However, that power is largely illusory; it would be unreasonable to assume that the livestream’s eight hundred average viewers can have personal or even indirect access to the events on screen. Of course Roche doesn’t take into account each suggestion or recommendation about where

furniture should be positioned, what toys should be purchased, or what kittens should be adopted together because they appear to get along well. But the chat provides the illusion that this is possible, and thus perpetuates the idea that this is not only a live feed, but also an interactive one where their engagement with the live stream, through viewing and chatting, is valuable to the kittens and Tiny Kittens' mission writ large.

The chat serves a circuitous but essential function by furnishing character narratives for the cats themselves. Each kitten is given a name, and as the kittens develop, the chatters insist on noting features of the personality and behaviors of each kitten and creating narratives based around them. Kittens that aggressively feed or climb over each other to nurse are determined, kittens that sleep are calm and reserved. Just as with human infants, it is nearly impossible to observe personality traits in extremely young kittens as their lives are dominated by the need to feed and sleep. Anthropomorphism is certainly at work here, as the assigning of personality traits allows viewers to build more satisfying narratives about the (often dull) content they are consuming, but it also serves other, more economic functions. In order to make the cats attractive to viewers, potential adopters and perhaps most significantly, potential donors, characterizations play into narratives of cuteness, helplessness and vulnerability that ensure continuing interest. Kittens born with difficulties (low birth weight, infections, congenital defects) quickly rise to prominence in the litter as viewers can more easily narrate their lives and extract meaning from otherwise unremarkable events. A kitten nursing is simply an animal following its biological imperative, but if that kitten was the runt of the litter, its nursing becomes a sign of resilience, determination and survival in a character-based narrative. Adopting the fractious kitten, or the loving, attentive kitten, or the calm and relaxed kitten is much more satisfying than adopting one of six undifferentiated kittens in a litter, but the characterization comes at a cost. Animals are

returned to shelters every day for not living up to their expected behaviors, and the risk of anthropomorphism is that it encourages adopting the neat narrative of the cat, rather than the complex, embodied reality of the cat. When the cute kitten's exploring becomes an adult cat's insistence on climbing furniture and curtains, the behaviors that were narrativized in order to bring interest into an otherwise dull profilmic space become behaviors that need to be actively managed by the adopting family. Chat reinforces and solidifies these narratives, good and bad, which often continue into the lives of the kittens in their adoptive homes, where their new owners are encouraged to create and maintain public Facebook pages with visual and narrative updates on how the cats are adjusting to their new lives as feline micro-celebrities.

The Tiny Kittens live stream, and the chat that accompanies it, must work against the burdens of liveness and interactivity to add complexity and nuance into the character narratives created. The live stream is wildly popular because of the nature of the medium. The ever-updating content and illusion of interactivity has built a virtual community that busies itself by creating narratives to both inject meaning into the visually dull stream and create opportunities to leverage narrative for economic or personal gain, with Etsy businesses making cat toys promoted on the stream, and Roche appearing to work with Tiny Kittens as a full-time profession. The cuteness of the cats is a draw, but only temporarily -- the live nature of the stream, and the fiscal health of Tiny Kittens, depends on the repeat viewing and intense engagement with the cats being filmed. Narratives around the cats flatten the embodied experience of the cats into a trite, anthropomorphized soap opera, but it provides easy monetization and constant incentive to donate and engage. Tiny Kittens raises awareness about unwanted cat populations everywhere, encouraging that viewers spay and neuter animals while simultaneously relying on unaltered animals for the raw material keeping the feed active.

All litters eventually grow up and leave the Tiny Kittens nest, but viewership numbers remain surprisingly consistent, suggesting a core community that remains committed not to the individual cats, but the social spaces produced around the live cam. Lauren Berlant argues that “an intimate public operates when a market opens up to a bloc of consumers, claiming to circulate texts and things that express those people’s particular core interests and desires.”²⁹⁹ The intimate public of the Tiny Kittens space is on the surface bound together by the kittens, a core interest of many of the self-proclaimed animal lovers who show up day after day to watch low-quality feeds of kittens sleep and nurse. These chatters, who hail from all corners of the world (a fact that is often emphasized when one member will call a “roll call” to have others announce where they are located around the world) are strangers to each other just as they are strangers to the cats they consume, but share an intimacy all the same. While users will attempt to bring chat topics back to the kittens, conversations often drift to the medical conditions (PTSD, anxiety, depression) that users claim are soothed by the kittens, or the shared feeling that these “unwanted and abused” kittens that the organization so proudly claims to rescue share an affinity with those watching who must defend their time spent watching kittens to those in their lives. As one chatter said: “even the smallest of toes and the tiniest of ears matter in this weary world”, reflecting back the cultural unease that so many feel in our increasingly atomized culture. As viewers watch, care for and donate to support these marginalized cats from sometimes thousands of miles away, the intimate public built around these cute kittens serves as a safe, welcoming space to exercise the weak, fleeting, feminine, juvenile, but ultimately addictive affect of cuteness in real time, for as long as the internet connection holds out.

Crush films: Changing Definitions of Cruelty, Changing Terms of Access

While many of the erotic undertones in cat media are subsumed under the banner of a

²⁹⁹ Berlant, *The Female Complaint*, 10.

maternal cuteness affect, there remain places in which that power dynamic between powerful subject and vulnerable object are made startlingly, and cruelly, clear. Crush videos are media objects that depict the literal crushing of an object, food or toy, or a living creature, under a foot for the purpose of sexual pleasure. Animal crush videos are the smaller subset of these involving living beings, and are separated into “soft crush,” or invertebrate animals and “hard crush,” vertebrates. As with other types of sexually explicit media, their dissemination has been greatly aided by the Internet, and despite their tenuous legal status in this country and across the globe, they are available through a variety of sources online.

A federal law was passed in the United States in 1999 to nearly unanimous support to make the interstate sale of these films illegal, which effectively made the creation of the films illegal. Although the killing of an animal for entertainment is considered animal cruelty in all fifty states, the statutes defining cruelty vary so wildly from state to state that it was considered more effective to target the videos, which circulated openly and were easier to trace than the actual acts. The rationale behind this law was that by taking away the market for these films, one could curtail or at least contain those producing them by removing the possibility for profit. However, while the law targeted crush videos and was used several times to prosecute the creators of those films, its language could be read to include any number of representations of animals being hurt or killed, including hunting television shows or anti-cruelty documentaries. The prosecution then had the discretion to judge which videos were crush films, and which were legitimate representations of animal death.

The law’s mechanism, in technical terms, made it a crime for crush films to pass across state borders for profit. Prosecuting the cruelty depicted in the films required abiding by statutes that varied from state to state, so the easiest way to regulate the creation of the films was to

penalize their distribution. By tracing where the video originated, and where it was downloaded, prosecutors could argue that the data passed over state lines- only when the video was in “motion”, from uploader to downloader, or from server to personal computer, could the video be traced. Otherwise, videos were held on private computers, and a warrant needed to be obtained in order to search for the crush films; movement makes private holdings visible. When the subject material is difficult to police on a case-by-case basis, it becomes an easier task to regulate the movement of those films. Especially in cases where that material is by nature created in private, a warrant and thus cause to enter a building would be needed stop the act during filming, it is easier to track the film as it moves between viewers. In the Supreme Court briefs presented, evidence that until the repeal of the law in the lower courts, the market for the films had nearly dried up, and there were very few available through any channel because of the restrictions on distribution. By regulating the means of distribution and exhibition, the content was effectively policed, and the underlying criminal act essentially eliminated when the marketplace benefits for it had been removed.³⁰⁰

The defendant in the 2010 Supreme Court case, a Mr. Stevens, is a proprietor of dogfighting films, which he records in Japan where those fights are legal, and live-streams them in the United States where he also released videos of the fights. When he was prosecuted under the law, his legal team argued that the law was overbroad and violated his first amendment rights as he filmed the fights in a location in which dogfighting was not illegal, and therefore the representation was legal for viewing even in areas where the act is criminal. A federal court, which subsequently overturned the conviction, accepted his argument and the next appeal was brought to the Supreme Court for argument on October 6, 2009. The Court ruled in an 8 to 1 decision on April 20, 2010 that the law was overbroad and therefore unconstitutional, and the

³⁰⁰ Petitioner vs. Robert J. Stevens (Supreme Court of the United States 2010).

entirety of the law was dismissed. Although the original iteration of the law was found unconstitutional, a new law to ban the production, possession or distribution of crush films was drafted and quickly passed in July of 2010 and remains on the books.³⁰¹

Lee Grieveson has written about this regulation of images and their movement in a seemingly very different instance, in which the films of Jack Johnson, a boxer from the early part of the twentieth century were deemed immoral because of their racial content and thus subject to a variety of commerce laws. While at first glance, this case may seem worlds away from the contemporary sphere, Grieveson is actually tracing the same policing mechanism at work in the crush films regulation schema even though the object is completely different. Johnson, an African American prizefighter, was regularly beating his white opponents and his fights, and occasionally films of his fights, sparked racial tension across the United States. Prize fighting had been made illegal in 1897, but enforcement was difficult and films of the fights were not regulated. When a member of the Motion Picture Patents Company filmed fights in 1910, outcry from various public interest groups began imploring the government to take action against the films as well as the fights. This led to the Sims Act of 1912, which banned the films from crossing into “the more advanced states” who had deemed the fights and the films, themselves “only a little less harmful than the degrading sport which they described”.³⁰² Even before the content of films was being regulated on a national scale, and local censorship battles raged in nearly every state, a clear connection was being drawn by the government between the criminal act and the representation of that act as a moving image.

Although the Sims Act was meant as much as a means of policing racial politics as it was

³⁰¹ Ibid.; *Prohibiting Obscene Animal Crush Videos in the Wake of United States v. Stevens* (Washington, D.C., United States, 2010), [HTTP://congressional.proquest.com.proxy.lib.umich.edu/congressional/docview/t29.d30.hrg-2010-sjs-0025?accountid=14667](http://congressional.proquest.com.proxy.lib.umich.edu/congressional/docview/t29.d30.hrg-2010-sjs-0025?accountid=14667).

³⁰² Lee Grieveson, “Fighting Films: Race, Morality, and the Governing of Cinema, 1912-1915,” *Cinema Journal* 38, no. 1 (October 1, 1998): 45.

a regulation of cinema, it sets a useful precedent for the discussion of crush videos. Unlike child pornography and similarly to the laws regarding boxing, the act pictured in crush videos is not subject to any consistent regulation from state to state: animal cruelty is defined with varying degrees of strictness and while the killing of a kitten is certainly illegal, the death of a hamster, lizard or insect is less clear. Different state cruelty laws protect different classes of animals, with almost all making provisions to protect common domestic animals, but less explicitly protecting exotic animals, insects or native, wild animals. It follows logically then that if the act being pictured is not easily or consistently enforceable, that the way to stop these films from being produced is to limit their access to the distribution channels in place, thus restricting their chance and profit and incentive for making the films in the first place. While crush films could be regulated, the underlying cruelty towards animals remains, and so their eradication will only ever be a partial solution to the larger issues at hand. As Grieveson notes, the actual boxing content of the films was much less threatening than the potent sexual threat that images of Johnson beating a white opponent represented.⁵ It is important to note that the crush videos have been selected out of a much larger set of films that depict cruelty to animals in various forms (dogfighting, cockfighting or hunting videos, for example) because of the obscene or sexual nature of the cruelty. However, just as *Motion Picture World* published several editorials around the passage of the Sims Act calling for constitutional protections for filmmakers, regulation of images invariably calls into question the rights of a citizen to create and consume material under the First Amendment.³⁰³

While the Sims Act represents an example of the government regulating content by controlling distribution and thereby exhibition of a moving image, the discrepancies between the cases are also illuminating. The Sims Act regulated the passage of the representations of boxing,

³⁰³ Ibid., 47.

but it was essentially regulating the morality of a nation fascinated by the images of racial tension framed in an exciting, physical medium. The control of the films was an attempt to regulate behavior of the spectators, whom were expected to either act on the racial tensions that the films both visualized and provoked, or that they would take an unnatural and immoral sexual pleasure from the sight of a well-muscled African American man. Whether it was entertainment or prurient interest, the films were watched for what was deemed dangerous reasons, and thusly were regulated. Presumably both boxers participated in the fight willingly, and consented to having it filmed, as it only increased their prestige and subsequently their earning capacity. Boxing has since regained its legal status, and the images of these fights continue to circulate because of their broad appeal. The subjects of animal crush videos can claim no similar benefits from appearing in the videos, to which they did not consent, and it is the makers of those films that receive the sole benefit from their creation. However, if the legality of the actions is in question, especially in the wider set of films to which the original law could be applied, the representations themselves are in a much murkier legal area.

It was a First Amendment challenge that eventually caused the 1999 crush film law to be overturned. Although several people were successfully convicted under the law for distributing crush videos, an appeal was successfully launched in the Third Circuit of the US Court of Appeals that the law was unconstitutional as it violated the defendant's freedom of speech in the dogfighting example. Animal cruelty was defined in the original law as "the maiming, mutilation, torture, wounding or killing of an animal" and stated that the conduct must violate the law of the state where "the creation, sale or possession of the depiction of the cruelty occurred."³⁰⁴ In layman's terms, the law applied to any depiction of cruelty created, screened or sold in a state where that cruelty is illegal. This flexibility allowed for the differences in state

³⁰⁴ Petitioner vs. Robert J. Stevens (Supreme Court of the United States 2010).

laws; even if the act was legal in the state where the video was created, it could still be prosecuted as long as it was seen in a state where it was illegal. Without a consistent state ruling about the limits of cruelty, one video may be a legal form of expression in state A while an illegal form of expression in state B, and to create a federal law that affects media produced or consumed in both states impinges on the right that a citizen in state A has to make, distribute or possess that form of expression under the First Amendment, the addendum to the United States Constitution that guarantees that no law shall “abridge the freedom of speech”.³⁰⁵

The definition of cruelty proved to be the heart of the court's case concerning freedom of speech. Although the defenders of the law maintained that the law was written to police a very small subsection of films and that prosecutors had used discretion in targeting only the most extreme cases of cruelty, the language was eventually deemed “unconstitutionally overbroad”.³⁰⁶ As originally written it could be used to prosecute other depictions of animals that are not considered cruelty as such, such as pictures of game killed in a hunting magazine, or videos of cock or dogfighting in a state where those activities are legal, or even documentaries that show cruelty towards animals for a political, pro-animal purpose rather than a sexual one. Because of the context, either of the actual filmed activity or the eventual finished media product in which the footage was contained, these alternate images of animal death can be disturbing, upsetting, troubling, ethically charged, but not cruel under the law.

Before the 1999 decision was handed down, Congress was already at work crafting a narrower version of the law, HR 5566, which was passed through committees and signed into law in July of 2010. It was well supported across bi-partisan lines, and included language

³⁰⁵ L. I. I. Staff, “First Amendment,” *LII / Legal Information Institute*, February 5, 2010, https://www.law.cornell.edu/constitution/first_amendment.

³⁰⁶ Kimberly Atkins, “U.S. Supreme Court Strikes down Animal Cruelty ‘Crush Video’ Statute,” *Lawyers USA*, April 20, 2010, <http://search.proquest.com.proxy.lib.umich.edu/docview/89222641>.

specifically protecting “any visual depiction of hunting, trapping fishing or customary and normal veterinary or agricultural practices” while also narrowing the scope to “animal crush videos of a sexual or obscene nature.”³⁰⁷ Cruelty, the new law makes clear, is not the issue most in need of legislating, but the eroticization of that cruelty, especially in the vulnerable body of the mute animal subject. Cuteness is often dismissed as a valuable affect because of its connections to the maternal and feminine, and the disgust around the eroticization of that same affect ultimately becomes the real target of the law.

The discussions of the case, both in the arguments heard by the Court and the analysis of the opinion, focus on the ways in which government can and should control media that is deemed hurtful. Others call exceptions to the First Amendment “unprotected speech” and most of these examples center around the ideas of false statements, obscenity, threats and speech owned. Most pertinent to the case of crush videos is the exemption of child pornography from free speech rights, decided in the 1982 Supreme Court Case of *New York vs. Ferber*.³⁰⁸ The case was cited many times in the briefs and arguments for the case, as the court ruled that the production of child pornography and the market for such material was inextricably linked to the abuse happening in the material, and that regulations of both need to be as strict as possible in order to protect the victims and possible future victims. Because the consequences of child pornography are so grave, the exemption from the freedom of speech allows these materials to be illegal without having to prove them obscene. The exemption to the first Amendment allowed for stricter punishments without the burden of proving obscenity (so large a sticking point in other pornography litigations) necessitated in every case. However, the Court decided in the animal

³⁰⁷ Elton Gallegly, *Prevention of Interstate Commerce in Animal Crush Videos Act of 2010*, 2010, [HTTP://congressional.proquest.com.proxy.lib.umich.edu/congressional/docview/t01.d02.111_hr_5566_rfs?accountid=14667](http://congressional.proquest.com.proxy.lib.umich.edu/congressional/docview/t01.d02.111_hr_5566_rfs?accountid=14667).

³⁰⁸ *New York vs. Ferber* (United States Supreme Court 1982).

crush videos instance that the protection of animals did not merit a separate exemption from the First Amendment because despite prosecution arguments to the contrary, the animal life simply does not carry the weight of a human life in the eyes of the court. Any subsequent laws must going forward be written so narrowly that they exclude other types of films that depict harm to animals being done in a legal way or alternatively prove the obscenity of the crush videos on a case by case basis. This new law, while protecting the First Amendment rights of the citizens, also opened up the possibility for more appeals; as each case can rely on the discretion of the prosecutor to define crush and cruelty both, cases tried under the same law can set differing precedents and thus strengthen appeal cases. All of this legal discussion, now happening at both the federal and state court levels, becomes the codex for decoding governmental and public understandings of the power dynamics at work in these horrifying objects.

To prove abuse in a profilmic space, one must either personally witness it or determine from the representation of the event that abuse has in fact occurred. This process of deciding whether the images were cruel, and how that cruelty was enacted, was the focus of much discussion and debate. While the original 1999 law was written to police crush videos, the dogfighting videos were at the heart of the constitutionality debate: if they were filmed in a place where the dogfighting was legal (Japan) and merely distributed here, did they not fall under the protection of the First Amendment? Even if the court did agree that animal cruelty depictions, like child pornography, were part and parcel with the crime of animal cruelty and thus merited an exemption, Chief Justice Roberts introduced the complicating factor of intent. The original law provided an exemption for “scientific, journalistic, educational and historical” depictions of animal cruelty, but Justice Roberts asked “How can you tell these aren't political videos? You do have organizations, PETA and others, that depict the same sort of animal cruelty in order to

generate support for efforts to prohibit it...,” essentially asking how to regulate intent and context in terms of violent or cruel images.³⁰⁹ Unlike the kitten live streams or memes discussed earlier, these videos are standalone files that circulate with considerably less defined points of origin. There is no Tiny Kittens organization or branding, consistent authorial voice or even website known for distributing crush films, and without that framing and context, the videos are both harder to find, and harder to contextualize in the larger media landscape. We are instructed, explicitly through the construction of the object or implicitly through the cultural knowledge produced around it, how to consume legal cat media, but crush videos circulate without a frame so as to reduce legal liability. Outside of the content, which the Justices are right to point out as a tenuous site for discerning intent, we know the crush videos are outside of the normative experience by the places from which they stream, hard to discover without specific intent to consume.

Unlike the live streams discussed in the previous section, these videos are streamed, but not live. To be streamed, a video must be stored on a server, and watched from a separate computer without downloading the file. To download the file is to make a copy and store it locally on one’s personal computer; streaming only leaves a record that the computer communicated with the server, but leaves no trace of the data that was exchanged in the transaction. Streaming video thus becomes difficult to trace – forensic computer scientists can determine which computers communicate with which servers, but easy and effective steps can be taken to mask where the original file is being hosted, or which files on the server were accessed. Live streams are live and ever changing, but grounded in a singular profilmic space, or at least a knowable space. Streaming video emphasizes the liquid quality that the name suggests – one can

³⁰⁹ Petitioner vs. Robert J. Stevens, 7 (Supreme Court of the United States 2010).

trace a path from data, but never conclusively identified the source, the end, or the exact configuration of the water molecules.

However, a connection to the profilmic, and the embodied animal, must be made in order for both the intent of the material, and its legality, to be established. Mr. Katyal, arguing to uphold the crush videos ban, notes that “it is often very hard to figure out where the underlying material was made,” which speaks to the displacement of the representation from the profilmic in a literal sense.³¹⁰ Dogfighting is legal in Japan, where the videos in this case were filmed, but that is a fact that is effect impossible to prove. There are strong suggestions within the media itself, the language spoken and the locations used, but even a GPS enabled camera which adds location metadata to the image can be faked and manipulated. While there continue to be inconsistent laws governing the cruelty being represented, the image will never be conclusive proof of a crime occurring in a specific location, and thus the law will violate the rights of those who did not commit a crime during the process of filming. By making the possession, distribution or exhibition of the images itself a crime, one issue is avoided but instead invites the First Amendment argument.

In crush videos, the connection to the profilmic must remain tenuous enough to be plausibly deniable in terms of location while still presenting the animal body as embodied enough to activate an affective connection in the viewer. In a photographic sense (as well as the physical, cruel sense), the animal is real – death occurs in the profilmic, and the camera captures it in an unblinking way. It is the mode of transmission, the streaming video, which unsettles the sense of where the video exists. The profilmic stakes are clear, even if the architecture that allows the images of that profilmic to be viewed works to make untraceable the paths the data follows. Film stock, of course, would be easier to trace – destroy a reel, destroy that print, or

³¹⁰ Petitioner vs. Robert J. Stevens (Supreme Court of the United States 2010).

follow it from location to location in a clear and navigable path. No one would argue that you could conclusively prove a location from a film print, as there are innumerable ways that it could be distorted or altered in order to obscure that information. In the digital configuration, we might guess that the information would be there, in the metadata of the file, but as memes also demonstrated, metadata are easily faked and manipulated, proving to be just as untrustworthy. In the case of crush films, this slippery source is both legally advantageous for the makers, and of little consequence to the consumer. The image itself can be legally suspect, but the subject, the animal body, will always be viewed as embodied, and therefore create the relationship between animal subject and powerful humans subject. Unlike the livestream, which bases much of its affective charge in the specificity of the kittens (this specific litter, in this specific location), the crush film necessarily must circulate without that level of specificity, and thus the cute and then erotic affect is instead rooted in both the illicit nature of its distribution and the embodied image of the vulnerable animal.

Crush videos do not fall neatly into the categories established for cat media: they are not freely or openly traded, they are covertly commodified because of their inconsistent legality, and they are not considered cute. But crush videos do demonstrate that the power dynamics that create a vulnerable object, especially a vulnerable animal, create a commodity that will be sought out, no matter the legal, moral or ethical objections. Just as the amendment to the First Amendment, and relentless threats of prosecution have not completely curtailed the market for child pornography, these ineffectual laws regulating crush films do even less to restrict access to these objects, as cases continue up to the writing of this chapter.³¹¹ By examining not only the media texts, but the legal and technological systems that attempt to curtail or liberate their

³¹¹ Bryan Menegus, "YouTube Won't Ban A Guy Who Crushes Animals to Death (Update: Channel's Dead)," *Gizmodo*, accessed March 23, 2016, <http://gizmodo.com/youtube-won-t-ban-a-guy-who-crushes-animals-to-death-1763178702>.

distribution, we can see the differences between the animal and human subject, and the anxiety around the virtual image. Crush videos showcase a mute, impossible to reach subject who nevertheless is visually structured as embodied, and a system built to obfuscate the relationship to the profilmic space and the digital image as it circulates. These horrifying objects demonstrate that that image capture, image distribution and image reception all demand specificity and nuance far beyond that which is typically afforded to animal subjects in the digital realm – these are far more than just “cats on the internet”.

Conclusion: The Stakes of the Digital Object

Underneath the hand wringing and projections about why cats rule the Internet, there lies a base anxiety: how are we wasting so much bandwidth on these seemingly commonplace objects? Why has our most complex, rich and varied network of information become fixated on these feline bodies? Some estimate that fifteen percent of total web traffic is related to cats, an animal which has been culturally constructed as aloof, distant, unknowable, and often, unpleasant. Cuteness studies have started the conversations about why these videos have such an appeal; many have argued that the basic power relation between powerful observer and vulnerable object are satisfying and invoke a sense of care and dependence that is strongly coded as feminine and maternal. This tie to the feminine, both in the characterization of the cat as a species and in the characterization of the affect as maternal, makes our attraction to these cute objects suspicious, juvenile or déclassé. And yet, the cat remains.

While previous chapters have argued that the animal subject has been differentiated culturally, structurally and theoretically from other subjects that appear in images of all types, this chapter advances that argument past the images themselves and into the ways that they are viewed and consumed. To often, the digital object is viewed in terms of what makes it different

from the photographic one: the mode of image capture, the translation between a profilmic space and a set of numeric data points. I argue that we must extend that conversation into the modes of replication (in the case of memes), of presentation and framing (in the case of live streams), and of distribution (in the case of crush videos) to examine how this translation affects our understanding of how the objects operate in order to depict animal lives, human or otherwise. If all data on the Internet can be reduced to zeros and ones, fifteen percent of that data is reconstituted and understood as the cat body. This mute, unknowable creature has captured our collective digital imagination, and it is only through a specific and nuanced understanding of how those images invoke our protection, care, suspicion and disgust that we can come to know how our human bodies are reflected back to us.

Conclusion: “What I have learned from watching this...”

As Chapter Three demonstrated, few things are as intricately intertwined as *Planet Earth* and Sir David Attenborough. It was hard for me to imagine anyone else narrating nature documentaries successfully until someone sent me a link to a clip from the *Jimmy Kimmel Live* late night show, and a segment they had been running called *Plizzanet Earth*. On July 1, 2014 host Kimmel introduced a new segment, saying that this is a new “educational venture” that he’s launched with “one of the great nature lovers”. He gives no indication as to who his guest host might be, and when the dawn rises over the earth image that rolls next, the text that is overlaid, in the same sans serif font used by *Planet Earth*, it takes a second for the joke to register. The new title card reads *Plizzanet Earth*, with the double z the signature linguistic trademark of hip hop artist and film star Snoop Dogg. The lens flare fades to white, and we see Snoop Dogg sitting, sunglasses on and a blue Solo cup (suggestive of the gin and juice he has made into a signature drink of sorts) at his side. Behind him is an image of a herd of giraffes, walking across a savannah plain, mountains in the distances. He lets the audience know that “we’re going to be checking out some animals today” and asks the control room to roll footage.

Plizzanet Earth works as a bit, and indeed was a popular recurring segment on the show for about two years, because of the disjuncture between what we expect the nature documentary voice over to do, and what Snoop Dogg does. He does not provide “accurate” or “scientific” readings of the footage, and the segment is so successful from the start because Kimmel primes the audience to assume the position of power. Kimmel introduces the clip by telling the viewers in that the name of this particular type goat is an Ibex, a visual distinction I imagine would be

difficult to make without the prior knowledge or a recollection of the *Planet Earth* episode the footage is taken from. We then, knowing what we're actually looking at, can enjoy Snoop Dogg's misunderstandings, as he explains that we're looking at "rams or elks or shit" and that this behavior, which is a complicated mating ritual of dominance, is "some old, ancient shit that the rams did in the 1800's." For comparison, the *Planet Earth* episode from which the footage is taken has Attenborough explaining over the same section that "these are Nubian Ibex, and they're squaring up for a duel". Over dramatic bass drum rolls a third Ibex enters the fight and Attenborough declares that when "there's so much at stake...not all play fair", but Snoop Dogg declares this new competitor is "double teaming his ass", suggesting that he "might be his son or something", but echoing the fairness complaint of his British predecessor, saying that this is "supposed to be a one-on-one fight". *Planet Earth* goes on to end the segment explaining that this behavior is just one part of a herd-wide fight for sexual dominance over the "harem of females" that are loyal only to the dominant male, and are "his for the taking." *Planet Earth* ends with Snoop Dogg returning to the screen to sum up: "What I have learned from watching this is jack shit."



Figure 12 Your Host with the Most, big Snoop Dogg

The *Plizzanet Earth* formula is effective enough to spawn at least ten different iterations on Kimmel's show, and most recently, an extended version on Snoop Dogg's digital distribution channel, *Merry Jane*. *Planet Snoop*, interestingly, has Snoop Dogg delivering his famous insights over a viral internet video, rather than over the BBC's footage. I have to imagine that this is not because he's run out of material in the series to parody, but that extending the clips over the thirty seconds or so that the *Jimmy Kimmel Show* provided, the material is no longer protected by parody or fair use provisions in copyright law, and without the might of ABC behind him, it was safer to use material that he could more easily secure the rights to. Something is lost, however, in the lower quality footage and the less tightly edited clip - the joke works better in shorter, more polished sections.

Outside of the comedy of seeing Snoop Dogg grasp for species names and descriptors for behavior, there's actually a complex play of identity and assumption at work in *Plizzanet Earth*.

Snoop Dogg, née Calvin Cordozar Broadus, Jr., grew up in Inglewood, California and is synonymous with the West Coast sound that came out of the greater Los Angeles area in the last decades of the twentieth century. There is no real reason to expect that he'd be able to tell the difference between a ram and an ibex, or be able to correctly describe the complex mating rituals they engage in. His relationship to the natural world is completely different than Attenborough's and part of the pleasure of listening to his explanations is the pleasure of knowing better the ways of the world than this rich, successful celebrity. When he declares that a squirrel, taking on a snake, is "hard" and wonders "what gang he from", the transposition of language loaded with racial and cultural connotations that are fully out of place in the world of squirrels, snakes, ibex and giraffes. Snoop Dogg is reading his own experiences, or the experiences that we imagine him to have, onto the animals he sees regardless of the scientific reality, subverting our expectations for the documentary and its role in educating us about the natural world.

Sir David Attenborough, in the world of natural history program, is a more reliable narrator than Snoop Dogg, and we are conditioned to trust his voice over as fact, rather than joke. Even though he rarely appears on screen in the most current NHU series, his voice, with its lower baritone register, the British accent that reads more as posh than it does as cockney, is coded as trustworthy and authoritative. Politics of respectability extend beyond the human world and into this natural space, coded both onto the bodies of our interlocutors to this unfamiliar world of animal experience and the types of behavior they're asked to commentate upon. Snoop Dogg almost exclusively narrates clips of violence, while Attenborough can comment on the full range of animal experience. Even in the realm of comedy, the racial implications are clear: black bodies relate differently, in ways that are less trustworthy, less authoritative and less true than white ones. The presence of animals on screen naturalizes this connection between Snoop

Dogg's body and the violence we assume him to be an authority on; this clip would be significantly less funny, and much more pointed, if he was providing commentary over ethnographic footage of urban spaces. The transposition of the discourse onto the animal allows for the joke to remain a joke.

In this work, I have attempted to make strange the structures that produce images about animals in order to examine how they work to both reflect and produce human relationships with animals. It became essential to each chapter, then, to clearly mark the boundary between human and animal, to insist upon the animal subjects' unique position in profilmic space and on the screen in order to draw attention to the ways that position was knotted with other discourses. The AHA's "No Animals Have Been Harmed" tagline means nothing without the force of the regulation that audiences imagine behind the words, and the regulation of animals on set sits at the center of a web of power relations between film studios, screenwriters, the PCA, animal rights activists, animal sympathizers, human actors, animal actors, accountants, and audiences, just to name a few of the threads. It is important to view these media objects as a place where the structures have been made visible, where the network of affect and power that produced the object can be made concrete by virtue of the media's materiality, and the discourses that surround the media object.

One thread that I have not sufficiently followed out of these knots, however, is the way in which animal bodies naturalize the politics of representation. Topsy is named for a character in *Uncle Tom's Cabin*, was claimed as American born despite her unclear origins in an exoticized "other" location, and was captured and traded between circuses and amusement parks, property of her owner in a most literal sense. The horse in *Jesse James* is part of a long standing tradition of the American horse as an inextricable semiotic block of the mythos of the American West,

free-ranging, majestic, hardworking and ultimately disposable after carrying her cargo to the lands claimed under the banner of manifest destiny. A British polo horse, for instance, means something entirely different than a wild mustang free in Wyoming, and both understandings are predicated on a racialized, culturally specific understanding of an animal's identity, if such a thing could be named. The politics of representation operate here, despite attempts to naturalize them by sublimating the terms of their articulation onto the "natural" world.

Future work will engage with this thread as I examine how animal bodies, and the natural and unnatural spaces that contain them, are made to do political work that would be otherwise suspect or bald in the realm of the human. Viewers would read Snoop Dogg's commentary over human violence as racist, but over images of sharks, that import is softened, made fun, but is nevertheless communicated. *Planet Earth* similarly softens its colonial project by emphasizing the technological feat of capturing the footage, drawing our attention away from the cultural and political power that gives them imagined and at times real dominion over not only colonial human subjects, but colonial natural spaces and the animals that inhabit them. Because of the animal's place in the natural world, it becomes easier for a rhetorical frame to be built around their body that assumes an apolitical stance. Just as I argue that no representation is free from the knot of power that shapes the terms of its production, circulation and consumption, I will continue to argue that no body is free of the codes of representation that define identity politics in, against and through their interaction with each other, regardless of species.

Donna Haraway writes that the "truth or honesty of nonlinguistic embodied communication...is not some trope-free fantastic kind of natural authenticity that only animals can have while humans are defined by the happy fault of lying denotatively and knowing it."³¹² Put another way, being free of language does not make the body of the animal free from the work of producing

³¹² Haraway, *When Species Meet*, 27.

meaning about it. Humans and animals are on the same spectrum of existence, not because we're all alike, but because we necessarily read their experience through our own. I know what an elephant is because I have seen it, in zoos and on screens, and my understanding is as such necessarily grounded in my identity and life experiences. Because of this, animals are never outside the burdens of performance and representation that human bodies are also subjected to. An elephant performs its existences, and its species for me, when I see it swaying back and forth in a too small enclosure, just as my cat performs his existence as pampered, middle class domestic pet every time he obstructs my keyboard and disrupts the labor that enables his existence. Despite the affective relationship that makes me feel emotionally close to these animals, I will never have full or unobstructed access to their interior life, and thus am bound by the coalescing, competing and persistent interpretative frames in which I am immersed. My work thus far has made visible the structures that differentiate animal subjects from human ones, in both representation and power, and my work will move forward to show how animal bodies are used to further separate and reinforce the distinctions between humans when more explicit iterations of the same tropes have been exposed.

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