The Quality of Mercy: Organized Animal Protection in the United States 1866-1930

Bernard Unti

The Humane Society of the United States

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THE QUALITY OF MERCY: ORGANIZED ANIMAL PROTECTION
IN THE UNITED STATES 1866-1930

by
Bernard Oreste Unti

submitted to the
Faculty of the College of Arts and Sciences
of American University
in Partial Fulfillment of
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Doctor of Philosophy
in
History

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Date

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American University
Washington, DC 20016
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2002

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"The quality of mercy is not strain'd,
It droppeth as the gentle rain from heaven
Upon the place beneath: it is twice bless'd;
It blesseth him that gives and him that takes."

The Merchant of Venice, Act IV, Scene I
For Margrit Gerber Unti and Oreste Vincent Unti
THE QUALITY OF MERCY: ORGANIZED ANIMAL PROTECTION
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Abstract

Historians have largely neglected the animal protection movement, despite its unique accomplishments and its relationship to other reform efforts. While humane advocates in the pre-World War II era rarely transcended anthropocentrism, they launched significant initiatives to extend ethical concern beyond the species barrier. From 1866 onward, they waged campaigns against cruelty to animals in transportation, slaughter, education, entertainment, science, recreation, municipal animal control, and food and fur production.

This study situates organized concern for animals in relation to other post-Civil War reforms—including temperance and child protection. It explains the rise of humane work in light of antebellum trends in law, education, philosophy, and religion, and the perception that animals were at the heart of many sanitary and public health concerns. It qualifies interpretations that reduce animal protection to an exercise in social control. It denies the importance of the Darwinian assertion that humans were animals to the movement's formation. Finally, it disputes claims that concern for animals served a "displacement" function until some human reforms became socially acceptable.
As a result of humane education campaigns, the kindness-to-animals ethic gained recognition as an important element in character formation. However, just as humane advocates began to contest an unqualified anthropocentrism, new and unprecedented forms of animal use emerged. The movement proved ineffective in the face of a broad "industrialization" of animals, and its progress slowed in the early years of the twentieth century. Animal protectionists found it difficult to advance their principles in such arenas as experimentation or food production, where exploitation of animals was expanding. In addition, targeted interests successfully placed many forms of animal use outside of socially and legally determined definitions of cruelty. With the rise of science- and social science-based reform, moreover, the humane movement fell out of step with once allied causes like feminism, temperance, and child protection. After 1920, the movement's agenda narrowed, and it focused its resources on municipal animal control. Even so, humane advocates set precedents upon which contemporary animal protectionists continue to build.
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<td>AAVS</td>
<td>American Anti-Vivisection Society</td>
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<td>AHA</td>
<td>American Humane Association</td>
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<td>Ann. R</td>
<td>Annual Report</td>
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<td>ASPCA</td>
<td>American Society for the Prevention of Cruelty to Animals</td>
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<td>AVHJ</td>
<td>American Vegetarian and Health Journal</td>
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<td>HSP</td>
<td>Historical Society of Pennsylvania</td>
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<td>JOZ</td>
<td>Journal of Zoophily</td>
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<td>LBK</td>
<td>Letterbook</td>
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<td>MB</td>
<td>Minute Book</td>
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<td>Massachusetts Society for the Prevention of Cruelty to Animals</td>
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<td>N. Y. World</td>
<td>New York World</td>
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<tr>
<td>OAF</td>
<td>Our Animal Friends</td>
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<td>ODA</td>
<td>Our Dumb Animals</td>
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<td>OFF</td>
<td>Our Fourfooted Friends</td>
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<td>Phila.</td>
<td>Philadelphia</td>
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<td>PSPCA</td>
<td>Pennsylvania Society for the Prevention of Cruelty to Animals</td>
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<tr>
<td>SBK</td>
<td>Scrapbook</td>
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<td>SPAAE</td>
<td>Society for the Prevention of Abuse in Animal Experiments</td>
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<td>WHS</td>
<td>Women’s Humane Society</td>
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<tr>
<td>WPSPCA</td>
<td>Women’s Pennsylvania Society for the Prevention of Cruelty to Animals</td>
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INTRODUCTION

ANIMAL PROTECTION IN
THE UNITED STATES

Today, in our era of vanishing species, factory farms, and xenotransplantation, humankind's relationship with non-human animals raises pressing ethical and practical challenges. Yet while the particular issues have changed over time, debate over the status and treatment of non-human animals is not new. Modern animal protection has an important and culturally influential predecessor, the humane movement, from which it has inherited significant patterns of thought and action. While humanitarians of the Gilded Age and Progressive era never completely transcended anthropocentrism, their expression of a broader sense of responsibility toward non-human animals anticipated that of contemporary animal rights advocates and some environmentalists by over a century.

In arguing that cruelty to animals was morally wrong, nineteenth and early twentieth century animal protectionists took a pioneering step in the evolution of ethics. They launched the first historically meaningful initiatives to expand moral concern beyond the barrier of species, and they forged many of the arguments that underpin contemporary debate. Some even expressed significantly radical views, articulating a vision with which today's animal rights campaigners would be very comfortable. The ramifications of their efforts to widen the circle of morally relevant beings are still unfolding.
Nevertheless, the challenges facing modern day animal protection reveal the limits of the early humane movement’s accomplishments. While relatively successful in stigmatizing individual acts of cruelty, and ensuring that such conduct became punishable under law, early animal protectionists were largely ineffectual in their efforts to instigate major reforms in agricultural, institutional, and industrial usage of animals. Such failures arose not so much from the movement’s ideological limitations as from the sweeping changes that modernity itself wrought in human-animal relations, and from the growing power of interest groups, including railroad magnates, meat barons, manufacturers, ranchers, scientists, breeders, furriers, hunters, and shooting fraternities. These groups secured explicit exemptions and sanctions for their practices, and thus precluded the extension of legal and social controls against cruelty into many arenas of animal use. Against such opposition, the animal protection movement never gained sufficient power and influence to institutionalize its views.

By the World War I era, moreover, the humane societies’ focus gravitated toward companion animal overpopulation, an overwhelming challenge that absorbed increasing amounts of their time and resources. This burden made it almost impossible for them to devote attention and energy to other problems. Municipal animal control remained the principal orientation of humane work until a post-World War II revitalization gave new life to the broad agenda that had once engaged the movement.¹

This study reclaims forgotten chapters of animal protection's history, and situates the cause in the mainstream of American social reform. It explores the movement's pre-Civil War antecedents, describes its nationalization, and clarifies its relationship to other social movements. It discusses the early work and practical achievements of the societies for the prevention of cruelty to animals. It considers such developments as the origin of the animal shelter, the replacement of the horse by the dog and cat as the central focus of anti-cruelty efforts, and the incorporation of concern for wild animals into the humane agenda. It probes the arguments that animal protection advocates advanced. Finally, it elucidates the social, economic, and political transformations as well as the tactical maneuvers that placed the use of animals in food production, medical research, and a number of other areas outside the reach of anti-cruelty codes.  

Previous scholarship has emphasized vivisection as an area of concern for the early animal organizations. However, humane groups focused their energies on many other issues as well. This study discusses campaigns that focus on streetcar cruelties, milk adulteration, animal fighting, cattle transportation, slaughter of animals for food, municipal animal control, euthanasia of unwanted animals, compulsory education, and use of animals in military service, entertainment, hunting, shooting, and trapping.  

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2 For the most part, this study places animal advocacy, rather than animals, into American social history. By delineating the form and functions of a decidedly human enterprise—the humane movement—this work acknowledges the impact of changing human attitudes and practices upon animals' status and well-being. While it cannot systematically explicate the lived experience of animals during the period covered, this study presupposes that we cannot really place animals themselves into history without taking account of their subjectivity.
The dissertation engages extant historiography concerning humane work in a number of key respects. It explains the rise of organized animal protection as an outcome of antebellum trends in law, moral philosophy, pedagogy, religion, social reform, and attitudes toward pain and suffering—trends that amounted to an inchoate reform movement that quickly coalesced once the Civil War ended American slavery. It qualifies interpretations that reduce the cause of animal protection to an exercise in social control of the lower classes. It explicates the degree to which the anti-cruelty movement arose in response to sanitary and public health concerns and the incorporation of animals into the urban environment. It questions the importance of the Darwinian claim that humans were animals to the movement’s formation and development. Finally, this study contests scholarly claims that concern for animals served a “displacement” function until some human-centered reforms became socially acceptable.

Many of animal protection’s supporters evinced strong sentimental attachments to animals. Sympathy, empathy, and revulsion toward cruelty were vibrant impulses in the nineteenth century, and they animated many of the century’s social reforms. This study acknowledges the humane movement’s emotional sources, and recognizes concern for

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3 On vivisection, see Turner, Reckoning with the Beast; Susan E. Lederer, Subjected to Science: Human Experimentation before the Second World War (Baltimore: Johns Hopkins University Press, 1995); Craig Buettinger, “Anti-Vivisection and the Charge of Zoophil-Psychois in the Early Twentieth Century,” The Historian 55 (Winter 1993): 277-88; idem, “Sarah Cleghorn, Antivivisecion, and Victorian Sensitivity About Pain and Cruelty,” Vermont History 62 (Spring 1994): 89-100; and idem, “Women and Antivivisection in Late Nineteenth-Century America,” Journal of Social History 30 (June 1997): 857-72. The almost complete deficit of historical scholarship on other topics related to humane concern—such as the mistreatment of animals in food production, animal fighting, and urban transportation—is striking.

animals and their well-being as a legitimate expression of human emotion, interest, and morality.

Animal protection was rooted in bourgeois moral sensibility, and predictably its proponents, mostly native-born members of the middle and upper classes, focused significant attention and energy on lower class cruelties. This has led some scholars to characterize animal protection as a social control movement. However, while humane advocates frequently endorsed the prosecution of lower class citizens whose behavior resulted in animal suffering or death, they quickly came to realize that moral suasion was a better long-term strategy. Consequently, they also sought to suppress cruelty through non-coercive means, including humane education, practical support, and veterinary assistance to those who labored with animals.

Moreover, American humanitarians did not limit their efforts to the suppression of lower class practices. They challenged corporations and medical institutions that used animals in ways they found cruel. In addition, they criticized and prosecuted many of the pet cruelties favored by wealthier citizens, with varying success. If cruelty debased and threatened civilized society, it did not matter who its perpetrators were. It needed to be

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challenged. In their efforts to eliminate animal pain and suffering, humane advocates targeted the thoughtless, the unknowing, and the indifferent, regardless of social station. The ethic to which they adhered—that humans had moral responsibility toward animals—compelled such consistency.

More fundamentally, the social control interpretation does serious injustice to humane reformers by implying that their principal focus was the discipline and civilization of the lower classes, with genuine regard for animals an incidental or secondary matter. It not only overlooks their words, but fails to examine the full scope of their actions. Indeed, when the breathtaking range of humane activities is taken into account, the deficiencies of the social control paradigm become more evident. Animal protectionists undertook numerous philanthropic initiatives that aimed not at the control of their fellow citizens but at the promulgation of humane values and the general diffusion of knowledge about animal well-being. Taken as a whole, animal protection entailed a broadly conceived campaign to transform the public sphere by inscribing the ethic of kindness onto the physical, moral, and emotional landscapes of nineteenth century America.

Animal protectionists sought to inject concern for animals and their welfare into an astonishing array of public matters. In some cases—most notably the transportation of animals used for food—their preoccupations and activities anchored important pre-Progressive efforts at regulation. In other instances, like the treatment of animals in medical research and slaughtering facilities, humane advocates anticipated regulatory approaches that the nation would adopt during the post-World War II era. To this day, in
numerous American communities, the organizations they founded continue to fulfill important functions in the service of human and animal welfare.

Although animal protection was not a politically radical movement, its ambitious social reform agenda extended to the realms of transportation, sanitation, recreation, fashion, food production, science, education, conservation, labor, and commerce. Its concerns frequently overlapped with those of campaigns for public health, urban order, temperance, child rescue, food reform, railroad regulation, Americanization, public education, conservation, country life, bird preservation, nature study, pacifism, and the protection of patients from unethical medical procedures. Indeed, humane work often drew its social and political momentum from these other movements.

Animal protection had especially strong associations with child protection and temperance. In the case of child protection, the links were very direct, for the early societies for the prevention of cruelty to children were organized along the same lines as the societies for the prevention of cruelty to animals, and sometimes led by the same citizens. In the case of temperance, the kindness-to-animals ethic complemented that movement's own ideology and provided a suitable channel for the meliorist energies of its pious constituents. All three causes were tied to a developing concern with the suppression of violence--against animals, against children, against women--that their respective adherents perceived as threatening to the well-being of both individuals and society.

Animal protection was not simply a movement with middle-class appeal; the kindness-to-animals ethic was a critical element in the process of class formation before and after the organization of anti-cruelty societies. From the early nineteenth century
onward, middle-class Americans came to appreciate the value of interaction with non-human animals in the socialization of children. The lesson of kindness became a central feature of middle-class parenting. The kindness ethic played an especially important role in the forging of a prescriptive model of bourgeois masculinity. From its presence in the didactic literature of the eighteenth and nineteenth centuries, to its place in the moral code of the Boy Scouts in the early decades of the twentieth, kindness-to-animals was bound up with the character formation of male adolescents.

From its inception, animal protection was a significant field of action for women, who played critical roles in the development of humane institutions and powerfully shaped the overall agenda of the movement. Their participation in humane work reflected the increasing pace at which women were able, during the second half of the nineteenth century, to project their moral influence into the public sphere, with or without the support of men. In their promotion of humane values, nineteenth- and early twentieth-century women created and assumed place for themselves and their views in broad-ranging public debates over matters in which animals were implicated.

The very notion of “cruelty” to animals has been peculiarly subject to social definition, and, to a great extent, animal protection has involved the working out of acceptable thresholds of violence—both public and private. Within a few years, animal protectionists succeeded in efforts to classify certain once-tolerated cruelties as

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inappropriate conduct to be eliminated through law, education, and moral suasion. However, the movement found it more difficult to challenge or to reform many types of socially sanctioned violence against animals. Over 150 years since the anti-cruelty movement emerged, some of these (like those that occur in meat production) continue to flourish beyond the scope and reach of anti-cruelty laws and regulatory standards.

It would be misleading to suggest that the period encompassed within this study witnessed a seamless transition from the assertion that causing harm to animals is morally degrading to the perpetrator to the argument that harming animals is a moral wrong against animals themselves. The latter argument has been present from an early stage of the movement's development, while the former view remains a compelling indictment of cruelty. In fact, a number of influences motivated participants in organized animal protection throughout the transatlantic community in the late eighteenth and early nineteenth centuries. Ancient and medieval moralists from Pythagoras to Aquinas had underscored the concern that insensitivity toward animals could lead humans to be unfeeling and heartless in their relationships with one another. The values of evangelical piety encouraged a theocentric view of humans' moral obligation to care for animals and to ensure their happiness and freedom from suffering as part of God's creation.


Romanticism inspired an interest in animals as individuals, and encouraged humans to think deeply and sympathetically about them. Lockean theories of child-rearing celebrated the kindness-to-animals ethic as an important didactic measure. Finally, by the late eighteenth century, an increasing number of those who addressed the topic laid emphasis on animals' capacity to suffer as a principal rationale for considering their interests. Together, these diverse premises provided both the motivations and the rhetorical strategies of organized animal protection.

In contrast to other scholarship, this work finds little direct evidence of Darwinism's impact on the context or rhetoric of humane work before World War II, and discounts the importance of evolutionary doctrine concerning the common origin of humans and animals as an early impetus to organized animal protection in America. When the evolutionary argument emerged explicitly, it neither displaced nor overshadowed any other claim in favor of animal protection. At the same time, like Darwin and other Victorians, humane advocates were very mindful of animals' capacities, consciousness, and individuality. For those who had animal companions, such

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convictions about animals' intelligence and emotional endowment provided a strongly personal motivation for participation.  

Animal protectionists quickly discovered that it would be difficult to promote standards of conduct and treatment that could bind whole industries, disciplines, and institutions, some of which were rising and potent forces in American society. These forces responded vigorously to any and all challenges. Through legislative, administrative, and other measures, interest groups in medical science, agriculture, transportation, and hunting, to name the most important, removed entire spheres of animal use from the social and legal definitions of cruelty. This set the stage for over half a century of socially sanctioned abuses within sectors of the economy entirely exempt from laws or regulations to ensure animal welfare.

The history of organized work for animals includes many episodes of failure and a conspicuous cycle of decline. Animal protectionists lost many battles and fell far short of their goals in most endeavors. The humane movement's energy and influence dramatically waned by the second quarter of the twentieth century, and it was noticeably absent as a factor in public life until the post-World War II revival that saw animal protection's fortunes rise once again. This work addresses the movement's increasing distance from the broad-gauge vision that motivated its founders, and traces the diminution of progressive approaches to the problem of animal well-being.

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At the same time, this analysis contextualizes the movement's loss of vitality within the striking social, economic, and technological transformations of the late nineteenth and early twentieth centuries. The changes associated with modernization and rationalization of American life dramatically altered the terms of the human-animal relationship. Ironically, just as humane advocates began to contest an unqualified anthropocentrism, new and unprecedented forms of animal use emerged, some of which would gather momentum right through the middle decades of the twentieth century and have only recently faced serious challenge. Both traditional and newer forms of animal usage were bolstered by an increasing scientific objectification that reduced the study of animals to an investigation of physiological conditions rather than an exploration of their consciousness and needs. The removal of animal usage to locations distant from common sight and experience reinforced public indifference. Animal protectionists were not successful when they tried to press their standards forward in research, testing, and education, or in industrialized agriculture, where institutional or corporate exploitation of animals was escalating and human material interests were strongest.

This study draws upon many of the key historical works concerning animal protection. In its core assumption, however, it is most closely linked to Keith Thomas's *Man and the Natural World*, which traces the erosion of anthropocentrism in England between 1500 and 1800. Thomas sees growing self-consciousness about the exploitation of non-human life coming into conflict with the demands of civilization. He describes a society beset by contradiction, its material foundations linked to the domination of the
natural world and its inhabitants, and its philosophical, religious, and moral impulses tending toward ever greater concern for animals and nature.\textsuperscript{12}

The protracted historical process that Thomas describes did not end with the period his work covers. The contradiction he pinpoints only intensified during the latter half of the nineteenth century, as the forces of modernization profoundly altered the human-animal relationship, expanding animal use in new and unparalleled ways. The present study tracks this critical period in the ongoing reconfiguration of human-animal relations, one that witnessed both the first sustained criticisms of cruelty to animals, and the emergence of a broader sensitivity toward animals, domestic and wild, as well as an accelerating tendency toward their objectification and exploitation.

Despite its limits and inconsistencies, the humane movement of the nineteenth and early twentieth centuries encompassed new feelings of sensitivity and responsibility toward non-human animals. Its adherents recognized animals as sentient individuals with a capacity for pain and suffering similar to that of human beings, and undertook an impressive range of philanthropic initiatives on their behalf. In many respects, nineteenth- and early twentieth-century humane advocates anticipated contemporary calls for a searching reevaluation of the relationship between humans and non-human animals. Whatever my thoughts on the future of that relationship, my aim is to convey certain ideas about its past.

\textsuperscript{12} Thomas, \textit{Man and the Natural World}, 300-3.
CHAPTER I

"THEY OUGHT TO BE THE OBJECTS OF OUR BENEVOLENT REGARDS": THE ANTECEDENTS OF ORGANIZED ANIMAL PROTECTION IN THE UNITED STATES

Is it not sufficient for man to absorb the useful labors and lives of the inferior creation, without superadding excessive anguish, want and misery? When his own cup of suffering is full and overflowing, desperate resort to revolution sometimes rids him of his cruel tormentors and taskmasters. But of the inferior animals, generations after generations suffer and expire without any chance of relief or redress, unless it be granted by the generosity and justice of man.

- Julius Ames, The Spirit of Humanity (1835)

When the anti-cruelty movement in the United States coalesced during the 1860s, it took root in a society in which the animal protection impulse already had some currency. Before the Civil War, some Americans gave their attention to the mistreatment of animals as a social problem, exploring its religious, moral, and legal dimensions. Although no sustained efforts to prevent cruelty to animals ensued, these Americans explored some of the same issues that would lead a later generation to found animal protection societies.

A handful of American thinkers, for instance, joined their European contemporaries in settling upon animals' capacity for suffering as the decisive reason for according them better treatment. Nineteenth century Evangelicalism's embrace of Old Testament admonitions on the moral duty to treat animals well reinforced such concern. During the same period, the kindness-to animals-ethic gained recognition as a critical constituent of childhood socialization. In addition, persistent dissatisfaction with the
public mistreatment of animals led a number of states to pass statutes that prohibited acts of cruelty.

Finally, concern for animals was tied to several social movements of the antebellum period. Vegetarians advanced the issue by choosing not to kill, nor cause animals to be killed, for their sustenance. More importantly, abolition, the most significant reform of the nineteenth century, laid the groundwork for the stigmatization and suppression of many commonly accepted cruelties, including the mistreatment of animals.

When it did emerge, organized animal protection was able to draw upon important precedents in the realms of religion, moral philosophy, law, pedagogy, and social reform. Antebellum experience and discussion concerning issues of cruelty and kindness shaped the context in which the humane movement arose. After the anti-cruelty societies formed in the 1860s, they gave formal expression to values and ideas that had been circulating in North America for some years already.

Colonial Era Folkways and the Development of an American Moral Ecology

Although concerns about the mistreatment of animals rarely surfaced in North America before 1800, the New England and the mid-Atlantic regions were the most consistent sources of anti-cruelty sentiment, most likely owing to their respective Puritan and Quaker cultures. In these regions, as in parts of England, the opposition of both Puritans and Quakers to cruel diversions was influential. Authorities often tried to
discourage blood enthusiasms such as bull baiting, cockfighting, gander pulling, throwing at cocks, and horse racing, but they could not entirely suppress them.¹

Virginia, in contrast, was “a great chain of slaughter,” according to David Hackett Fischer, and the colony’s complex culture of sport was so hierarchical that every man “could be ranked according to the size of the animals that he was allowed to kill.” (Cockfighting was the major exception, extending to all ranks and offering an atmosphere in which the boundaries and conventions of class and race could be transcended.) The same blood pursuits that scandalized Puritan and Quaker authorities elsewhere in America thrived in early Virginia.²

The Massachusetts Bay Colony produced America’s first enactment on cruelty to animals. When the Puritan lawyer minister Nathaniel Ward (1578-1652) prepared “The Body of Liberties,” the code of laws adopted in 1641, he included two clauses dealing with animal welfare. One of Ward’s proposed principles became Liberty 92: “It is ordered by this court and authorities thereof; That no man shall exercise any tyranny or cruelty toward any bruit creatures which are usually kept for the use of man.” Another provision, Liberty 93, ensured the convenience of drovers who traveled long distances


with their stock, authorizing the grazing of cattle for rest and refreshment "in any open place that is not corn, meadow, or enclosed for some particular use."

In the narrow focus of such measures on animals commonly kept for human use, Keith Thomas notes, "the coincidence of charity and self-interest was obvious." While Liberty 92 targeted a frequently practiced revenge, malicious wounding of other people's animate property, it also reflected growing recognition of animals' economic value. Domestic animals were a rare and precious commodity during the first years of Puritan settlement. However, they quickly assumed importance in the New England economy because it was relatively easy for a colonist to convert his investment of labor, feed, and care into cash profit. This made mechanisms for resolution of conflict over the status and ownership of animals essential. In many communities, the legal issues created by trespassing animals and by the killing of those animals became a persistent threat to order and comity. The inadequate labor supply, which left few men available for herding and supervision of animals, and the lack of fencing in many settlements, exacerbated such difficulties. Puritan efforts to ensure proper stewardship and treatment were markers of societal self-interest in the protection of animals in their status as property. Like their


English counterparts, New England Puritans also proscribed certain blood enthusiasms; Liberty 92 included an implicit prohibition of bull baiting. The rationale for suppressing such pursuits centered not only on their degradation of human character but also on their association with such evils as gambling, intemperance, riotousness, and petty crime. Even so, critics frequently expressed sympathetic concern for animals' suffering, too. In 1687, Increase Mather condemned cockfighting along with other vices that seemed to reflect a decline in the morals of Puritan New England. Yet its effects on human character were not his only concern. The suffering and death of animals were also at issue, as Mather found the practice both a "great inhumanity, and a scandalous Violation of the Sixth Commandment."5

Such evidence notwithstanding, it would be wrong to make too much of Puritan expressions of sympathy. That initiatives to prohibit cruelty to livestock and the most obnoxious and degrading blood pursuits offered some positive protection to animals is surely true. However, they form only a small part of the colonial legacy in the realm of human-animal relations. Wild animals, for example, were among the greatest victims of New England settlement and Puritan industry. Hunting, for the most part, was not considered a sport but a productive activity that brought food to the table and rid the landscape of nuisance animals. Many communities placed bounties on "pest" species and "noxious" predators like wolves. By the 1650s, wild animals were in retreat from

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southern New England and their populations were rapidly declining, as a wholesale conversion of animals into resources occurred.\(^6\)

Examining still another dimension of early New England life, John Murrin has pointed out that the Puritans’ insistence on executing animals sexually assaulted by humans should temper assessments of their compassion. Merciful feelings did not trump the Puritans’ stern commitment to criminalize “unnatural acts,” their fear of the monstrous offspring that could result from such unions, or their determination to execute human and non-human offenders according to the law of Leviticus.\(^7\)

Ultimately, eighteenth-century Quakerism proved to be a more important source of expanding sympathy with non-human animals in North America than Puritanism. Quaker expressions of concern evinced deeply spiritual rather than pragmatic motivations, and often rested upon the capacity of animals to suffer. Thomas Clarkson noted that English Quakers were known not only for “treating the different animals under their care with tenderness, but in abstaining from all diversions in which their feelings could be hurt.” Quakerism’s founder, George Fox (1624-1691), had reproved both hunting and hawking, and from its earliest years the Society of Friends opposed blood

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pursuits, then common and immensely popular. William Penn included prohibitions against cockfights, bull baits, and other “rude and riotous sports” in the legal code adopted by the Pennsylvania Assembly in 1682.\(^8\)

Penn’s discipline did not take firm hold, however, and Pennsylvania authorities deemed it necessary to reassert these and other measures on several occasions between the late 1690s and 1714. Over time, the influx of non-Quakers into the colony made it difficult for Friends to impose their view of proper conduct upon others. Even within the Society of Friends, moreover, it was necessary to reiterate admonitions against cockfights and similar activities.\(^9\)

Importantly, Quakers’ compassion for animals extended beyond those used in such pursuits. As Clarkson remarked in 1806, “It has frequently been observed . . . that all animals belonging to them are treated with a tender consideration and not permitted to be abused; and that they feel in like manner for those which may be oppressed by others.”\(^10\) Clarkson attributed Quakers’ sensitivity not only to their acknowledgment of God’s benevolent regard for all creation, but also to their recognition of animals’ capacity

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\(^9\) Clarkson, *Quakerism* I: 142.

\(^10\) Clarkson, *Quakerism* 3: 152.
to feel pain. The Quaker, Clarkson wrote, "can anticipate and know their feelings by his
own. . . . His own power of feeling strongly commands sympathy to all that can feel." 11

In America, a few influential Quakers incorporated the values of compassion
toward the non-human world into their lives. John Woolman (1720-1772) bore witness
against the cruel treatment of animals in both his writings and personal conduct.
Woolman lamented the overworking of draft animals, driven to exert themselves even
when "their eyes and the motions of their bodies manifest that they are oppressed." 12 He
was deeply distressed at the suffering of fowl on board the ship that took him to England.
He avoided stagecoaches and the use of couriers, having judged the horses and their
riders badly abused by the imperatives of expedited arrival and delivery. As a vegetarian,
Woolman combined his boycott of the products of slavery--cotton, sugar, and indigo dye-
-with a personal stand against the exploitation of animals. "I was early convinced in my
mind," he wrote,

that true religion consisted in an inward life, wherein the heart doth love and reverence God the
Creator, and learns to exercise true justice and goodness not only toward all men, but also toward
the brute creatures; that . . . as by his breath the flame of life was kindled in all animal and
sensitive creatures, to say we love God as unseen, and at the same time exercise cruelty toward the
least creature moving by His Life, or by life derived from Him, was a contradiction in itself. 13

11 Clarkson. Quakerism I: 152-53. English Quakers were active in the anti-cruelty movement
when it began in the 1820s. See James C. Turner, Reckoning with the Beast: Animals, Pain, and Humanity
in the Victorian Mind (Baltimore: Johns Hopkins University Press, 1980), 155, n22; and Hilda Kean,

Woolman. With an Introduction by John Greenleaf Whittier (Boston: Houghton-Osgood, 1879), 290. This
1793 essay on morally scrupulous living sometimes appears as "A Plea for the Poor."

13 A Journal of the Life, Gospel, Labours, and Christian Experiences of That Faithful Minister of
Jesus Christ John Woolman Late of Mount Holly (Philadelphia: T. Ellwood Chapman, 1837), 8-9, 171,
“Humaneness, in Woolman’s case,” nineteenth-century animal rights advocate Henry Salt remarked, “was in fact identical with religion.”

Pennsylvania Quaker pedagogue Anthony Benezet (1713-1784) felt the same way. Benezet told one correspondent that he had come to feel himself in “a kind of a league of Amity and Peace with the animal Creation,” and he included lessons on kindness to animals in two readers for children. “The sympathies of Benezet’s nature,” one biographer wrote, “extended to everything that was susceptible of feeling.” So great was Benezet’s sympathy “with everything that was capable of feeling pain, that he resolved, toward the close of his life, to eat no animal food.” Once at his brother’s house, “when his family were dining upon poultry, he was asked by his brother’s wife, to sit down and eat with them. ‘What,’ said he, ‘would you have me eat my neighbors?’”

Benezet and Woolman were not the only American Quakers who encouraged a moral ecology encompassing the ethical treatment of animals. Quakerism had its own tradition of radical ethical vegetarianism, dating back to the admonitions of the English Pythagorean Thomas Tryon (1643-1703), who chided Quakers in The Countryman’s Companion (1684) for the violence of their diet. In Wisdom’s Dictates (1683), Tryon underscored the brutality of man’s treatment of animals and recommended abstention

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from foods that “cannot be procured without violence and oppression.” Benjamin Franklin adhered to a vegetarian diet for some years under Tryon’s influence.16

Like Woolman, Benjamin Lay (1677-1759), an English Quaker who settled in Philadelphia in the 1730s, abstained from the products of both animal slaughter and slave labor. Lay once challenged slaveholding Quakers by splashing them with red pokeberry juice at a meetinghouse in Burlington, New Jersey. He also dabbled in humane beekeeping, determined to avoid the practice of destroying the bees in order to take their honey.17 Long Islander Elias Hicks (1748-1830), a pivotal figure in the 1827-1828 schism in the Society of Friends, displayed a similar regard. “Possessing a tender, humane spirit, quickly touched by either human or animal suffering,” one biographer commented, “he was all his life a powerful advocate of kindness to animals.”18

The Quaker teachers John Comly (1773-1850) and Joshua Evans (1731-1797) also avoided meat and exemplified the gospel of kindness to animals. Comly remembered that at the age of four or five he had thrown a stone at a chicken. As the animal died, he wrote, “Horror and sorrow seized my infant soul. My heart then learned to feel tenderness toward every living thing that could feel pain.” Comly acknowledged


18 Dictionary of American Biography, s. v. “Hicks, Elias.”
the influence of Benezet and Woolman, and included selections concerning “Tenderness to Animals” in his readers for children. In one he lamented the mistreatment of the dray horse: “What a pity that a beast so brave, should to the cruel be a slave.” Another featured excerpts on cruelty to animals from William Cowper’s poem “The Task.”

For his part, Evans explained that spiritual reflection had led him to vegetarianism. “I considered that life was sweet in all living creatures, and taking it away became a very tender point with me,” he recalled. “I believe my dear Master has been pleased to try my faith and obedience by teaching me that I ought no longer to partake of anything that had life.” Evans also avoided the use of carriages when he judged the horses to be suffering in their labors.

The origins and character of Quaker concern for animals have inspired a scholarly debate, centering on whether theocentrism or a doctrine of universal benevolence can best explain it. However, whether founded in an ethic of universal love, or derived

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21 Donald Brooks Kelley argues that Benezet and other American Quakers helped to engender an ecological consciousness rooted in universal benevolence and love toward animals and non-human nature. That sensibility not only diverged from the dominant values of the late eighteenth century; it also helped to shape subsequent environmental concern. In response, Kerry Walters asserts that Quaker concern over the moral treatment of animals was theocentric in its origins: to display and practice compassion and respect for all life was to give honor to God, whose presence was reflected in all parts of the organic order. As an alternative, Walters looks to William Bartram for an ethic of humaneness grounded upon empirically derived comparisons of human and non-human animal behavior. Bartram, Walters claims, found grounds for kindly treatment in the cognizance of animal rationality. See Donald Brooks Kelley, “‘A Tender Regard to the Whole Creation’: Anthony Benezet and the Emergence of an Eighteenth-Century Quaker Ecology,” Pennsylvania Magazine of History and Biography, 106 (Jan. 1982): 69-88; idem, “The Evolution of Quaker Theology and the Unfolding of a Distinctive Quaker Ecological Perspective in Eighteenth-
from a holistic reverence for God-given creation, Quaker sensitivity to animals was not simply the product of sectarian doctrine. In laying emphasis on the faculty of suffering, these Friends were part of a developing international consensus in which the capacity for pain defined an animal’s moral interests.

**Moral Philosophy, the Quickening of Conscience, and the Emergence of the Humane**

Although he was not the first to do so, the English philosopher and jurist Jeremy Bentham most famously articulated the new standard. In a footnote to his *Principles of Morals and Legislation* (1780), Bentham challenged the conventional basis for denying recognition to animals’ interests—their lack of rationality. The proper criterion for considering animals’ status, Bentham argued, was not rationality but sentience. “The question is not, can they reason? Nor can they talk?” he wrote, “But can they suffer?” Bentham rejected not just rationality but all other criteria based upon difference. As the abolition movement gathered momentum within the British Empire, he drew an explicit analogy between the treatment of animals and chattel slavery. “The day may come when the rest of animal creation may acquire those rights which could never have been withheld from them but by the hand of tyranny,” Bentham wrote. “The French have already discovered that the blackness of skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may come one day to be recognized, that the number of legs, the villosity of the skin, or the termination of the os...”
sacrum, are reasons equally insufficient for abandoning a sensitive being to the same fate."\(^{22}\)

The experience of pain and pleasure was at the heart of Bentham’s utilitarian philosophy, but others before him had asserted its relevance. Most importantly, the Cambridge Platonists and Latitudinarian divines of the Restoration era had focused on suffering in developing their idealized personality type, “the man of feeling.” The notion of a “humane” person—a historically specific phenomenon—emerged from their challenge to Thomas Hobbes’s view that base instincts and selfish greed were the primary motivators of human behavior. These English divines argued instead that Christianity as a moral system was founded on innate human virtue, and that charitable action toward others was the hallmark of proper faith. Their understanding of humane sensitivity was closely tied to the awareness that all beings, human and animal, were capable of sensation. Tender regard and feeling for the suffering of others, and responsiveness to that suffering, were qualities to be nurtured and developed, not suppressed.\(^{23}\)


\(^{23}\) Ronald S. Crane, “Suggestions toward a Genealogy of the ‘Man of Feeling,’” English Literary History 1 (Dec. 1934): 221-25; G. J. Barker-Benfield, The Culture of Sensibility: Sex and Society in Eighteenth-Century Britain (Chicago: University of Chicago Press, 1992), 66-69; Janet Todd, Sensibility: An Introduction (London: Methuen, 1986); and Thomas, Man and the Natural World, 175-78. Before these developments, the word “humane” had referred to the characteristics of or “the distinct elements of men, in the general sense of the human species.” Its currency as a synonym for “kind, gentle, courteous, sympathetic” dates from the early 1500s, but this usage was uncommon until the late eighteenth century. See Raymond Williams, Keywords (New York: Oxford University Press, 1976), 148.
Propounded by a series of influential thinkers from the Third Earl of Shaftesbury, to Francis Hutcheson, to David Hume, to Adam Smith, the belief in human benevolence gathered intensity, until by the end of the eighteenth century it was a widely held conviction. The debate that began with the Cambridge scholars also inspired a secular deliberation on humans as social and moral beings. Some thinkers saw the human capacity for sympathy with others as deriving from human nature itself, as distinct from any God-given morality. This new concept of benevolence rested on the notion that social affection, the desire to be with and to care for others, was natural to humankind. Fellow feeling was identical with the essence of true human nature, and, as some pointed out, it could transcend the boundaries of species.  

By the late eighteenth century, too, the word “humane” had begun to show its versatility. It was descriptive not only of a personality type but also of a broad set of reform concerns, including anti-slavery, debt relief, moral uplift, care for the sick, treatment of the insane, and animal welfare. As early as 1810, an author employed the term to describe his approach to farriery and stable care.
Eventually, increased reliance on the term “humane” to describe charitable impulse and action inspired its use in an array of organizational titles. America’s original “humane societies” were part of the proliferation of associative organizations devoted to the improvement of civic life in the early Republic. This first humane movement played a vital role by attending to relief functions that the normal institutions of government could not fulfill under the pressures of rapid urbanization, immigration, and early industrialization. These humane societies had nothing to do with animal welfare, however.

Other late eighteenth-century social, cultural, and intellectual trends helped to advance the idea of a humanity that reached beyond humanity itself. Enlightenment rationalism and natural rights ideology, for instance, inspired a number of thinkers to assert man’s moral responsibility toward animals. The occasional expressions of concern by Thomas Paine and other theorists of revolutionary social reform reflected their view

Animals as the Illinois Humane Society. In later years, the term would frequently appear in the titles of societies with the dual functions of child and animal protection.

The public use of the word “humane” began in late eighteenth-century Europe with the formation of life-saving societies that rescued the victims of drowning and shipwreck. This use carried over into American life, as humane societies formed in Philadelphia in 1780, Boston in 1786, and Baltimore in 1790 to save people from drowning and to treat those rendered unconscious by sunstroke, lightning, accidental hanging, suffocating gases, traumatic shock, and other causes. In some cases, like that of New York, The Humane Society evolved to fulfill a number of charitable functions. Raymond A. Mohl, “The Humane Society and Urban Reform,” Poverty in New York: 1783-1825 (New York: Oxford University Press, 1971), 121-31; Thomas Eddy et al, Report of a Committee of the Humane Society, Appointed to Inquire into the Number of Tavern Licenses (New York: Collins and Perkins, 1810); New York Post, 12 Feb. 1812; and “Humane Society Reward,” True Sun, 12 Oct. 1844, 2. During the first few decades of the nineteenth century, the term “humane” also appeared in the name of anti-slavery and moral reform societies. In addition, it sometimes surfaced in the titles of other kinds of life-saving agencies. These included one of Philadelphia’s volunteer fire companies, and an association for the rescue of those who fell through the ice of rivers or lakes while skating in winter. Anti-slavery organizations employing the term included the Virginia Society for Promoting the Abolition of Slavery, and the Relief of Free Negroes, or Others, Unlawfully Held in Bondage, and Other Humane Purposes (1795), and the Union Humane Society (1816). On fire rescue and skating club usage, see One Hundred Years of the Philadelphia Skating Club and Humane Society (Philadelphia: Philadelphia Skating Club, 1949).
that a truly transformed society would comprehend and respect the interests of a variety of oppressed classes, including animals.  

This strain of thought was particularly strong in England. John Oswald, the professional soldier who died fighting in the French Revolution, wrote in this tradition, as did the radical printer George Nicholson, the antiquarian Joseph Ritson, and the London bookseller Richard Phillips, jailed in 1793 for selling Paine’s *The Rights of Man*. All four were ethical vegetarians.

Similar beliefs inspired an attempt at vegetarian living in the United States. In 1797, former British army officer Joseph Dorril moved from Massachusetts to Guilford, Vermont, with a group of followers. The origins of their doctrine are obscure, but the Dorrilites adopted a vegetarian diet based on the sanctity of all life. They refused to slaughter animals for food, and would not wear garments derived from leather or skins. One of them, a blacksmith, even discarded his leather bellows and fashioned one from

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27 In *The Age of Reason*, Paine wrote, “The moral duty of man consists in imitating the moral goodness and beneficence of God manifested in the creation toward all his creatures. . . . Everything of persecution and revenge between man and man, and everything of cruelty to animals is a violation of moral duty. . . . The only idea we can have of serving God is that of contributing to the happiness of the living creation God has made.” Thomas Paine, *The Age of Reason*, in *The Writings of Thomas Paine*, ed. Moncure Daniel Conway (New York: Burt Franklin, 1969), 4: 583. While he was editor, Paine (anonymously) published a poem concerning mercy to animals in the *Pennsylvania Magazine*. It was a depressing piece about his rescue of a kitten tossed toward a pack of dogs by a wretched reprobate. The incident occurred outside a slaughterhouse, whose victims also drew the author’s pity. “Cruelty to Animals Exposed, Occasioned by a Real Circumstance,” *Pennsylvania Magazine* (May 1775), 231-32.

cloth. The settlement did not last for long, however; as disciples lost faith in Dorril, they dispersed, ending America's earliest experiment in vegetarian communalism.  

By the late eighteenth century, the question of cruelty to animals had found its way to North America through transatlantic intellectual exchange. English M. P. Soame Jenyns's essay, "Cruelty to Inferior Animals," a chapter in his Disquisitions on Several Subjects, was the earliest substantial work to address the topic; a Philadelphia publisher issued an edition of the book in 1790, and a number of periodicals republished the essay on cruelty as a separate piece. Sparing no class from his critique, Jenyns argued on theological grounds that animals had an equal right to enjoy life, and that humans were bound to practice justice and mercy toward them. He condemned such public spectacles as animal fighting and bull baiting, and underscored the problem of children's thoughtless cruelty. Jenyns conceded that the capacity to take pleasure in giving pain was "in some manner inherent in the nature of man," and that while "civilization may in some degree abate this native ferocity, it can never quite extirpate it." Nevertheless, he deplored the fact that "the most polished are not ashamed to be pleased with scenes of little less barbarity, and, to the disgrace of human nature, to dignify them with the name of sports."

In subsequent years, other British works invoking the argument for improved treatment of animals began to circulate. In 1802, a Boston publisher released an edition

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30 Soame Jenyns, Disquisitions on Several Subjects (Philadelphia: Thomas Dobson, 1790), 15-16. Jenyns (1704-1787), as a Member of Parliament who had spoken out against taxation of the colonies, was well known in North America. Thomas Jefferson owned a copy of the first edition of Disquisitions, published in London in 1782 by J. Dodsley. For the essay's appearance in periodical literature, see The Lady's Magazine and Repository of Entertaining Knowledge (Jan. 1793), 61-64, and (May 1793), 303-5; and Monthly Repository of Useful Information 1 (Sept. 1793), 241-46.
of John Toogood’s The Book of Nature that included an excerpt from Primatt’s Dissertation. Emphasizing religious duty, Toogood’s tract admonished readers that it was “impossible to suppose that we can have a right to rob our fellow creatures (for such they are) of that little allotment of happiness for which they are capable of enjoying,” for “surely, if it was not beneath God to create them, it cannot be beneath man to consider them.”

Humane ideals surfaced in the work of one of America’s founding fathers as well. In an 1808 lecture promoting veterinary education and the study of animal disease, Benjamin Rush (1745-1813) affirmed human obligation to treat animals kindly and lessen their miseries. Rush cited the work of two Englishmen: David Hartley (1705-1757), a pioneer of utilitarian philosophy who devoted a book chapter to “The Intellectual Faculties of Brutes,” and John Hildrop (d. 1756), author of an important tract arguing that animals had immortal souls. Rush grounded his case on the Genesis-derived concept of stewardship (as Hartley had), Hildrop’s argument for animal immortality, and the attending corollary that the service of animals warranted them due consideration.

Presbyterian minister Herman Daggett (1766-1832) of Long Island produced the earliest indigenous work on the subject. In 1791, Daggett delivered an oration entitled

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31 John Toogood. The Book of Nature: A Discourse on Some of Those Instances of the Power, Wisdom, and Goodness of God Which are Within the Reach of Common Observation; to Which is Added, The Duty of Mercy and Sin of Cruelty to Brutes, Taken Chiefly from Dr. Primatt’s Dissertation (Boston: Samuel Hall, 1802), 13-14.

The Rights of Animals at Providence College (now Brown University), where he was a degree candidate in divinity. Like Rush's lecture, Daggett's work reflected the influence of British and European authors. His pamphlet was far less exegetical than that of British religionists like Hildrop and Primatt, but he used Proverbs 12:10, "A Righteous man regardeth the life of his beast"—a common point of departure for sermons on the subject—as an epigraph. Daggett's extensive citation of William Cowper suggests the important influence of the poet and evangelical, one of the strongest animal advocates in English letters, upon transatlantic humanitarian discourse.33

Daggett's adoption of the term "rights" was consistent with a crucial shift in discussions of the question. During the second half of the eighteenth century, ongoing English and Continental debate about the most compelling arguments against cruelty to animals resulted in a turn toward the language of rights. A number of thinkers moved away from the traditional anthropocentric position—that there was an indirect obligation to avoid mistreatment of animals because of its potential to extinguish compassion for the suffering of humans—to an affirmative assignment of rights to animals. This shift arose in part from growing philosophical dissatisfaction with theories of indirect obligation. However, practical experience and disappointment with attempts to impose legal

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punishment for cruelty were also influential. In general, prosecutions were only viable in those instances where cruel treatment of an animal could be linked to malice toward that animal's owner. In cases where an individual mistreated an animal that he owned, it was virtually impossible to trump the right of property. In 1796, frustration with this pattern led English gentleman farmer John Lawrence to argue explicitly for a jus animalium, a legal and formal recognition of "the Rights of Beasts," as a necessary remedy. When Lawrence, Daggett, and others used the term "rights," they used it in a very qualified sense, to mean that all beings had some claim to happiness as well as to the avoidance of pain. In reality, the practical demands that derived from this position did not differ greatly from those resting on theories of indirect obligation. Nor did they challenge the presumption of humans' God-given dominion over animals. Once codified within the law, however, this strategy would yield results, making it possible to punish cruelty to animals even when it did not occur in public, and thus could not have caused offense to other parties.  

Daggett's sermon also reflected the emerging view--previously articulated by Bentham, Primatt, and others—that the capacity to suffer pain, and not rationality, ought to be the criterion for assessing the claims of animals. Daggett attacked the notion that animals' sensitivity to pain was less developed than that of humans, identified the inconsistency marking attitudes toward tame and wild creatures, and denied any justification for abuse or neglect. Echoing Bentham, he wrote, "Let their circumstances or characters, dispositions or abilities, color or shape, be what they may; if they are

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34 Daggett, Rights of Animals, 5, 7; Machle, "Cruelty and Kindness," 91-98; John Lawrence, see A Philosophical Treatise on Horses, and on the Moral Duties of Man towards the Brute Creation (London: T. N. Longman, 1796, 1798), I: 123; and Dictionary of National Biography, s. v. "Lawrence, John."
sensible beings, and capable of happiness, they ought to be the objects of our benevolent regards."

During the first few decades of the nineteenth century, other American religionists began to think, speak, publish, and read about the issue as well. In early adulthood, William Ellery Channing (1780-1842), founder of Unitarianism, recalled a childhood trauma in which he came upon a group of dismembered birds. "The incident has given a turn to my whole life and character," Channing wrote to a friend, adding, "Thanks that I can say I have never killed a bird. I would not crush the meanest insect which crawls upon the ground. They have the same right to life that I have, they received it from the same Father, and I will not mar the works of God by wanton cruelty."

Another minister, Robert Hunter, published a sermon against cruelty to animals, at Troy, New York, in the mid-1830s. Like many before him, Hunter emphasized the duty of care for animals as part of broader obligations toward God the creator of all. He also challenged the property claim that the cruel person might raise as a defense. Our God-given dominion over animals was not an absolute one, Hunter insisted. It was,

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35 Daggett, Rights of Animals, 3.

rather, "a dominion which can be rightfully exercised only within certain limits, and which, if we push it beyond these, becomes offensive in His sight."³⁷

Finally, Hunter advanced the notion of a general affirmative duty to act against cruelty. "We may think we are exempted from the charge of guilt as to the matter before us, because we may not remember any acts of barbarity toward the brute creation, which we have committed with our own hands," Hunter observed. "But have we never witnessed, without disapproval, the most savage deportment of others . . . have we never given the sanction of our presence to scenes which can scarcely be brought into keeping with the requirements of the Gospel?"³⁸

American periodical editors also began to speak out against cruelty and abuse, variously emphasizing animals' divine creation and extraordinary diversity, their capacity to endure pain, cruelty's demoralization of its perpetrators, and the many benefits that humans derived from the use of animals.³⁹ During the 1830s and 1840s, the issue drew occasional comment in workingmen's journals, too. In 1834, Parley's carried a series of items that deplored cruelty to draft animals, and The Man reminded its readers that "kind and familiar treatment" was superior to "harshness and bad usage." The editors of the National Trades' Union condemned the cruelty of tight reins and high-pressure bits.


³⁸ Ibid., 23.

Finally, an editorial in the *Workingman’s Advocate* expressed mystification that docking (cutting horses’ tails off for fashion) did not come within the ambit of anti-cruelty statutes, and counseled readers not to support this painful, non-essential procedure by buying horses thus dismembered.40

The agricultural press was another source of exhortations. In the mid-1840s, several journals republished condemnations of restrictive horse reins from English sources. In 1847, Dr. John C. Warren and John H. Dexter both denounced cruelty to animals in Massachusetts, one before an agricultural society, the other in a pamphlet. An article on “Cruelty to Animals,” attributed to the Reverend Pierpont of Boston, whose commentary had “deeply stirred” the sympathies of Lydia Maria Child, began to circulate in 1847. All of these works showed evidence of compassion for the suffering of animals, not merely pragmatic concern for their longevity as beasts of burden or regard for the interests of property owners.41

From the late eighteenth century onward, new ways of thinking about how humans ought to treat animals coalesced within the transatlantic community, and, increasingly, animals’ capacity for pain emerged as the key criterion for their moral


considerability. An arcane religious discourse about the nature of humanity gave birth to an idealized personality type, the humane individual. Natural rights philosophy led some to express solidarity with oppressed animals, and others to adopt the language of rights in advancing a new conception of animals' legal status. Acting under these influences, a few Americans began to criticize cruelty to animals in sermons, newspapers, periodicals, and other fora. These developments also laid the groundwork for the earliest legal interventions on animals' behalf.

The Legal Protection of Animals

With his emphasis on individual pain and suffering as the markers of right and wrong in human conduct, Bentham set the stage for the passage of animal protection laws transcending the preservation of property and curbing of public nuisance. "Why," he asked, "should the law refuse its protection to any sensitive being?" As Bentham observed, centuries of jurisprudence had consigned animals to the legal status of property; the title of his footnote was "Interests of the inferior animals improperly neglected in legislation by the insensibility of the ancient jurists." Eventually, British politicians took up the arguments of Bentham, Lawrence, and other theorists of reform. In 1800, Sir William Pulteney sponsored a bill to suppress bull baiting, which failed in a

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42 Bentham, Principles of Morals and Legislation, 311. Bentham failed to acknowledge several striking exceptions. One involved the medieval trials in which animals were held accountable as defendants subject to prosecution and punishment for injuries done to men. Then there was bestiality. Well into the early modern period, animal victims were held responsible for its occurrence along with their human abusers. They were executed not only on the premise that they too had been motivated by base passion, but because of fears that they might give birth to monstrous beings. Edward Payson Evans, The Criminal Prosecution and Capital Punishment of Animals (New York: E. P. Dutton, 1906); Joyce Salisbury, The Beast Within: Animals in the Middle Ages (New York: Routledge, 1994), 84-101; and Murrin, "Things Fearful to Name," 33-34.
close vote of 43-41. In 1809, focusing on the routine cruelties of the street, Lord Thomas Erskine proposed legislation prohibiting mistreatment of domestic animals. Erskine’s bill died in the Commons, thwarted by William Windham, who had also led the opposition to Pulteney’s bill.43

The mistreatment of animals remained a subject of public discourse, however, and, in 1822, Richard Martin, Irish M.P. from Galway, championed the first successful anti-cruelty statute in Great Britain, “An Act to Prevent the Cruel and Improper Treatment of Cattle,” which passed amidst considerable opposition and ridicule. The scope of “Martin’s Act” encompassed those who “wantonly and cruelly beat, abuse, or ill-treat any horse, mare, gelding, mule, ass, ox, cow, heifer, steer, sheep, or other cattle.” Magistrates could fine offenders up to five pounds and sentence them to as much as three months in prison for mistreatment or abuse. Martin’s Act conferred no power of arrest, as all proceedings required a complaint to a magistrate. Policemen were not compelled to interfere with cruelty, and no citizen could lawfully do so. Significantly, too, not all animals were accorded protection; the Act did not cover the mistreatment of bulls, dogs, cats, and other unmentioned species.44


Prosecution presented other obstacles. Hostile or indifferent magistrates and aldermen often dismissed cruelty complaints without due consideration of the facts. Moreover, humanitarians found their intentions frustrated by frivolous defense arguments and judicial rulings that hinged on the term “wantonly,” or took advantage of the absence of references to specific kinds of mistreatment, like use of a whip. Moreover, the claims of necessity frequently overcame those of humanity.45

Prior to the passage of Martin’s Act, cruelty to animals had been punishable within the common law tradition, an accretion of doctrine, custom, and usage based on court decisions as opposed to written laws. Under the common law, cruelty to animals was indictable as either an offense against property or a common nuisance. The former action was usually termed “malicious mischief,” and was regarded as a civil offense, because any injury could normally be made right by the payment of money to the animal’s owner. Over time, the latter category— that of common nuisance—emerged to cover cases in which a man was punished not for his cruelty to animals per se but because his conduct offended the sensibilities of others. In this instance, however, the law placed no restraints upon his cruelty if it occurred in private.

The common law tradition provided the context for a number of criminal prosecutions in the United States, before the passage of specific legislation concerning cruelty. In 1788, a Pennsylvania man was prosecuted under the common law for “maliciously, willfully, and wickedly killing a horse.” Adjudicating the case on appeal, a judge ruled that this act was a public wrong and as such an indictable offense. In 1812, Lewis Gompertz gives a sense of the difficulties with enforcement in The Animals’ Friend, which he and others published during the 1830s. The issues I saw at the Library of Congress were undated.
this ruling was reaffirmed in another case. In 1808, when a Tennessee man killed a neighbor’s horse who had broken into his cornfields, he was convicted of a common law offense. An 1812 decision in a Pennsylvania court imposed the same punishment. In 1818, a cartman in Philadelphia was fined $30 plus the costs of prosecution, for beating his horse. A truckman in Boston received the same sentence in 1824. In an 1826 Vermont case, the court ruled that “the wounding and torturing of a living animal . . . but with all the wicked and malicious motives and intentions set forth in this indictment, is a misdemeanor to be punished.”

At least half a dozen cases ensued under the common law in New York State before the passage of its 1829 anti-cruelty statute. Harm or destruction of animals belonging to others was punished as a form of malicious mischief committed against property. In 1825, the Court of General Sessions convicted a man from Delaware County for killing a cow belonging to someone else after the Supreme Court of the state certified that the charge was indictable. The court found his action not merely “a violation of private right” but one of “moral turpitude, dangerous to society.” It was, the court continued, “an outrage upon the principles and feelings of humanity. The direct tendency

46 Republica v. Teischer, 1 Dallas R. 335, and 2 Penn. H., 249.

47 State v. Council, 1 Overton’s Tenn. R., 305; and Commonwealth v. Eckert, 2 Pa. 249 (1812).


49 State v. Briggs, 1 Aik. 226 (Vt. 1826).
is a breach of the peace. What is more likely to produce it, than wantonly killing out of mere malice, a useful and domestic animal?”

Two of the New York cases reflected concerns over commercial deceit involving the abuse of animals. In 1821, two men were indicted for misdemeanors for having tied the tongue of a calf to prevent his suckling from a cow, the better to deceive a buyer with the appearance of a full bag. Not long after, a court fined Michael Purdy $50 for tying a calf’s nose for the same purpose; a witness in the case testified that he had known cows’ bags to burst in situations where calves were not permitted to suckle.

Several common law cases in New York involved the prosecution of men who mistreated their own animals. In 1818, a court indicted a carter for beating his horse to death with a club. While it ruled the horse’s death accidental, the court “wished it to be distinctly understood in the community, that when a proper case of deliberate cruelty towards a dumb animal . . . which too often occurred in this city, should be brought before the Court they would punish the offender with more satisfaction than for cruelty towards one of our own species.” In another case, in 1822, Robert Stakes was convicted for viciously beating his horses in public. The recorder noted that “the load was heavy and that one of the horses was vicious and sometimes refused to draw the load; yet it does not appear but that by proper management they might have been made to

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50 “Cruelty to a Beast,” 3 N.Y. City Hall Recorder, 205; and People v. Smith, 5 Cowen, 258, followed and approved in Loomis v. Edgerton, 19 Wend., 419.

51 Morris’ and Clark’s Case 2 N.Y. City Hall Recorder, 62; and Purdy’s Case, 6 City Hall Recorder, 106. “Bagging” became the subject of regular arrests once the organized phase of animal protection began.

52 Isaac Ross’ Case, 3 N.Y. City Hall Recorder, 191.
draw it. Yet if they would not, the defendant had no right to beat them in an inhuman manner as he did."^{53}

Early case law also surfaced in the District of Columbia. In 1821, a court punished public cruelty to a horse even though the driver sought to escape conviction on the grounds that he was carrying the U.S. Mail. In 1834, another court convicted a man for beating a cow to death, holding that whenever an act of this kind took place in or near a public street it was indictable. In 1838, the same court ruled that it was an offense to provoke or encourage a dangerous dog to attack and bite a cow.\(^{54}\)

Between 1820 and 1860, the mistreatment of animals became the focus of more than a dozen state statutes and local ordinances. Because they specified certain kinds of conduct as punishable, these enactments relieved courts of having to resolve cases through common law approaches grounded on public nuisance or the destruction of other people's property. Legislatures enacted anti-cruelty measures in Maine (1821), New York (1829), Massachusetts (1834), Connecticut (1838), Michigan (1838), Wisconsin (1838), New Hampshire (1843), Missouri (1845), Virginia (1848), Iowa (1851), Minnesota (1851), Kentucky (1852), Vermont (1854), Texas (1856), Rhode Island (1857), Tennessee (1858), Kansas (1859), Washington (1859), and Pennsylvania (1860).\(^{55}\)

\(^{53}\) People v. Stakes, 1 Wheeler Cr. Cases, 3.


These statutes perpetuated common law concerns with public morality and conduct, on the one hand, and with the protection of valuable property on the other. The placement of anti-cruelty statutes within criminal codes concerning public morality and decency has customarily been cited as evidence that abhorrence to the sight of cruelty and apprehension about its impact on human character, as distinct from concern for animals, constituted the major motivation for such legislation. Yet the English legal biographer John (Lord) Campbell (1779-1861) judged this a pragmatic approach to the goal of protection. While it was difficult to protect [animals] by humane laws, Campbell noted, "there can be no doubt that any malicious and wanton cruelty to animals in public outrages the feelings--has a tendency to injure the moral character of those who witness it--and may therefore be treated as a crime."56 By treating such acts as offensive to public morals, it became possible to extend protection to animals without having to confront the problem of infringing on the rights of ownership.

A gradual shift in statutory language during this span of forty years also reflected steady progression in societal attitudes. Over time, state laws designed to protect some people’s animals (in their status as commercially valuable property) from the depredations of others gave way to legislation that recognized animal pain and suffering as constituent elements of cruel treatment justifying intervention, regardless of ownership. In addition, lawmakers introduced improvements based on their evaluation of how well the laws of other states functioned. In 1834, for example, Massachusetts went beyond the New York law and substituted the words “other animal” for “other cattle” in

its statute, thus extending its protective aegis. Legislators also attached a penalty of imprisonment or heavy fine for violations.\textsuperscript{57}

B. F. Butler and John C. Spencer, the men who incorporated an anti-cruelty measure into their comprehensive revision of the New York State laws, acknowledged the helpful precedent of Anthony Hammond's digest of British statutes. They also expressed their general conviction that the common law was no longer satisfactory for establishing criminal punishments.\textsuperscript{58} The 1829 New York statute provided: "Every person who shall maliciously kill, maim, or wound any horse or other cattle, or any sheep belonging to another, or shall maliciously beat or torture any such animal, whether belonging to himself or another, shall, upon conviction, be adjudged guilty of a misdemeanor." While seldom enforced, the law occasionally influenced public discourse. In 1831, the humane implications of the statute surfaced in a debate over legislation governing the establishment of racecourses. The measure clearly influenced the drafting of subsequent enactments in other states, most of which exceeded the New York legislation in the range of animals covered under law.\textsuperscript{59}

On occasion, citizens expressed their frustration over an apparently moribund statute. In 1845, a writer in the \textit{Knickerbocker} described several instances of cruelty he


\textsuperscript{58} \textit{Journal of the Assembly of the State of New York, 51st Session, Second Meeting} (Albany: Croswell, 1828) 45-46; and Revisers Notes, 5 Edm Stat at Large, 815, 818.

had observed in New York City during the previous year. “So much has been said and written on the subject, and so many laws against cruelty to beasts remain a dead-letter on the statute-books, that it seems but a sorry task to utter another word on the subject,” the writer lamented, “and indeed, many humane people, who once took an interest in it, have given it up in despair.” The failure of the authorities to exact compliance with the statute, the author suggested, had led to a kind of community-level enforcement, in which citizens personally intervened against the mistreatment of animals. In one incident, a crowd gathered to remonstrate with a man brutally beating a horse because the animal could not move a loaded wagon out of a rut. “Some offered to assist him out with his load, and others threatened him with the law,” but he ignored them, threatening to horsewhip the next man who interfered. A sailor who had been one of the most vocal bystanders took up the challenge, and soundly thrashed the recalcitrant driver. In a second case, another sailor intervened when a boy was seen tossing a puppy repeatedly into shallow water near a wharf, trying to make him a “water-dog.” The puppy struggled to escape the water and crawl away but was forced in again and again. Finally, the sailor seized the youth and tossed him into the water.60

A year later, in 1846, the Boston Herald published a thread of articles, notices, and letters deploring the mistreatment of draft horses, and especially the piling of unreasonably heavy loads of merchandise onto bulky vehicles. In 1852, a Herald editorial underscored public concern over wanton cruelty. The writer described an

incident in which a crowd gathered to protest the beating of a horse by a teamster. While all agreed that the man ought to have been prosecuted, no one did anything about it.61

In Philadelphia, concern over cruelty to animals during the decade before the Civil War culminated in the 1861 submission to the City Council of a petition signed by 214 men and 250 women, asking "that measures may be taken to abate the constant and inhuman treatment of some of the teams on the various City Freight Railroads." A council committee heard testimony about the overloading of horses and mules and the terrible punishment inflicted on them when they failed to move the heavy loads.62

Their knowledge of two previous legislative actions shaped the council members' deliberations. The first of these was an 1855 anti-abuse statute introduced by State Senator William A. Crabbe. By the time it passed, this measure—originally designed to encompass the whole state—was restricted to Philadelphia alone. The law held "that any person or persons, who shall, in the City of Philadelphia, wantonly or cruelly beat, or otherwise abuse, any animal belonging either to himself or to others, shall be guilty of a misdemeanor, and shall be fined by any Alderman of said City." The second measure, an 1860 statewide anti-cruelty statute, provided "that if any person shall wantonly and


cruelly beat, torture, kill, or maim any horse or other domestic animal, whether belonging to himself or another, every such person so offending shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding two hundred dollars, or undergo an imprisonment not exceeding one year.”

The 1861 Philadelphia council committee noted that few convictions had taken place under prior laws, owing to great apathy on the part of police charged with enforcement. “In the few instances of parties being brought before aldermen by citizens, a lawyer would be employed to clear the party complained of,” the committee reported, “and he would mostly succeed in convincing the Alderman that the maltreatment or beating was not done, either wantonly or cruelly, and that it was nothing more than a correction which was necessary to subdue the stubbornness of the animal.” This led the Philadelphia panel to recommend passage of an ordinance “which omits the words wantonly and cruelly, and prohibits the use of certain weapons which have been used to beat and torture the animals. A person being convicted of using any one of the prohibited weapons to strike, beat, or torture an animal, he shall be subjected to the fine, without any inquiry whether it was done wantonly or cruelly.” Ultimately, however, the full council did not enact this nuanced revision, finding that the 1855 Act was “well adapted to the case . . . and would . . . be a sufficient protection, if properly enforced.” Its members then passed a resolution that authorized the Mayor to circulate 5,000 copies of the 1855 Act,


66 “Appendix No. 95,” 121.
and recommended the discharge of any policeman who neglected to execute its provisions when asked to do so by any citizen.  

From the period of the early Republic onward, the sporadic attention that cruelty to animals received under the common law tradition gave way to rudimentary prohibitions in a number of states. The era also witnessed a few expressions of community disapproval of everyday cruelty, and frustration at the lack of police enforcement of the statutes in place. Legislators, jurists, concerned citizens, and defendants grappled with definitions of cruelty, the rights of ownership, and the relevance of malicious intent. In doing so, they anticipated debates that would intensify in the postbellum era.

Kindness to Animals, Youthful Character, and Class Formation

In no arena was the kindness-to-animals-ethic more prevalent prior to the Civil War than that of childhood socialization. Increased recognition of the value of cultivating concern for animals in children flowed directly from John Locke’s ideas about the fundamental nature of humankind—the issue that had sparked dispute between Thomas Hobbes and the English divines. Locke entered this debate with his argument that individuals were born *tabula rasa*—“as a blank slate”—and that all ideas derived from experience, coming either from the senses or from reflective consciousness. This raised interest in the beneficial moral effect of childhood instruction favoring the kindly treatment of animals. Although others had sounded the theme before him, in 1693 Locke offered the most prominent early statement of the need to chastise youthful cruelty.

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67 Ibid., 126.
“This tendency should be watched in them, and, if they incline to any such cruelty, they should be taught the contrary usage,” he wrote. “For the custom of tormenting and killing other animals will, by degrees, harden their hearts even toward men; and they who delight in the suffering and destruction of inferior creatures, will not be apt to be very compassionate or benign to those of their own kind.”

Over time, Locke’s insight would gain influence, as growing comprehension of the importance of childhood experience and its impact on youthful character sustained a robust transatlantic publishing industry devoted to the production of juvenile works infused with the humane didactic. The most important English language title of this kind was Sarah Trimmer’s Fabulous Histories or, as it came to be known in abridged version, History of the Robins. First published in 1785, it was reissued almost a dozen times by 1811 and remained in print until the late nineteenth century. Trimmer (1741-1810) was a leader in the Sunday School movement and a friend of Mary Wollstonecraft and Hannah More, both of whom incorporated the kindness-to-animals theme in their

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69 Samuel F. Pickering, John Locke and Children’s Books in Eighteenth-Century England (Knoxville: University of Tennessee Press, 1981). Goody Two-Shoes (London: Newbery, 1765), an early example of such work, has been variously attributed to Oliver Goldsmith, Giles Jones, Griffith Jones, and John Newbery. Dorothy Kilner’s The Life and Perambulation of a Mouse (1783) was the first to feature an animal narrator who described a catalogue of sufferings inflicted by humans. Kilner stayed with the theme in The Rational Brutes, or Talking Animals (London: J. Harris, 1803).

In North America, the first juvenile works devoted to kindness to animals began to appear in the late 1790s and early 1800s. The earliest were reprints or excerpts of English works; a Philadelphia publisher issued \textit{Fabulous Histories} in 1794, and an edition of Dorothy Kilner’s \textit{The Rational Brutes} appeared in the same city in 1801.\footnote{Sarah Trimmer, \textit{Fabulous Histories} (Philadelphia: William Gibbons, 1794); and Dorothy Kilner, \textit{The Rational Brutes} (Philadelphia: B. and J. Johnson, 1801).} By far the most widely distributed of the humane didactic texts in the United States was \textit{Looking Glass for the Mind, or Intellectual Mirror}. Its French author, Arnaud Berquin (1747-1791), had written \textit{L’Ami des Enfans}, a set of moral tales for children issued as part of a subscription series in the early 1780s. Berquin’s work circulated broadly within the transatlantic community. Following the influence of Rousseau, Berquin presented animals and nature as children might encounter them, avoiding the fanciful in his work. \textit{Looking Glass}, an anthology of stories from \textit{L’Ami des Enfans}, went through at least twenty editions in the United States between 1794 and 1848, and reprints surfaced as late as 1898. Many of the stories from \textit{Looking Glass}, including “The Bird’s Egg” and “Louisa’s Tenderness to the Little Birds in Winter,” also appeared separately as tracts. In addition, the Berquin tales were frequently appropriated without credit for inclusion in
other works. In his American Reader, Herman Daggett included three stories—“The Snow,” “The Canary Bird,” and “The Sparrow’s Nest”—that originated with Berquin.72

The genre quickly gained important American enthusiasts, including Lydia Maria Child, who sometimes included stories imbued with the humane ethic in her Juvenile Miscellany between 1826 and 1834. In 1828, the Miscellany published “Dogs,” a tale in which the children of a middle-class family, prompted by an encounter the eldest has had with “the learned dog Apollo,” discuss the tyrannical character of those who mistreat animals and the beneficial influence of the kindness ethic. Together with their mother, the children explore the reciprocal affection between humans and their non-human companions, who evince honesty, loyalty, and unconditional love, and a capacity to console and redeem humans.73

Humanitarianism in this era’s children’s literature closely paralleled contemporary intellectual fashions. For example, those who wrote for children employed the term “rights” in discussing the claims of animals and the duties and privileges of humans. The period’s zoological knowledge trickled into this literature, too, increasing children’s understanding of animals’ capacity for pain as one important consequence. Works for young people also reflected the limits of the era’s thinking. Thus, while condemning certain forms of cruelty and neglect, Trimmer presented her readers with the justifications that contemporary thinkers were offering about the use of animals for food.

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Some years later, in a special edition of his *Elements of Moral Science*, abridged and adapted for use in schools, the moral philosopher Francis Wayland included a section on "Our Duties to Brutes." It was the Benthamite calculus distilled for the youthful mind. Men were at liberty to use animals for reasons of necessity, but were "bound to use them kindly, and subject them to no unnecessary fatigue, and to no unnecessary pain."\(^{74}\)

One explanation for the pervasiveness of the kindness-to-animals ethic lies in its consonance with the republican gender ideology of the post-Revolutionary United States. Early American society assumed a set of paternalistic relationships both within and outside of the family, emphasizing the importance of a virtuous citizenry devoted to republican principles of governance. This made education of the boy especially critical, since as a man he would take his place of leadership over family, chattel, property, and social institutions. Responsibility for educating the child for his leadership role rested with women, who were assumed to be the repositories of gentle virtue, compassionate feeling, and deep devotion—a buffering presence against the heartless struggle of the business world and the masculine public sphere. Humane education provided one important means for insulating boys against the tyrannical tendencies that might undermine civic life were they to go unchecked. Animals were nicely suited for

instruction that impressed upon the child their helplessness and dependence upon him, and his considerable power over them.\textsuperscript{75}

The editor of \textit{Pity's Gift}, a compilation of stories by Samuel Pratt, voiced an increasingly common conviction about the instruction of children. It was “of as great importance to teach them lessons of compassion for the dumb creation, as a fellow feeling for their own species,” she noted, “not only because the one is connected to the other, but, because an early neglect of the duties of humanity, in regard to the first, leads but too naturally to an omission of those duties as to the last.” Only a few years earlier, in his 1791 oration, Herman Daggett proffered the transatlantic slave trade as an example of the wickedness that could arise when cruel instincts went unchecked by youthful training in benevolent feelings.\textsuperscript{76}

Whatever its implications for the republican experiment, the presence of the kindness-to-animals ethic in antebellum childhood experience had still broader implications for the process of class formation in North America. From the 1820s onward, sympathy with domestic animals, gradually encoded in education lessons for children, became an important means of inculcating such standards of bourgeois gentility as self-discipline, Christian sentiment, empathy, and moral sensitivity. Moreover, as a


\textsuperscript{76} \textit{Pity's Gift: A Collection of Interesting Tales, To Excite the Compassion of Youth for the Animal Creation, Selected by a Lady} (Philadelphia: J. Johnson, 1801, 1808), v; and Daggett, \textit{Rights of Animals}, 7-8.
household companion, a domestic animal could serve as a convenient real life medium for the practice and expression of compassionate sentiments. Merciful regard for animals became one hallmark of a developing middle-class culture rooted in liberal Protestant evangelical piety.  

In addition to their sociocultural utility for instilling and enacting the principles of kindness and compassion, the presence of animals in children’s literature fulfilled other didactic functions in nineteenth-century domestic ideology. Narratives of animal life offered idealized conceptions of middle-class family relationships, and served as morality tales for human domestic relations. By their example, the animal heroes of these narratives also served to reinforce cherished norms of conduct and behavior. Over time, such functions helped to consolidate the place of animals in the emotional framework of middle-class domestic life.  

The kindness ethic transcended the boundaries of both space and class, and reached as far as the expanding frontier of the growing American nation, where it animated the life and legend of John Chapman, “Johnny Appleseed.” Chapman demonstrated great sensitivity to animals, and was apparently a vegetarian. He even eschewed honey unless he could gain assurances that enough had been set aside for the bees to pass the winter safely. Chapman admonished others against unnecessary


78 Ibid. When the humane movement began its work, it focused considerable energies upon children, just as the abolition movement had done. Both endorsed the assumption that parents had a duty to inculcate moral values in their children, and demonstrated a deep faith in children as future agents of change. See Karen Sanchez-Eppler, Touching Liberty (Berkeley: University of California Press, 1993), 42; and John Ashworth, “The Relationship between Capitalism and Humanitarianism,” American Historical Review 92 (Oct. 1987): 826.
destruction of life, and rescued animals from miserable circumstances through purchase or barter. Even wild animals and insects came within the scope of his sympathies.  

Nor was Chapman alone in his reputation for exceptional kindness. According to his friends and family, a young Indiana schoolboy gave both a classroom speech and a private sermon against cruelty to animals in the early 1820s. "Abe preached against cruelty to animals, contending that an ant's life was to it, as sweet as ours to us," his stepsister recalled. In an 1860 autobiographical account, the now grown Abraham Lincoln suggested his ambivalence as a hunter. Describing an incident in which he shot a wild turkey outside the family cabin, Lincoln reported of himself, "He has never since pulled the trigger on any larger game."

By the 1850s, the kindness-to-animals-ethic was a staple of juvenile literature as well as a fixture of many middle-class homes. Most of the major British juvenile works incorporating the theme surfaced in American editions, and American authors gradually began to develop the theme in their own writing. A generation before the advent of

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organized animal protection in America, the humane didactic was an established instrument of childhood socialization.  

**Vegetarianism, Violence, and the Antebellum Reform Cosmology**

Humanitarian vegetarianism provided another impetus toward animal protection. Although historians have neglected the ethical component of antebellum diet reform, focusing instead on physiological and religious rationales, cruelty to animals killed for food also motivated some vegetarians. Moreover, vegetarian reformers forged important connections with advocates of other causes, helping to ensure the dissemination of the kindness-to-animals ethic. While vegetarianism was not common before 1830, it regularly surfaced in discussions of temperance, criminal reform, peace, abolition, and the rights of women. Among abolitionists, William Lloyd Garrison,  

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81 For examples, see The Hare, or, Hunting Incompatible with Humanity (Philadelphia: B. and J. Johnson, 1802); The History of a Goldfinch (Philadelphia: B. and T. Kite, 1807); The History of Samuel Bonner (Boston: Wells and Lilly, 1820); Stories of the Happy Peasants (Boston: Munroe and Francis, 1829); Ellen, Or the Disinterested Girl (Philadelphia: American Sunday School Union, 1831); The Little Lamb, or the Reward of Kindness (New Haven: S. Babcock, 1838); Charlotte Elizabeth [Tonna Browne], The History of Goody Two-Shoes (Cooperstown: H. and E. Phinney, 1839); Instruction and Amusement for the Young (New Haven: S. Babcock, 1841); The Bird Book (Philadelphia: American Sunday School Union, 1844); Charlotte Elizabeth [Tonna Browne], Kindness to Animals, or the Sin of Cruelty Exposed and Rebuked (Philadelphia: American Sunday School Union, 1845); D. P. Kidder, ed., Be Kind: A Narrative, Showing the Result of Good Treatment to Animals, Grown People, and Children (New York: Carlton and Phillips, 1852); Harry's Story Book (Philadelphia: Willis P. Hazard, 1857); Aunt Louisa's Germs of Kindness (New York: McLoughlin Bros., 1864-1870); Mary Elliot, The Bird's Nest (New York: McLoughlin Bros., 1864-70); Jacob Abbott, Friskie, the Pony (New York: Sheldon and Co., 1864); and Anson Randolph, Autobiography of a Canary Bird (New York: E. O. Jenkins, 1866).

82 The dominance of physiological arguments has undoubtedly obscured this point, although one historian has interpreted the era's increased emphasis on scientific arguments in favor of vegetarianism as a consequence of reformers' determination that "the most moral diet had to be thoroughly demonstrated to be the most healthful." See James C. Whorton, Crusaders for Fitness: The History of American Health Reformers (Princeton: Princeton University Press, 1982), 63-68. The preoccupation of certain Jacksonian era vegetarians like Sylvester Graham and Russell Trall with reforms in sexual conduct and physical activity, and the admitted eccentricity of some of the views they expressed, have also hindered proportionate attention to the humanitarian strain of vegetarianism.
Horace Greeley, the Grimké sisters, Theodore Weld, Joshua Levitt, and the Tappan brothers followed the Graham diet, although not all of them held to it over the full course of their lives. The Graham boarding house in New York City was a center of radical abolitionism. Vegetarianism and other body reforms involved a purification of private life that many deemed a necessary concomitant to social regeneration.  

The formal origins of vegetarianism as a social movement in America date to 1817, when 42 members of the Bible-Christian Church, a small Swedenborgian sect with vegetarianism as its cornerstone, left Salford, England to promote their beliefs in what they thought would be more fertile ground in the United States. They settled in Philadelphia, where Reverend William Metcalfe, their leader, worked alternately as a schoolmaster, printer, publisher, and editor, while struggling to build up the church. In addition to preaching, Metcalfe carried his ministry into the popular press throughout the 1820s, publishing a number of letters and tracts in favor of vegetarian diet and total abstinence from alcohol. Sylvester Graham was likely one of his converts.
Religious conviction, above all, had guided the Bible-Christians to their chosen diet.\(^8^5\) However, there was a strong humane component and a commitment to non-violence in the church members’ vegetarianism. The Bible-Christian hymnal included an adaptation of Oliver Goldsmith’s poem, “The Hermit”: “No flocks that range the valley free, To slaughter we condemn, Taught by that power that pities us, We learn to pity them.” In his 1840 sermon, “Bible Testimony on Abstinence from the Flesh of Animals as Food,” Metcalfe preached:

> Our high object is to construct, to correct general sentiment, and to determine the principles of public habits so as to cherish universal humanity; believing that in proportion as the minds of the moral and intellectual among our fellow-mortals are sufficiently awakened to the importance of the dietetics of the Bible, they will withdraw themselves from a system of cruel habits, which involves a portion of the animal creation in needless suffering and untimely death, and which has unquestionably a baneful effect upon the physical existence and the intellectual, moral, and religious powers of man.\(^8^6\)

In another passage, Metcalfe explored the broader implications of the Sixth Commandment:

> Who has authority or presumption to limit this precept to the killing of men? Is it not recollected by my hearers that we are peremptorily enjoined ‘not to add to the law, nor yet diminish aught from it?’ May we not reasonably believe that its application was benevolently intended to reach the animal creation? . . . Would not the principles of mercy and the sympathies of the human heart lead our judgments to such a conclusion?\(^8^7\)

Despite the fact that the Bible-Christian Church in America never exceeded 100 persons, it was a significant force in encouraging the vegetarian lifestyle. In 1847, the Bible-Christians who remained behind in Manchester, England established the Vegetarian

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\(^8^5\) They believed that flesh eating violated the very first instructions received from God in Gen. 1:29: “Behold, I have given you every herb yielding seed which is upon the face of all the earth, and every tree, in which is the fruit of a tree yielding seed—to you it shall be for food.”


\(^8^7\) Metcalfe, Out of the Clouds, 165.
Society of Great Britain, with the express object of promoting vegetarianism through a secular organization. Their American counterparts followed suit in May 1850, launching the American Vegetarian Society (AVS). In addition to the Bible-Christian leadership, its principals included William Alcott, Sylvester Graham, O. S. Fowler, Joel Shew, Lewis Hough, and R. T. Trall. Throughout the 1850s, the AVS met on a regular basis. A vegetarian banquet offered in 1853 coincident with the Whole World's Temperance Convention drew over 300 diners, including feminists Lucy Stone, Amelia Bloomer, and Susan B. Anthony. 88

For four years, between 1850 and 1854, the AVS used its publication, The American Vegetarian and Health Journal, to advance economic, physiological, environmental, religious, and humane arguments against the consumption of animal flesh. The monthly journal, which William Metcalfe and his son Joseph edited, reviewed positive references to vegetarianism, celebrated the longevity of vegetarians from all over the world, and reproduced correspondence between the leading figures of the movement. Most of the discussions centered on the religious and physiological arguments in favor of abstinence from animal flesh. However, contributors frequently cited humane concerns in discussing their vegetarianism, and it was evident in fictional narratives as well. 89


The humanitarian argument was also manifest in the work of William Alcott, typically cast with Graham as one of the apostles of hygienic or physiological vegetarianism. In Vegetable Diet (1838), Alcott included a section on “The Moral Argument.” He expressed special dismay at the routine slaughter of animals in front of children, and looked forward to the day when instruction promoting kindness to animals would form the cornerstone of youthful education. “What a mighty change will be wrought in society,” Alcott wrote, “when it shall be fully understood that our great duty as monarchs of men or other animals, is to promote to the utmost extent of our power, their happiness.”

Some of the utopian communities of the antebellum era practiced ethical vegetarianism as well. There was a humane component in the vegetarianism of the ultraist Quaker communitarians of the Society for Universal Inquiry and Reform. More famously, if briefly, the Alcotts and their fellow communards at Fruitlands shunned not only animal products but also the products of animal labor.

Sometimes, a single stalwart could embrace virtually all of the nineteenth-century reforms, as did Henry Stephens Clubb (1827-1921), an emigrant Englishman from


90 William A. Alcott, Vegetable Diet: As Sanctioned by Medical Men, and by Experience in All Ages (Boston: Marsh, Capen, and Lyon, 1838); idem, “What Are Animals Made For, If Not To Be Eaten?” AVHJ 1 (Mar. 1851), 53; and “Remarks of Dr. Alcott,” AVHJ 1 (Oct. 1851), 177.

Colchester, Essex. The official history of the Philadelphia Bible-Christian Church attributes Clubb’s youthful conversion to vegetarianism to the home visits of William Ward, who “described the horrors and cruelties of the slaughterhouse and the dangers of eating the flesh of the animals killed there.” At sixteen, Clubb went to teach at the Alcott House Concordium, a school inspired by Robert Owen and Johann Pestalozzi. In 1847, he participated in the Ramsgate conference that resulted in the formation of the Vegetarian Society and the creation of the term “vegetarian” to describe a meatless diet. For a time, Clubb edited the Vegetarian Messenger, the society’s journal, and in 1853 he immigrated to the United States. He went to work for Horace Greeley at the New York Tribune, where he became acquainted with Gerrit Smith, Joshua R. Giddings, and other abolitionists. He prepared Sylvester Graham’s Philosophy of Sacred History for posthumous publication, and wrote an account of the Maine liquor law campaign. Clubb knew the Metcalfes and other Bible-Christians, and, in 1854, he contributed a two-part narrative, “Margaret Woodrow,” to their journal. The account, probably fictional, concerned a young girl whose deep affection for domestic animals, especially a flock of hens, led her whole family into vegetarianism.92

During 1855, Clubb wrote a series of reports on slaveholding and the South Carolina legislature for the Tribune. In 1856, he went to Kansas as a founder of the Vegetarian Settlement Company, a short-lived Edenic community committed to temperance, anti-slavery, and a meatless diet. Moving to Grand Haven, Michigan, he

published the first Republican newspaper in Ottawa County. During the Civil War, Clubb, who refused to carry arms, served as an assistant quartermaster in the Union army and was wounded at Corinth, Mississippi. In 1876, he succeeded Joseph Metcalfe as pastor of the Bible-Christian Church, helping to reinvigorate the Church's vegetarian initiatives.93

The ethical vegetarians of the antebellum era did more than just distance themselves from the violence and suffering occasioned by the slaughter of animals for food. They also played a part in bringing the subject of cruelty to animals into public discussion. Vegetarians pointed to the public health dangers of meat consumption, and laid a path for later humane campaigns that emphasized the corruption of flesh from animals treated badly during transportation and slaughter. However, vegetarians were more than just reliable critics of slaughterhouse cruelty and its adverse consequences for human health. Their lifestyle affirmed humane ideology through its most radical extension.

Animals, Abolition, and the Culture of Cruelty

The kindness-to-animals ethic was also one of the cultural sequelae of abolitionism. In many ways, the anti-slavery movement set the stage for the emergence

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of animal protection, transforming attitudes toward pain, suffering, and cruel behavior, and sparking widespread imaginative sympathy and a heightened sense of moral obligation. In important respects, too, abolition was a necessary precondition of any serious effort to organize a movement for the protection of animals.

As his footnote confirmed, Jeremy Bentham saw a natural connection between the two questions; but he was not the only person to do so. In England, William Wilberforce, Samuel Romilly, Thomas Fowell Buxton, and other parliamentary advocates of abolition were among the first supporters of animal protection. In America, too, the culture of abolition provided a fertile soil for the kindness-to-animals-ethic. Between 1851 and 1865, George Angell, eventual founder of the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA), was the junior partner of attorney Samuel Sewall, whose law office was a hotbed of abolitionist energy. Abraham Firth, Angell’s longtime collaborator, was an active member of the Leicester Anti-Slavery Society. Samuel J. Levick, Secretary of the Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA), taught in Philadelphia’s black community and founded the city’s Junior Anti-Slavery Society. Caroline Earle White, the mainspring of Philadelphia anti-cruelty work, was the daughter of Quaker abolitionist and 1840 Liberty Party vice presidential candidate Thomas Earle, whose clients included runaway slaves and kidnapped freedmen. A cousin, once removed, of Lucretia Mott, White attended numerous anti-slavery meetings in her youth.94

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Not surprisingly, the most substantial indictment of cruelty to animals in antebellum America was delivered by an abolitionist. In 1835, an Albany publisher issued *The Spirit of Humanity*, a compendium of selections on the mistreatment of animals, slavery, prison reform, temperance, peace, care for the insane, and suppression of boxing matches. Its anonymous compiler, abolitionist Julius Ames (1801-1850), exempted no class from responsibility for the suffering of animals. "If the butchers, drovers, drivers, etc.," Ames wrote, "are not always the dispensers of kindness and comfort to the sensitive creatures in their charge, the blame must be fully shared by their employers and the public, who are the accessories and abettors of their criminality."  

*The Spirit of Humanity* contained excerpts from many thinkers who had considered the question of animals' treatment, including Thomas Chalmers, Soame Jenyns, John Locke, Hannah More, William Paley, and Humphrey Primatt. Ames also presented passages from children's authors such as Letitia Barbauld, Arnaud Berquin, and Maria Edgeworth, and an analysis of Hogarth's *The Stages of Cruelty*, the era's most powerful representation of cruelty's perilous implications. In addition, *The Spirit of Humanity* incorporated relevant material from English anti-cruelty publications and North American periodicals.

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Recent historical debate concerning the origins of abolitionism and the emergence and general diffusion of humanitarian sentiment during the late eighteenth and early nineteenth centuries further illuminates the shift in attitudes that helped to foster a host of philanthropic reforms, including animal protection. The rise of market capitalism, Thomas Haskell argues, generated a new range of cognitive perceptions and moral conventions that expressed themselves in reform movements worldwide, the most remarkable of which was anti-slavery. Abolitionism flourished amidst the conscientious performance of duty and scrupulous attention to the fulfillment of commitments and obligations that accompanied the emergence of a market economy. Market capitalism also greatly enlarged the spatial and temporal realms in which individuals operated, and gave them increased confidence in their power and agency. For some individuals, capitalism's expansion of the domain in which one could pursue one's self-interest also enlarged their range of causal perceptions. This brought an enhanced awareness of remote suffering and the effects of one's own action or inaction. Heightened understanding of causality and the adjunct consequences of human conduct produced a broader and far-reaching sense of moral responsibility for the suffering and exploitation of others. Market capitalism's reliance on notions of contract and the importance of honoring one's promises reinforced such feelings of obligation to do right by others. En ensuing shifts in the conventional boundaries of moral responsibility, as observed by influential minorities, pushed society to address evils that had once fallen well outside of anyone's perceived or actual spheres of responsibility.96

The nineteenth century also saw a significant revision in attitudes toward bodily pain, as the notion of pain as divine punishment gave way to a belief in the desirability of preventing and relieving suffering through intervention. Antebellum evangelical religion popularized a mode of "reasoning from the heart" that valued identification with the suffering and pain of others. This burgeoning culture of empathy generated an urgent politics of reform around such issues as slavery, treatment of prisoners, and capital and corporal punishment. The body, and bodily pain and death, became a locus of humanitarian sensibility.  

Among other outcomes, the campaign for abolition sparked widespread debates about what constituted cruel behavior, producing a context of imaginative sympathy for the suffering of others that would eventually come to include the pain and abuse inflicted upon animals. As part of their indictment of slavery, abolitionists sought to discredit the violence of masters against bondsmen. In *Uncle Tom's Cabin*, Harriet Beecher Stowe cast bodily punishment as one of the institution's chief horrors. Narratives and compendia providing sensational examples and images of abuse and suffering circulated widely. Tracts, books, and broadsides implored readers to imagine themselves in the debate over Anti-Slavery, "American Historical Review 92 (Oct. 1987): 829-78. Together with responses, these essays appear in Thomas Bender, ed., *The Antislavery Debate: Capitalism and Abolitionism as a Problem in Historical Interpretation* (Berkeley: University of California Press, 1992).  


position of the oppressed and beleaguered slave. In these abolitionist works, beatings, brandings, starvings, and other harsh discipline marked southern slaveholding as the epitome of cruelty.

By stigmatizing brutality and physical violence in relationships, anti-slavery authors established an atmosphere in which cruelty to animals could be perceived and discussed as a social problem. Some critics of the South, like Frederick Law Olmsted, went further, joining the inhumanity of slavery and the mistreatment of animals in their narratives.99 Such depictions represented a southern culture of cruelty in which the status of slaves was conflated with that of non-humans. In later years, those engaged in the work of animal protection would sometimes invoke rhetoric and symbols common to the campaign against slavery in their efforts to paint those who harmed animals as depraved individuals akin to slaveholders.

Growing uneasiness over physical punishments in the antebellum era led to reform campaigns in diverse realms of public life. A number of state legislatures prohibited corporal discipline in schools and prisons, and in 1850 the United States Congress voted to abolish flogging in the Navy. The use of physical power in other hierarchical relations, like that of husbands over wives, also came under scrutiny. However, while the domestic abuse of women, and to some extent of children, received

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more public attention and criticism, the perception of the domestic sphere as strictly private prevented legal intervention.  

In the southern states, legislation often excluded discussions of slavery on the grounds that it was a "private" concern. Predictably, animal protection did not gain much statutory ground in the antebellum South. Only Virginia (1848), Texas (1856), and Tennessee (1858) had anti-cruelty statutes in place before the war, compared to nine of the northern states. Moreover, anti-cruelty causes could make no headway in the courts so long as the issue of human freedom stood unresolved. Judicial rulings from several southern courts confirm how easily the protection of animals became entangled with the far more volatile issue of the legal status of slaves. Generally, the law did not hold masters liable for battery. However, in those cases where the public abuse of slaves by their owners did place masters at risk of prosecution, it occurred, as one court noted, "not because it was a slave who was beaten, nor because the act was unprovoked or cruel; but because ipso facto it disturbed the harmony of society; was offensive to public

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102 AWI, Animals and Their Legal Rights, 4.
decency, and directly tended to a breach of peace. The same would be the law, if a horse had been so beaten.”

In another case, a court held that concern for damage to property was the common issue linking “public cruelty inflicted upon animals” and “wanton barbarity exercised even by masters upon their slaves.” However, when it came to the mistreatment of an animal by an owner, even the invocation of public disturbance as a cause of action had to meet a high standard. “Cruelty to animals by the owner had to be attended with such enormity and publicity as to amount to a nuisance,” a Texas judge asserted in State v. Smith (1858), “or something in the nature of a nuisance, before it was treated as an offense; and therefore, it did not fill the idea of malicious mischief, although the mere act of cruelty might be the same as far as the animal was concerned.”

The implications for the institution of slavery of third-party intervention against cruelty to animals were not lost on that Texas court either. It was “not the policy of the law in this country,” the judge proclaimed, “to establish espionage over the domestic concerns, by which every intermeddling, malicious neighbor may have an excuse on the ground of humanity to thrust his own ideas of propriety or morality into the private affairs of others around him.”

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103 State v. Mann, 13 N.C. (2 Dev.) 263 (1829); and Commonwealth v. Turner, 26 Va. (5 Rand.) 680 (1827).


105 State v. Smith, 21 Tex. 748 (1858).

106 Ibid.
The persistence of chattel slavery, and the growing preoccupation of antebellum reformers with its abolition, impeded the emergence of an organized animal protection movement, even as the kindness-to-animals-ethic advanced as an inchoate reform. Above all, many who might have gravitated toward humane work (and some who later did) were fully absorbed in abolition. Of course, despite this same challenge, other causes, like temperance, feminism, and the elimination of corporal punishment, flourished during the period 1830-60. None of these reforms, however, could become so easily conflated with slavery in public discussion and under law. There were special difficulties in launching a movement that advocated better treatment for non-human animals at a time when an entire class of human beings was mistreated, denied freedom, denigrated as animal-like, and relegated to the status of property before the law. On occasion, abolitionists publicly expressed their ambivalence about concern for non-humans as a misplaced priority so long as human slavery existed.

Contemporaries certainly believed that the abolition of slavery was a necessary precondition for any serious movement for the prevention of cruelty to animals. In 1879, a journalist observed that “the work [of animal protection] was first rendered possible by the liberation of the slave, because a reasonable people could not have listened to the claims of dumb animals while human beings, held in more ignoble bondage, were subjected to greater cruelty and added outrage.” A hundred years earlier, Bentham had

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107 Strictly speaking, in the decade that preceded the conflict, slavery became such an overwhelming preoccupation that it pushed many other reforms aside. Abolitionists were too preoccupied with their principal object to pursue corollary interests with much energy. By the late 1850s, even a substantial reform concern like the campaign against corporal punishment diminished as political conflict over slavery intensified. See Glenn, Corporal Punishment, 145.

anticipated this same progression, a logical consequence of utilitarianism’s emphasis on the moral actor’s accountability for the pain inflicted on any sentient being. “We have begun by attending to the condition of slaves,” Bentham wrote, “we shall finish by softening that of all the animals which assist our labors or supply our wants.”

Certainly, the extraordinary growth of animal protection reform after the war attests to the validity of these judgments. The Thirteenth Amendment to the United States Constitution was ratified in 1865, and, within four years, the first three animal protection organizations in North America began their work, securing effective anti-cruelty legislation in their state legislatures. There was a fantastic proliferation of anti-cruelty societies in the decade following the Civil War, as the concept seized the imagination of influential figures in dozens of communities.

After the war, Harriet Beecher Stowe, Lydia Maria Child, and others once active as abolitionists gravitated to animal protection. Stowe participated in anti-cruelty work and discussed the rights of animals in her writing. Child, whose commitment to the kindness-to-animals ethic was evident before the war, intensified her efforts once the conflict ended. In 1865, almost forty years after the theme surfaced in her Juvenile Miscellany, she included an exhortation on kindness in The Freedmen’s Book, published for the education of liberated slaves. The selection reflected Child’s belief that cruelty

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begets cruelty, and that the freedmen should strive to transcend any callousness resulting from their own experience of abuse. In addition, she counseled, they needed to take care that they imparted humane values to their children. She even suggested a good role model for such conduct, Toussaint L’Ouverture, of whose youth she wrote, “he differed from other boys in his careful and gentle treatment of the animals under his care.”

During the 1870s, Child supported the MSPCA and published a number of pieces in Our Dumb Animals. She also remembered the organization with a bequest upon her death in 1880.¹¹¹

After animal protection became a visible social reform, American humanitarians looked back to England in search of their movement’s origins, and largely saw their own history as an appropriation of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) as an organizational form. They failed to appreciate that the emergence of an organized humane movement in the United States involved deeper and more complex cultural exchanges within the transatlantic community, rooted in significant religious, moral, legal, educational, and social trends that predated the formal beginnings of British animal protection itself.

Nor did humane advocates comprehend the degree to which developments in the United States had helped to prepare the way for the emergence of their movement. Concern for animals was an important, if generally overlooked, element in that cluster of humanitarian impulses identified with the period 1830-1860. The organization of humane societies in the 1860s served to formalize ideas and values that were already

¹¹¹ Lydia Maria Child, The Freedmen’s Book (Boston: Ticknor and Fields, 1865), 36, 97-100. Child’s contributions to the MSPCA journal include “The Milkman’s Donkey,” ODA 2 (July 1869), 18; “The Little Black Dog,” ODA 5 (June 1872), 204-5; and “My Swallow Family,” ODA 6 (Aug. 1873), 21.
widely dispersed in American culture. Moral sensitivity to the suffering of animals was increasing, and the question of human responsibility toward them was the subject of what amounted to a transatlantic intellectual conversation. The kindness-to-animals ethic was an established and influential element in the domestic education of children. The prohibition of cruelty to animals had gained a foothold in state legislatures. On occasion such cruelty might even be punished by a court of law. Some Americans even thought enough of animals to avoid eating them altogether.

Public discussions of cruelty were on the rise too. In 1857, a satirical composition in Harper's New Monthly Magazine broached popular self-consciousness about the human exploitation of animals, depicting a group of animals who had joined in rebellion to "shake off the galling yoke of the human race." Less fancifully, in 1858, Frank Leslie's carried a series of articles dealing with New York City's annual roundup of dogs and the violence employed by dogcatchers and pound masters in destroying them. During the same period, Harper's Weekly deplored cruelty to animals, printed an illustrated article depicting the misery of the city horse, and published a "humble petition" from beleaguered animal sufferers to their human masters.\(^{112}\)

By 1865, the issue of animal cruelty had entered a new phase. In June, the New York Times noted that poultry dealers and wholesale butchers engaged in "needless torture . . . in bringing their live stock to the market, or in preparing it for the stalls."

Further, the writer noted, “the manner in which the smaller class of live cattle were dragged or driven to the shambles, is an outrage upon the natural feelings of any one not utterly hardened by familiarity with cruelty in its most barbarous forms.” Just a few months later, illustrations of several common forms of animal abuse, with condemnatory text, appeared in three separate issues of Frank Leslie’s. The Leslie’s writer lamented not only the toleration of such cruelties but the apparent inability to curb them, and plaintively asked, “Shall we ever have among us a Society for the Prevention of Cruelty to Animals?” The answer was not long in coming.  

CHAPTER II

"THE BRUTALITIES OF THE TOWN": CRUELTY TO ANIMALS, THE URBAN ENVIRONMENT, AND THE RISE OF ORGANIZED HUMANE WORK

In early 1866, a New York Times editorial entitled "Work for the Idle" lamented the disinclination of wealthy citizens "to undertake any political or other public responsibility on the score of its distastefulness to their nervous sensibility." The author deplored the lack of a society for the prevention of cruelty to animals like the one in England. "There are many noble charities in our city," he noted, "but there are few or none for the supervision and remedy of evils which offend the eye and shock the feelings." ¹

As the writer may have known, Henry Bergh, a cultured swell who had previously expressed only modest public-mindedness, was then preparing to launch such an organization. Within a few months, Bergh would garner publicity as the most visible figure in the nascent animal protection movement. Bergh, assisted by a few agents and collaborators, pioneered an aggressive, flamboyant, and controversial style of investigating cruelty, and challenging its perpetrators.

At the same time, the campaigns and activities of Bergh's American Society for the Prevention of Cruelty to Animals (ASPCA) reflected a special convergence between rising social interest in animals' protection and problems of urban life tied to the presence

of animals. Popular demand for action on a range of public matters that involved animals
directly or indirectly gave the ASPCA far-reaching influence on the affairs of New York
City.

The ASPCA was the first animal protection society in the United States, and for
many years it remained the best known. However, the mistreatment and suffering of
animals was on the minds of other Americans besides Bergh in the immediate post-Civil
War years. Even before the war, George Angell and Emily Appleton in Boston, Caroline
Earle White, S. Morris Waln, and Richards Mucklé in Philadelphia, and Mary E. Lord in
Buffalo had been thinking about the need for organized action to curb cruelty. Another
Buffalo resident, Millard Fillmore was in the habit of remonstrating with drivers who
mistreated animals.²

These individuals were not alone in their enthusiasm, for, after humane work
commenced in the late 1860s in the three largest American cities, it quickly spread
throughout the nation. Within a decade of the ASPCA’s founding, citizens in 32
American states and six Canadian cities had established similar organizations. Humane
society founders articulated and acted upon widespread concerns about public cruelty and
its brutalizing influence, the needless suffering of animals, the control of unrestrained
violence, and the moral and religious duty of kindness. But, like Henry Bergh and the

² On Lord, see “Obituary,” Buffalo Comm. Advertiser, May 1885, and “Funeral of Mrs. Dr.
Lord,” Buffalo Express, 29 May 1885, American Society for the Prevention of Cruelty to Animals
Archives, New York, NY [ASPCA-NY], SBK 9: 193; “The Late Mrs. John C. Lord,” Our Dumb Animals
[hereafter ODA] 18 (July 1885), 222; and “Millard Fillmore,” Buffalo Comm. Advertiser, 12 March 1874,
Pennsylvania Society for the Prevention of Cruelty to Animals Archives, Philadelphia, PA [PSPCA-PA],
SBK 1866-1877. The others will be discussed in subsequent chapters.
ASPCA, they too were responding to the extraordinary pressures and tensions created by a swiftly modernizing urban industrial society, with all of its implications for animals.

**Henry Bergh and His Work**

Sometime during 1863, on the streets of St. Petersburg, Russia, an American serving a brief term as Secretary of the American Legation became indignant at the sight of a peasant driver beating a horse. The American, Henry Bergh, attired in the gold lace of his diplomatic uniform, ordered his own carriage to a halt and commanded the man to drop his whip at once. Startled by Bergh's imperious presence, the peasant complied.³

This episode was not the first instance of Bergh's revulsion at seeing cruelty. The son of an accomplished and wealthy New York shipbuilder, Bergh spent many years traveling in Europe and the Near East. In his diaries from the 1840s, he recorded disturbing incidents at Granada and Corinth in which drivers beat their horses severely with whips to make them go faster. In April 1848, Bergh witnessed a bullfight at the Plaza de Toros in Seville that shocked him deeply.⁴

At the outbreak of the Civil War, Bergh was in London, where he participated in a series of patriotic events that brought together like-minded Americans. Subsequently, he led a committee to raise money from sympathetic British citizens and expatriate loyalists for the purchase of 40 cannons that were sent to New York. In 1862, through the influence of Secretary of State William H. Seward, Bergh became the Secretary of the

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American Legation in the court of Czar Alexander II, an appointment he had been seeking for four or five years. The cultured and aristocratic New Yorker was a popular figure within the court, and this may have created some friction in his relationship with American ambassador Cassius Clay. Bergh soon resigned his office, a decision he later attributed to ill health brought on by the climate.5

On the way home from Russia in early 1865, Bergh and his wife Mathilde sojourned in England for a few months. There, he attended a memorial service for the martyred Lincoln, where, in all likelihood, he met Lord Harrowby, president of the Royal Society for the Prevention of Cruelty to Animals (RSPCA). He certainly attended the RSPCA’s annual meeting and visited with its longtime secretary, John Colam. In June 1865, Bergh returned to New York with the intent of forming an analogous society in the United States.6

Bergh probably engineered the coverage of cruelty to animals that appeared in Frank Leslie’s Illustrated Newspaper during the latter half of 1865. He formally


6 For the RSPCA’s account of Bergh’s interaction with its officers, see “Henry Bergh,” Animal World 3 (1 Oct. 1872), 209-10; and “The Late Henry Bergh,” Animal World 19 (2 Apr. 1888), 49-50.
announced his plans to launch an animal protection society in a January 20, 1866 circular, and, on February 8, he delivered a well-attended address at Clinton Hall. Bergh proved himself an accomplished organizer, and his mobilization of New York City's social elite was swift. By April 10, with the help of State Senator Charles Folger, Bergh had secured a special charter of incorporation from the state legislature, despite the opposition of streetcar and slaughterhouse interests in the New York Assembly, who foresaw potential trouble from the proposed society. This act of incorporation recognized the ASPCA's quasi-public character and anticipated its assumption of responsibility for matters that were or might come under public regulation. It extended the ASPCA's powers to enforce all laws for the protection of animals throughout the state.7

Bergh's success depended heavily upon his ability to walk the gauntlet of shifting political fortunes and alliances in Gilded Age New York. His board included other Republicans and Protestants like himself, but he cultivated excellent relations with prominent Tammany Democrats, including William Tweed, James T. Brady, and John T. Hoffman, who as Mayor of New York City and then as Governor of New York State provided critical support. Through key alliances with local and state politicians,

7 "Everyday Barbarities," Frank Leslie's, 30 Sept. 1865, 1, 23; "The Brutalities of the Town," Frank Leslie's, 28 Oct. 1865, 1, 84; and "New York City Enormities—Horses and Pavements," Frank Leslie's, 9 Dec. 1865, 1, 179; "Local News," N. Y. Times, 2 February 1866, 4; Noble, "Christian and Henry Bergh," 30; ASPCA, Objects, Laws, Etc., Relating to the American Society for the Prevention of Cruelty to Animals (1866); Roswell McCrea, The Humane Movement: A Descriptive Survey (New York: Columbia University Press, 1910), 149; and Steele, Angel in Top Hat, 38. Frank Leslie was a strong supporter of the ASPCA. The case for Bergh's agency in securing early publicity is strengthened by an obituary that notes he spent a year maturing his plans for an organization after he returned home in 1865 and that the ASPCA had "practically been in existence for a year" before official incorporation. See "Death of Henry Bergh," N. Y. Times, 13 Mar. 1888, 8.
Republicans and Democrats, Bergh built up the ASPCA and insulated it from the attacks of its enemies.\(^8\)

At the same time, Bergh could not always rely upon elite networks of influence to advance the ASPCA's mission or to spare animals from suffering. Those same social and political networks included many individuals who were at odds with Bergh's own notions of what humane treatment was, and how far it should extend. Some owned or held shares in the streetcar companies whose daily operations Bergh and his agents interrupted, or the slaughtering establishments whose practices the ASPCA challenged. Some even favored pursuits like pigeon shooting and fox hunting that came under repeated attack from the organization. There was no unified elite at Henry Bergh's back, either to protect him or to support his goals.\(^9\)

Publisher James Gordon Bennett, Jr. and politician A. Oakey Hall exemplified Bergh's ambivalent relations with his social peers. At times, as in the case of streetcar overcrowding, Bennett threw the support of his New York Herald behind Bergh. On the other hand, Bennett deeply resented the ASPCA's interference with the pigeon shoots in which he and his friends participated. As for Hall, he played a critical role in the ASPCA's early years as District Attorney of New York City, advising the organization and supporting its work through prosecution and enforcement. By the time Hall became Mayor, however, his opinion of Bergh had changed, and he tried to curb the ASPCA's authority in several matters, most notably its halting of streetcars to redress the

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\(^{8}\) "A Friend of the Friendless," *N. Y. Times*, 5 June 1871, 4.

\(^{9}\) Steele, *Angel in Top Hat*, 219.
overloading that so badly taxed the horses who drew them, and its interference with pigeon shoots. Later, as an attorney in private practice, Hall often represented Bergh’s opponents and made no secret of his enthusiasm for these confrontations.

At the outset, Bergh decided against a campaign to reinvigorate New York State’s 1829 anti-cruelty statute, reasoning that a long neglected and badly outmoded measure should not be the basis for an ambitious new effort. Just days following the grant of the ASPCA’s charter, Bergh took a set of proposed laws to an acquaintance in the State Senate, and, on April 19, “An Act Better to Prevent Cruelty to Animals” passed. Its critical clause stated that “Every person who shall, by his act or neglect, maliciously kill, maim, wound, injure, torture or cruelly beat any horse, mule, ox, cattle, sheep or other animal belonging to himself or another, shall upon conviction, be adjudged guilty of a misdemeanor.” A second clause addressed the common problem of abandoning worn out and unwanted animals, and carried the same misdemeanor penalty.¹⁰

Once the bill became law, Bergh followed the same path that Richard Martin, champion of the 1822 English legislation, had taken after his own success. He stationed himself on the streets and admonished those drivers he saw mistreating their animals. The charter’s seventh section provided that the police force cooperate with the ASPCA

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and its members and agents, so, when moral suasion alone proved ineffective, Bergh
sought the assistance of police officers to secure arrests.\footnote{11} 

In fact, any citizen could cause an arrest to be made under the statute by
presenting information to a policeman about acts of cruelty or neglect. A citizen could
also seek someone’s arrest by making a complaint before a magistrate, after obtaining the
name and address of the offender and recording details of the incident. The magistrate
might then issue a summons to the accused, requesting that he appear. In the proper
circumstances, if the accused were likely to abscond or to ignore the summons, a
magistrate might issue a warrant for his apprehension. The ASPCA advised all New
Yorkers that they could count on the organization to conduct a prosecution if the facts of
a case were compelling.\footnote{12} 

While anyone judged guilty of a misdemeanor under the statute could face
punishment of up to a year in jail, or a fine of up to $250, or both, the threshold for
cruelty to animals was actually much lower. For beating an animal, cruel confinement, or
for driving a lame horse, the fine ranged from $10 to $25, with an occasional sentence of
one day in prison. Abandonment typically resulted in a $25 fine. Only the most serious
cruelties, like conspicuous acts of sadism, brought greater punishment.\footnote{13} 

\footnote{11}“Humanity in New York,” \textit{N. Y. Tribune}, 16 Mar. 1878, 3. The charter provided that “the
police force of the city of New York, as well as of all other places where police organizations exist, shall,
as occasion may require, aid the Society, its members or agents, in the enforcement of all laws which are
now, or may hereafter be, enacted for the protection of dumb animals.” 


\footnote{13}Examples are from ASPCA, \textit{Ann. R. 1867}. A sadistic attack on a cat brought a fishmonger one
month’s imprisonment. See unsourced article (Sept./Oct. 1879), ASPCA-NY, SBK 8: 93.
Significant interpretive problems quickly arose. Defendants sometimes argued that the creatures they were accused of harming did not come within the definition of “animal” specified in the law. Indicted parties also claimed that some practices, such as the use of live birds for targets and the docking of horses’ tails, were outside the ambit of the statute. In 1867, Bergh succeeded in pushing through a broader measure that addressed certain shortcomings of the 1866 act. The new law applied to “any living creature,” closing a loophole that accused parties had exploited during the ASPCA’s first year of activity. The legislation’s sponsors also removed the word “maliciously” from the statute. As with earlier anti-cruelty enactments, the difficulty of establishing malicious intent sometimes made it possible for offenders to escape conviction.  

The 1867 legislation further expanded the definition of “cruel” to include acts that deprived animals of necessary sustenance, needlessly mutilated them, or caused them to suffer specified cruelties. In addition, the new statute incorporated prior legislation that criminalized animal fights (passed ten years before the formation of the ASPCA). It also prohibited the inhumane transport of animals, and required the licensing of dog carts, still widely used by the city’s rag collectors and trash pickers.

However, the most striking feature of the 1867 revision was its provision for ASPCA authority to enforce the law without the assistance of police. All designated

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15 The 1866 and 1867 laws, and prior legislation, are reprinted in ASPCA, Ann. R. 1868, 75-89.
agents of the ASPCA, deputized by the sheriff of a county, could make arrests and bring offenders before the proper court. Arrests without a warrant were permissible only when the humane agent saw the offense in full, and, wherever practicable, the ASPCA officer was to defer to a policeman.16

In City of Eros, Timothy Gilfoyle compares the ASPCA with three other organizations formed in New York City in the years following the Civil War. In Gilfoyle's analysis, these groups—the Society for the Suppression of Vice (1873), the Society for the Prevention of Cruelty to Children (1874), and the Society for the Prevention of Crime (1878)—exemplified the private vigilantism that George Templeton Strong predicted would "replace the debilitated public instruments of law enforcement." According to Gilfoyle, each prevention society had a single vice as its focus, each enjoyed quasi-public authority granted by the state, each relied on the incremental passage and strict enforcement of pertinent laws, and each was left to develop its own methods to enforce compliance. Membership and administration included the most prominent citizens, and women were typically absent from leadership. Finally, all of the prevention societies benefited from the support of sympathetic mayors.17

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16 ASPCA. Laws and Ordinances. 14. The 1867 New York statute was the model for anti-cruelty legislation in about forty states. See Animal Welfare Institute (AWI), Animals and Their Legal Rights, 4th ed. (Washington, DC: AWI, 1990), 5. There were variations on the grant of police power to humane societies from state to state. A 1914 study estimated that approximately seven had full power without public authority (as in New York), thirteen had full power with confirmation, and eleven had semi-police powers. In about fourteen instances, the states appointed humane officers. See Frank B. Williams, "The Administration of the Law for the Prevention of Cruelty to Animals," in Samuel McCune Lindsay, ed., Legislation for the Protection of Animals and Children (New York: Columbia University Press, 1914), 9.

The vice society organizers, Gilfoyle suggests, "developed an ideology that justified extralegal, nonviolent vigilantism and a disregard for legally created local government institutions." This use of public power by private groups saw its worst application in the excesses of Anthony Comstock and the Society for the Suppression of Vice. Gilfoyle argues that the preventive societies, of which the ASPCA was the first, were grounded in the assumption that the laws were adequate in the various spheres of their activity but that enforcement was lax.\textsuperscript{18}

In the case of the ASPCA, however, Gilfoyle's characterization oversimplifies. Bergh and his supporters certainly considered the prior animal protection law inadequate, and they did not even attempt to resurrect it. They acted with the conviction that law enforcement agencies, even at their best, had virtually never enforced prior anti-cruelty statutes, and on the related supposition that they were not likely to do so in the future.\textsuperscript{19} Nevertheless, the ASPCA did not always benefit from the support of sympathetic politicians and/or an elite citizenry. A. Oakey Hall was far from alone in resisting the efforts of the ASPCA. So did other prominent New Yorkers when Bergh began to focus on acts of cruelty in which they participated--most notably, pigeon shooting and fox hunting--or on equine mutilation surgeries they condoned--like tail-docking. Several of the men who signed Bergh's initial petition for an anti-cruelty society discontinued their support once they discovered just how serious he was about rooting out cruelty.

\textsuperscript{18} Gilfoyle, \textit{City of Eros}, 188.

\textsuperscript{19} It is worth noting that British legislation never conferred the power to arrest upon office-bearers of the RSPCA. Inspectors and constables of the RSPCA did (and do) not enjoy police or quasi-police authority: its representatives acted as informants and prosecutors. This caused intense debate. See "The Late Henry Bergh," \textit{Animal World} 19 (2 Apr. 1888), 49; and Lindsay, \textit{Legislation for the Protection of Animals and Children}, 7, n.1. On variations in assignment of police authority, see Lindsay, \textit{ibid.}, 8-12.
Moreover, Bergh’s ASPCA did not act with disregard for legally created local institutions of government. Rather, it sought to spur those institutions—be they aldermanic councils, police departments, or boards of health—to fulfill their responsibilities. Bergh was not simply free to impose his personal will on those who misused or mistreated animals in the city. The courts of New York, moreover, had a lot to say about the methods the ASPCA used to enforce compliance, and the viability of the cases it sought to prosecute.

Above all, Gilfoyle’s characterization, emphasizing the form of the ASPCA, overlooks the broad scope of its activities, most of which did not involve coercion—legal or extralegal. The organization carried on a wide range of programs, removing injured and dead animals from the streets, providing ambulances and derricks, advising city and state officials on policy matters, endowing fountains, and publishing veterinary literature. Law enforcement was one of its functions, but it did not define the ASPCA or its founder’s approach to the work.20

As it happens, there was a more compelling impetus for giving the ASPCA legal power than preoccupation with the debilitated character of law enforcement in Gilded Age New York—the growing perception that animals were factors in most of the city’s most urgent and threatening sanitary problems. In February 1866, even as the ASPCA was being formed, the state legislature granted sweeping powers to the New York City Metropolitan Board of Health to guard against an anticipated outbreak of cholera and to

pursue other public health objectives. Under its leadership, the city began a massive clean-up campaign and a broad program of sanitary reform, with substantial cooperation from the metropolitan police, whose officers helped to enforce the Board’s decisions. According to prevailing miasmatic theories of disease, animals, alive and dead, contributed to the filthy atmosphere in which cholera and other diseases were thought to thrive. In this context, Bergh’s proposal for a voluntary association that, among other duties, would address the many public health problems associated with the presence of animals in the metropolis, was certain to be well received.²¹

The Incorporation of Animals

Animals did not disappear from the post-Civil War urban environment as some have suggested; instead, they were engulfed by it. In part, the success of the humane societies lay in their willingness to address commonly held but badly neglected concerns about unregulated animal populations, the integrity of the food supply, and the effects of cruel treatment, poor husbandry, and bad management of animals on human welfare. The increasing population density of both humans and animals—and the attending demands for meat, labor, and other products derived from animals—generated new and challenging problems. Initially, at least, industrialization’s expanding need for power of all kinds actually increased demand for animal labor—to meet the requirements of agriculture, canal and railroad networks, urban mass transit, and the burgeoning national market. There were, moreover, significant sectors of the economy that not only relied upon non-


Horses, of course, were the most highly visible non-human participants in urban life, and important factors in the economy. No animals came in for more abuse than those who pulled the stages, the ice carts, the butchers’ wagons, and transports moving people and products from one place to another in the city. In the post-Civil War era, things only got worse, as urbanization generated unreasonable expectations concerning equine speed, strength, and endurance. Team horses drew enormous loads, and defective pavements, clogged routes, and slippery footing made frequent stops and starts necessary. “Even with the best of feed and care,” one journalist noted, “the average service of a horse in this over-work is but four years.” Apart from the burdens they drew, there was the punishing abuse that animals suffered at the hands of humans. Demands for rapid
transit, increased payload, and other imperatives of the urban economy helped to make the lashing, flogging, and beating of horses a common sight.\textsuperscript{23}

Horses also stood at the center of the city's severe congestion. In addition to carts, a variety of horsecars, omnibuses, wagons, and hackney coaches filled the streets. In New York City, the strains and tensions of accelerated urbanization and industrialization, exacerbated by the inefficiency of a horse-drawn age, were especially pronounced. Some intersections were blocked in a perpetual traffic jam. Omnibus drivers were notorious for their recklessness, and their vehicles shifted from one side of the street to the other to pick up or discharge passengers.\textsuperscript{24}

Finally, horses were at the heart of many of the most pressing sanitary and public health problems in the urban environment. Feeding, watering, and stabling them presented numerous practical challenges, while equine waste, a potent source of odor, dirt, and disease, accumulated in massive and unmanageable quantities, severely taxing street cleaning agencies and enterprises. Dead carcasses of horses and other animals littered the streets and floated in the river, fueling public anxiety about the spread of disease. There was also the problem of zoonotic infection; glanders, a respiratory disease

\textsuperscript{23} "A Day on the Docks," Scribner's 18 (May 1879), 45. The image of a carter striking a horse became iconic in the ASPCA seal. The image first appeared in the Oct. 28, 1865 issue of Frank Leslie's. The seal featured a female allegorical figure intervening against a man beating a horse with a wheel rung. One unverified account says it was the design of an artist from Tiffany's to whom Frank Leslie provided a rough sketch. Another claim assigns credit to John Wood Dodge, who painted a portrait of Bergh in 1878; Stephen Zawistowski to Roger Caras, 26 July 1994. Stephen Zawistowski Papers, ASPCA-NY. Bergh claimed credit in a letter to Emily Appleton, telling her "the sketch was rather felt by me than designed—it was a reflection from my heart." See Bergh to Emily Appleton, 11 Jan. 1868, ASPCA-NY, LBK 3: 256-57. Bergh sent each new society an electrotype of the seal; this led to its widespread adoption.

easily communicated from one horse to another, and from horses to humans, killed seventeen people in Massachusetts during the period 1861-1885.\textsuperscript{25}

In the fall of 1872, a severe epidemic crippled the horse stock along the eastern seaboard. The outbreaks in New York, Philadelphia, and Baltimore were particularly severe, forcing thousands of people to walk to their destinations, and laborers had to pull carts, wagons, and other conveyances by their own power, or by using oxen.\textsuperscript{26} Public appreciation of animal power dramatically heightened during this and succeeding epizootic events, as did general understanding of the importance of kind and sensitive care to the conservation and well-being of animals. Even as these rapidly spreading equine plagues decimated the horse population of the major metropolitan centers, they gave animal protectionists opportunities to advance practical arguments for animal welfare. Humane societies participated in the public debate over whether and how afflicted animals should be relieved from work, and the best methods of preventive care. Hard as it was on the horses, epizootics brought human dependency upon them into sharp focus.\textsuperscript{27}

\begin{footnotesize}
\textsuperscript{25} "How Disease is Generated in New York," Frank Leslie's, 20 August 1870, 359. On the glanders statistic, see Teigen, "Dogs, Dollars, and Horse Sense," op. cit.


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Slaughterhouses and the businesses that processed their byproducts comprised the most notorious metropolitan "nuisance industries." Animal carcasses and offal littered the streets, and discarded parts and viscera formed a large portion of the refuse carried off by swill and garbage men, who later sold it for conversion into soap, grease, animal feed, fertilizer, or boned instruments. The complex of auxiliary industries tied to the slaughter and consumption of animals, including soap factories, gut and bladder cleaning enterprises, fat-melting operations, and tanneries, constituted a serious concern for health authorities in every major city. The noise, odor, and effluvia these places produced led many citizens to demand their prohibition within certain districts.28

Prior to the formation of the ASPCA, the Board of Health prohibited the slaughter of animals at any site exposed to public view, required the connection of all slaughtering establishments to the sewers, and instituted a permit system. By August 1866, the city's 180 slaughterhouses and their secondary industries accounted for so many of the complaints fielded by the Board that it moved to prohibit altogether the slaughter of animals in the city's "built up portions." Health authorities enforced their control by arresting those butchers who operated filthy or substandard slaughterhouses in violation of prior orders. The Board of Health antagonized slaughterers, drovers, and yard keepers by requiring that killing be conducted at 110th Street, outside the city limits. The Board

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also prohibited driving cattle through the city between sunrise and 10 p.m., and the police attempted to enforce this ordinance, although as late as 1873 butchers and drovers were still trying to evade it.\textsuperscript{29}

Milk too was the subject of consternation and complaint, because of its production in "swill" dairies—subterranean "factory farms" where cows—fed exclusively on distillery refuse—lived in squalor, misery, and disease. A considerable amount of dairy production took place in New York City, and large herds of cows languished in abysmal stables within its limits. Some reformers believed the milk emanating from these sources was a powerful vector for diseases, including cholera. The swill milk issue first surfaced during the 1820s, and a series of brief reform campaigns arose and faltered right through the late 1850s.\textsuperscript{30}

The urban dog roundup, an annual extermination of loose and unattended animals conducted to allay anxieties and reduce the threat of rabies in summertime, also aroused public concern. The chaotic, brutal quality of the roundups offended many citizens, and


the popular prejudices about dogs and rabies that fueled these frenzied slaughtering campaigns were the subject of endless commentary. As early as 1836, a chronicler of New York living deplored the “slaughter of the innocents” that took place in the summer time, when the likelihood of rabies transmission was thought to be highest. The city’s common council set a bounty on the head of every stray or loose-running dog, motivating certain citizens to canicidal frenzy, and leading to both theft and importation of animals from the surrounding communities. In 1845, commenting on the disagreeable aspects of life in New York, Lydia Maria Child also condemned the dog-killers’ “Reign of Terror.” “Twelve or fifteen hundred of these animals have been killed this summer; in the hottest of the weather at the rate of 300 a day. The safety of the city doubtless requires their expulsion; but the manner of it strikes me as exceedingly cruel and demoralizing,” Child wrote. “The poor creatures are knocked down on the pavement, and beat to death. Sometimes they are horribly maimed, and run howling and limping away. . . . [The] dog-killers themselves are a frightful sight, with their bloody clubs, and spattered garments.”

A quarter of a century later, the same deadly progression of events was still being enacted every summer. In this frenzied seasonal ritual, policemen, dogcatchers, and bounty-seeking vigilantes in cities across the United States enforced licensure laws and

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captured or killed unmuzzled dogs running loose. The annual extermination campaign was a familiar item in the nineteenth-century press, which teemed with articles, editorials, and illustrations concerning bounties on dogs, rabies, muzzling, dog pounds, dog-catchers, dog brokers, poundkeepers, and related subjects. One Harper's Weekly illustration offered a series of vignettes: dogs crammed into the wagon, an irate crowd hurling stones at the catchers, the pitiable anguish of a poor woman who could not afford to redeem her pet from the poundkeepers, and the piqued annoyance of the society dame who could.

In the years following the Civil War, the presence and use of animals in all of these largely unregulated contexts taxed the ability of government authorities to ensure order and public health. This made it possible for anti-cruelty societies to work closely with municipal agencies in addressing the issues generated by the incorporation of animals into urban life. As quickly as they formed, societies for the prevention of cruelty to animals began to assist governments with some of the most basic services in an animal-reliant economy. They operated horse ambulances that allowed for the efficient removal and conveyance of disabled or dead animals from the crowded thoroughfares. Their agents worked to revive exhausted animals on the street, sparing them from the more severe remedy of a police revolver. They provided derricks, slings, harnesses, and

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32 On the chase, see “Mad Dogs in Chicago,” N. Y. Times, 24 Feb. 1874, 3. Such scenes were memorably recorded in illustrations. In one, terrified pedestrians scatter to the sidewalks as a policeman taking cover aims his pistol at a stray. In another, a policeman fires even before a nearby crowd can disperse. See “The Heated Term in New York—Shooting a Mad Dog,” Harper's Weekly, 2 Aug. 1879, 605; and “New York City—The Mad Dog Epidemic,” Frank Leslie’s, 9 Jan. 1886, 345.

other equipment for the rescue of animals, especially horses, from sewers, excavations, tunnels, and other sites. They also assumed responsibility for the destruction of all irredeemably disabled animals, and for the handling of abandoned work animals and other strays who roamed the streets.34

Humane groups also positioned themselves as sources of information and action concerning veterinary health matters, especially in relation to the horse populations of the nation’s largest cities. They were active in debates about the negative impact of street salting on hooves and legs, the treatment of glanders and farcy, the succor of overheated horses, and the training and care of balky, vicious, and uncooperative animals for urban service.

Taking account of the ASPCA’s expanding sphere of influence in New York State, after just a few months of existence, the Times noted that the organization had moved from “the correction of occasional complaints of cruelty” to participation in “grave questions of scientific and practical economy.”35 The ASPCA’s relationships with public agencies in New York City and its acknowledged expertise on animal-related matters were reflected in its publications. Its manual on laws and ordinances contained not only anti-cruelty statutes but also regulations bearing on speed and obstruction in

34 “A Horse Saved by the Kind Treatment of Mr. Bergh,” Frank Leslie’s, 9 Nov. 1867, 125-26; and “Truck for the Transportation of Disabled Animals,” Frank Leslie’s, 24 July 1869, 295, 300. For W. P. Bodfish’s depiction of agents loading a horse onto an ambulance, see Harper’s Weekly, 14 Jan. 1888, 29, with story on p. 34. On the derrick, see ASPCA, Ann. R. 1876, 22-23.

traffic, food adulteration, sanitary concerns, the disposal of dying or dead animals, herding and driving cattle, muzzling, and the removal of manure and offal.\textsuperscript{36}

**Pragmatic Interest**

Arguments that underscored the value of proper care and usage were conspicuous in animal protection literature from the earliest days of humane work. In their efforts to spare animals from cruelty, nineteenth-century advocates frequently stressed the probability that kind treatment would bring rewards in the form of animals’ longer years of usefulness, health, and/or enhanced market value. Whatever their enthusiasm for the claim that, well cared for, animals were more valuable and useful to human beings, animal protectionists recognized its public appeal. It was not a heartfelt argument but rather an unsentimental one that acknowledged the social context in which humane workers had to operate, and the realities of a world in which animals were widely used and abused.\textsuperscript{37}

Humanitarian pragmatism had its counterparts in the scientific and agricultural fields, where similar considerations generated proposals for professional veterinary education. In the 1850s and 1860s, veterinary medicine and veterinary education remained backward and undeveloped in the United States. Horse doctors, farriers, and assorted quacks still commanded a large share of work in the field. By the mid-1860s,

\textsuperscript{36} ASPCA, \textit{Laws and Ordinances Relating to the Prevention of Cruelty to Animals} (1872).

the need for professionally trained veterinary scientists appeared especially urgent, in light of wasting epidemics that resulted in massive losses of both cattle and horses.\(^{38}\)

The diffusion of veterinary medical information was a serious enterprise in an economy that depended so heavily upon animals, and, to some extent, the underdeveloped character of American veterinary medicine left the field open to humane organizations. Once professional veterinary education did take hold, humane advocates collaborated with veterinarians in the dissemination of information on animal welfare, training, and disease. In New York, Henry Bergh worked closely with Dr. Alexander Liautard (1835-1918), founder of the American Veterinary College and editor of the American Veterinary Review. Liautard served as a consultant in the wide variety of veterinary matters within the ASPCA’s ambit, and Bergh reciprocated by strongly endorsing the mission of veterinary education.\(^{39}\)

Over the years, humanitarians found that the argument for kindness as a means of ensuring animals’ greater utility fulfilled an additional purpose. In the right situations, it could serve as a shield against the charge of humane work’s excessive sentimentality. “Our industries, our commerce, the supply of our necessities and our comforts depend largely upon the animal world,” Richards Mucklé observed. “The work of humane

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societies in seeking to secure proper protection and care for the dumb creation is not, therefore, as so many seem to suppose, a mere matter of sentiment, but it is the careful fostering of our leading commercial and social interests.”

Humanitarians came to understand that their reliance on practical arguments could be turned against them. Those who abused or used animals harshly often employed the same rationale to stave off scrutiny and intervention. No one, they would claim, had a greater stake in an animal’s well-being than the man who profited by it. “The old arguments that were urged with tedious iteration in defense of human slavery are daily repeated in behalf of cattle slavery,” Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA) Secretary Pliny Chase observed. “Not only are we continually confronted with the alleged rights of property, but we are assured . . . that the personal interest of the owner is a sufficient guarantee against any unnecessary abuse.”

Advocates were also concerned that the focus on economically useful animals would obscure the broader implications of the humane ethic. “There are a great many persons,” Bergh once commented, “who while admitting that it is a great wrong to cruelly treat a horse, an ox, a dog, or other useful domestic animal . . . fail to appreciate the full significance of the sentiment of humanity, which regards the infliction of needless pain and suffering, even on the meanest and most obnoxious living thing, still as cruelty.”


41 PSPCA, Ann. R. 1875, 22.

42 ASPCA, Ann. R. 1873, 2.
"Riddle of the Nineteenth Century"

Henry Bergh's motivations have perplexed several generations of historians, just as they did many contemporaries, one of whom designated him the "Riddle of the Nineteenth Century." Why did Bergh become involved in humane work? Why would a middle-aged dandy exchange a life of dilettante comfort and aristocratic satisfactions for the burden of launching a social movement, and a career in which he roamed the streets of New York confronting some of its most horrible sights and conditions?

In part, Bergh's motivation did lie in the ethnic and class biases of his station. He frequently framed the problem of cruelty to animals as a shortcoming of the urban underclass, and evinced special disdain for the Irish, who operated many of the animal fighting and swill milk establishments that he and his agents raided. "When you came over here," Bergh once admonished a crowd of onlookers who had gathered to watch him remonstrate with a man whipping a horse, "you thought a free country was a place where you could do whatever you liked. That's a mistaken idea of a free country." Even before he launched the ASPCA, Bergh's prejudices were in evidence. In correspondence with General Daniel Butterfield, his nephew by marriage, Bergh revealed a strong anti-democratic perspective, characterized by opposition to universal suffrage.

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43 Morris, "Riddle of the Nineteenth Century," op cit.

and apparent admiration for the advantages of military despotism. Once the ASPCA formed, the growing political power of the Irish sometimes stood in the way of Bergh’s attempts to strengthen its influence. In a letter to State Senator Augustus Elwood that reflected his momentary despair over the future of the organization, Bergh lamented his difficulties in securing legislation against cruelty to animals, and blamed Assemblyman Dennis Burns and other Irish-American legislators--"our foreign rulers." Decrying the retrogressive spirit in the legislature, and identifying it with Burns, Bergh plaintively opined, "Shall a foreign semi-barbarian be suffered to impress his savage instincts on the conscience and legislation of this great state?" Most of the time, however, Bergh was not so frank, because his relations with the Tweed Ring and the Democratic Party left him in a complex political position vis à vis the Irish-American electorate.\(^45\)

Contemporaries certainly perceived some striking personal contradictions in the ASPCA president. While compassionate toward animals, Bergh displayed a punitive streak when it came to the treatment of criminals, supporting both corporal and capital punishment. Nor was he opposed to the corporal discipline of children; at the founding meeting of the New York Society for the Prevention of Cruelty to Children, Bergh told the audience that, while "anxious to protect children from undue severity," he was "in

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favor of a good wholesome flogging.” In his later years, Bergh was enthusiastic about a bill to punish wife-beaters by administering lashes.46

To his credit, Bergh did show a remarkable consistency throughout his career in challenging cruelty to animals wherever he found it. The ASPCA did not function merely as an association of elite citizens who harried working class New Yorkers. Bergh recognized and challenged animal abuse among middle-class, upper class, and corporate actors, too. Some of the most determined and successful opponents of humane reform came from these groups.

While it is true that Bergh sometimes employed a daring and confrontational style, he and his agents observed careful limits. Bergh never carried weapons and refused to let his agents do so. He discharged one of his earliest superintendents for clubbing one alleged violator. “The statute provides ample means short of violence,” Bergh wrote, “to arrest and punish offenders, and it is a mockery of our profession of mercy and forbearance to inflict cruelty on a human being, while asserting the rights of inferior animals.”47

46 “Bergh, Williams, Men and Brutes,” Daily Graphic, 20 Oct. 1879, ASPCA-NY, SBK 8: 128; “Prevention of Cruelty to Children,” N. Y. Times, 28 Dec. 1874, 2; Henry Bergh, Letter to the Editor, 17 Jan. 1881, ODA 13, 9 (Feb. 1881), 68; and Steele, Angel in Top Hat, 259-60. While some commentators liked to lump Bergh together with Comstock, such a characterization does inadequate justice to him, to the ASPCA as an institution, and to the humane movement as a social and cultural phenomenon. The anti-cruelty societies did not focus so single-mindedly on the policing of working class conduct, lifestyles, and amusements as the vice societies of their era. Moreover, Bergh was no Comstock. His vigorous challenge to cruelty did not include interference with the mails, the carrying and use of weapons, or the hounding of violators to their deaths. It is telling that Republican orator Robert G. Ingersoll, who bitterly attacked Comstock and fought anti-vice campaigns as the founder of the National Liberal League (1876), was a strong admirer of Bergh’s ASPCA. See Robert G. Ingersoll, “Is Avarice Triumphant,” North American Review 152 (June 1891), 675; and idem, “Thomas Paine,” North American Review 155 (Aug. 1892), 183.

47 Bergh to Archibald H. Campbell, 12 Oct. 1871, ASPCA-NY, Unnumbered LBK.
Most contemporaries saw Bergh not so much as an Anthony Comstock as a Don Quixote. The ASPCA president was a highly recognizable figure in New York City, and cartoonists' caricatures were a minor industry in New York's publishing world. These representations could be quite unflattering, and often played upon the themes of Bergh's supposed indifference to human suffering and his purportedly maudlin sentimentality about animals. The alleged absurdity and extravagant nature of Bergh's schemes to help animals also inspired satire and comic art.\textsuperscript{48}

Very few believed that Bergh's actions stemmed from deep devotion to animals, and he professed no special love for them, although he claimed to have abhorred cruelty from an early age. The frequent sight of terrible animal abuse abroad made him determined to address the problem in his home country. A self-confident aristocrat before he arrived in Russia, Bergh came to believe that patrician authoritarianism and his own commanding physical stature could be harnessed to accomplish social good. Moreover, his compassion for animals, especially horses, certainly grew over many years of humane work.\textsuperscript{49}

Although Bergh himself would never have affirmed it, others have posited a psychological explanation for his activism. Thwarted in his efforts to launch careers as a dramatist and then as a diplomat, Bergh, James Turner suggests, was determined to make something meaningful of an overly self-indulgent life. An enthusiastic Anglophile, he

\textsuperscript{48} Buel, "Henry Bergh and his Work," 1872; and Morris, "Riddle of the Nineteenth Century," 415-16. Bergh seemed to take special satisfaction in having successfully launched the humane movement in America despite the opprobrium and ridicule this sometimes brought upon him.

might also have been attracted by the appealing social éclat of the SPCA concept as he encountered it in England, and the prospect of being the first to bring this beneficent cause to the United States. Many years later, Bergh proudly claimed that he had often had occasion to think that his mission on earth was “simply to act as a medium or mediator for the upper and lower animals.”

Like other humane advocates, Bergh sometimes advanced the argument of human self-interest, calling for a broader doctrine of simple fairness based on the utility and service of animals. “I was never specially interested in animals,” Henry Bergh once told an interviewer. “I always had a natural feeling of tenderness for creatures that suffer; but what struck me most forcibly was that we were deriving such immense benefits from these creatures and gave them in return not the least protection.” In 1884, reacting to the death of two worn-out street car horses who died on the way to the slaughtering yard, Bergh commented, “It’s a shame that the animal most useful in the world should be treated the worst.”

Perhaps the most compelling explanation for his attraction to the cause lies in Bergh’s oft-professed belief that unchecked cruelty to animals could result in the decline of a civilized nation. “In the history of nations,” he told one audience, “we find that in their period of decline wild beast shows, in which animals were made to tear each other

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50 James C. Turner, Reckoning with the Beast: Animals, Pain, and Humanity in the Victorian Mind (Baltimore: Johns Hopkins University Press, 1981), 47; and Bergh to Lester Wallack, 7 Nov. 1881, NYHS.

until the pavement of the arena was red with blood, formed the favorite pastime of the masses. . . . When a nation delights in witnessing exhibitions of cruelty, its dissolution is near.”

In part, Bergh’s anxiety emanated from his experiences abroad. The Russian incidents provoked his fear that if no one from the enlightened stratum sought to stop cruelty it might become endemic within a given society. The Spanish bullfights recalled the decadence of a bloodthirsty Roman empire in decline, its most refined citizens in rapt enthusiasm over an escalating cycle of sacrifice that came to include not just animals but Christian bishops. Anglo-Saxon America had to guard itself against the importation of such pursuits and the degeneracy they implied.

Yet this conviction also drew on Bergh’s observations about the United States itself, for, as he discovered, disturbing cruelties had already taken hold. Medical scientists were beginning to adopt the practice of vivisection, then gaining popularity on the European continent. Pretentious socialites, reveling in the dissolute pursuits of the English aristocracy, were shooting pigeons and chasing foxes. Streetcar monopolies and livestock interests, intent upon profits, were operating without regard for either people or animals. Finally, there were the Irish, who, if not brought under the civilizing influence of citizens with better manners, might, through their cruelty, put not only the American

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53 It was no coincidence that Bergh’s Clinton Hall speech enumerated these cruelties. Bergh returned again and again to the decadence of the ancient world and the brutality of the Spanish bullfight as markers of degradation to which the United States must not fall. See Henry Bergh, “Cruelty in Horse-Racing at Jerome Park,” N. Y. Times, 24 June 1868, 8; Bergh, Putnam County Address, 5; and “Lecture on Cruelty to Animals,” N. Y. Times, 11 June 1869, 8.
character but the Republic itself in jeopardy. Systematic kindness to animals could be a bulwark against all these threats to the nation.

**Conclusion**

A combination of revulsion to cruelty and concern that unchecked violence toward animals would inevitably demoralize its perpetrators, with grave risks for American society, drove Henry Bergh's attraction to animal protection. However, Bergh's ASPCA and its sister organizations around the country also arose and flourished in response to numerous challenges associated with the incorporation of animals into an urban industrial society. Taking advantage of contemporary demands for action to confront animal-related nuisances in New York City, Bergh brought something more to these problems than energy and zeal for their resolution. He insisted on the acknowledgment of animal suffering as a central dimension in each of them. This emphasis proved historic in its implications, expanding solutions predicated on human self-interest to include concerns about the welfare of animals in their own right.

Bergh's work also inspired numerous imitators around the country, who launched societies for the prevention of cruelty to animals in their own communities. There was plenty of work to be done, for, despite the fact that animals were implicated in many of the most pressing problems and challenges of the urban environment, their well-being virtually never came up as a consideration in reform efforts. By assigning weight to the interests of animals themselves, the anti-cruelty societies differed from all other entities, public and private, that addressed these various issues. This would be their unique and lasting contribution.
CHAPTER III

“BERGH’S BOTHERATIONS”: CHALLENGING CRUELTY AND ITS PERPETRATORS

Among the noblest in the land, though he may count himself the least, that man I honor and revere, who without favor, without fear, in the great city dares to stand, the friend of every friendless beast.


Longfellow’s 1872 paean to Henry Bergh rightly praised the founder of the American Society for the Prevention of Cruelty to Animals (ASPCA) for his impartiality and his fearlessness. What Longfellow thought to commend, however, others—especially those Bergh targeted in his work—sought to condemn. For every compliment he received from a Longfellow, Lydia Maria Child, or Henry Ward Beecher, there was a scornful disparagement by pigeon shooters, swill milk men, animal fighters, stockyard managers, or streetcar company presidents.

Bergh’s controversial celebrity helped to bring animal cruelty issues before the public for over two decades. Bergh was tireless, thick-skinned, and undaunted by criticism, perhaps a result of his experience as a playwright whose works received dismissive reviews. With limited resources, he adopted a deliberate strategy for getting his cause before the public. Bergh would select an issue like slaughterhouse cruelty, or

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1 Longfellow’s poetical reference to Bergh comes from Part II of Tales of a Wayside Inn, published in 1872 as part of Three Books of Song (London: George Routledge and Sons, 1872), 19. These lines follow Longfellow’s rendering of the legend of the Bell of Atri.
swill milk, or street railway abuse, or dog fighting, and work it incessantly for weeks at a
time. Then he would direct his energy toward some other problem for an extended
period. While he and his agents could not be everywhere, Bergh counted on the attention
the ASPCA garnered to keep these issues before the public, even when the organization
was not devoting time to them. "[My] practice, and recommendation," he counseled a
Philadelphia colleague, "is to keep agitating; and keep continually in the newspapers with
our cause."2

Along the way, Bergh gained an impressive array of antagonists, who worked
hard to keep his influence in check. These vested interests constructed the complex
social and political reality that the ASPCA president confronted in his work on behalf of
animals. The campaign against cruelty would be conducted upon many different fronts,
and Bergh’s genius lay in his ability to exploit opportunities for placing it before the
public.

**The Mistreatment of Animals Used for Food**

Seeking an issue to bring the goals of his new organization into view, Bergh first
seized upon the mistreatment of animals used for food. This choice may have seemed
strategically sound since it played on concerns about the public health implications of
cruelty. Once organized, the ASPCA quickly challenged one of the brutalities that Frank
Leslie’s had highlighted the previous fall—the practice of carrying calves to market in
wagons where fifteen to twenty lay piled one on top of another with their legs tightly

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2 On Bergh and negative reviews, see C. C. Buel, “Henry Bergh and his Work,” *Scribner’s* 17
(Apr. 1879), 878. For his advice, see Bergh to S. Morris Waln, 24 Apr. 1868, American Society for the
bound. The animals arrived at public markets half-suffocated and often badly injured. The first arrest by the ASPCA, resulting in a $10 fine, was for this offense. Even some butchers condemned the practice, and many citizens believed that it poisoned animals' flesh. By August 1866, the Board of Health had prohibited it. A year later, Bergh judged that efforts at suppression had been highly successful in New York City.³

In June 1866, Bergh attempted to prosecute two men on a charge of plucking chickens while they were still alive. The defense witnesses testified that, Bergh's claim to the contrary, the birds had been stabbed in the brain with a knife before plucking began. A physician appeared in the defendants' behalf, stating that "if the brain of an animal was thoroughly penetrated, it became insensible." Common practice, the defense asserted, required that there be some life left in the animal, to facilitate removal of the feathers. To do so after a bird was dead would pull some flesh out with the feathers and render the product unsaleable. Justice Dowling acquitted the men on the grounds that prosecutors failed to prove willful or malicious cruelty.⁴

When not arguing that the chicken was not an animal under the meaning of the statute, the defendants attempted to avoid prosecution by claiming that poultry did not


⁴ “The Chicken-Plucking Case,” N. Y. Times, 8 June 1866, 2; “Cruelty to Chickens,” N. Y. World, 8 June 1866, ASPCA-NY, SBK 1: 21; “Chicken-Butchers and the Anti-Cruelty Society,” N. Y. Times, 9 June 1866, 4; “What is a Chicken?” New York Dispatch, 10 June 1866, ASPCA-NY, SBK 1: 18; and ASPCA, Ann. R. 1867, 48. The June 23, 1866 issue of Frank Leslie's carried an illustration showing how birds were transported.
feel pain to the same degree as larger animals. Both issues surfaced still more
prominently in an incident that occurred the same month, involving cruelty to turtles.5

The matter began when Bergh went to the Fulton Fish Market to investigate the transport
and display of turtles sold there for food. Inspecting conditions on board the schooner
*Active*, which had carried them from Florida, he found one hundred turtles tied down with
their fins pierced. They had languished on their backs in the ship's hold for three weeks
without food or care. Bergh found many of the turtles near death from thirst and
starvation, blood oozing from the wounds through which ropes looped to hold them in
place.6

Initially, Bergh attempted to capitalize on beliefs about the dangerous
consequences of eating meat from cruelly treated animals by seeking the intervention of
the Board of Health. “This society, as you are aware, can only treat this subject in its
cruel relations,” he wrote to Board president Jackson Schultz, “but your authority extends
to its sanitary aspects.” Only after the Board of Health declined to intervene did Bergh
decide to prosecute the case.7

The ASPCA obtained warrants for the arrest of both the captain and crew of the
schooner. In a trial that lasted nine days, defense attorneys asserted that turtles did not
come under the anti-cruelty statute because that law referred only to domestic animals.

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6 “Humanity in New York,” *N. Y. Tribune*, 16 Mar. 1878, 3. On how turtles were caught,
handled, and transported, see “Taking the Green Turtle,” *N. Y. Times*, 17 May 1885, 6.

7 Bergh to Jackson Schultz, 31 May 1866, ASPCA-NY, LBK 1: 7; and “In Re Tape Worms, Milk,
Turtles, they claimed, were not animals, but fish, and had no capacity to suffer. Louis Agassiz, America’s leading comparative zoologist, weighed in on Bergh’s side.

Nevertheless, Bergh lost the case. Justice Hogan of the Tombs dismissed the complaint after a medical doctor testified for the defense that tying the turtles with cord caused no more pain than putting a knife to an oyster.8

The court dismissed ship captain Nehemiah Calhoun’s subsequent suit against Bergh for malicious prosecution. Months later, Bergh avowed that the ridicule he suffered had been worthwhile, because the case had brought the ASPCA extensive publicity. He perceived an additional gain in “the increased moral consequences resulting from the contemplation of the quality of mercy . . . as applicable to a class of beings hitherto regarded as being beyond the sphere of the humanities of life.” The dismissal of charges against him was important for another reason, Bergh contended. “I deem it useful,” he wrote, “that the public should know that so intelligent a judge, has ruled, that it is no evidence of malice, for a citizen witnessing an act of cruelty to a dumb

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animal—to cause the arrest of the offender. Otherwise persons disposed to protect the brute, might be deterred by fear of prosecution.”

Emboldened despite the failed prosecution, Bergh decided to focus his energies on animals more commonly used as food, for whose welfare he believed there might be broader concern. Bergh’s earliest activities in the arena of slaughter reform did not center on the larger abattoirs, but on smaller butchering operations. During the ASPCA’s first several years of activity, he prosecuted several butchers for acts that included the baiting of animals and poking out their eyes with knives. Even when he failed to secure convictions, Bergh enjoyed the support of many citizens.

The situation was more complicated when it came to shehitah, or kosher slaughter. Jews, who apparently employed the methods of ritual slaughter even when not producing for the kosher market, operated many of the city’s butchering operations. Their standard practice of slitting the animal’s throat without the benefit of a stunning blow to the head offended humane thinking on the subject. Humanitarians also

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9 ASPCA, Ann. R. 1867, 5-8; “The Turtle Case,” N. Y. Times 11 July 1866, 3; and Bergh to John R. Young, 10 July 1866, ASPCA-NY, LBK 1: 68. Ten years later, Bergh again cited Agassiz’s letter in campaign to have turtles brought to New York in tanks of water rather than tied down to boards. Fulton Market merchants argued that there was no other convenient means for transporting turtles from Florida to New York, while Bergh framed the issue as one of the merchants’ profit, an arrangement that permitted them to pack more animals aboard every ship. See “The Reversed Turtle,” N. Y. Times, 7 June 1876, 4; “Mr. Bergh on Turtles,” N. Y. Times, 11 June 1876, 5; Editorial, N. Y. Times, 2 July 1876, 6; and “Score One for Bergh,” N. Y. Herald, 12 June 1876, 6. Bergh expressed his convictions about the original arrest in “Henry Bergh’s Lecture,” Sing Sing Republican, 30 May 1872, ASPCA-NY, SBK 5: 25. In 1911, the suffering of turtles shipped on their backs surfaced once again in a court case that the ASPCA lost. See Freel v. Downs, 136 N.Y.S. 440 (1911).

10 Bergh to Jackson Schultz, Undated letter (July), ASPCA-NY, LBK 1: 84-87; “Amusements of Butchers,” N. Y. Times, 10 June 1868, 2; and “Transportation of Cattle and Other Animals to Market,” N. Y. Times, 28 Sept. 1868, 5.
considered the incidental cruelty of dislocating the animals’ legs while hoisting them up unnecessary from the perspective of kosher concerns.\footnote{11 “A Day with Mr. Bergh.” \textit{N. Y. Times}, 31 Jan. 1875, 2.}

In 1867, Bergh sent an earnest inquiry to three New York rabbis. One of them, Samuel Isaacs, editor of the\textit{ Jewish Messenger}, responded with a defense of\textit{ shehitah}. Bergh countered that the ritual practice of bleeding to death could still be employed when the animal had been rendered insensible by a blow to the head or the severance of the spinal vertebrae, and condemned the custom of hoisting the animal up by a rope attached to one leg. In December 1867, an editorial, almost certainly penned by Isaacs, appeared in the\textit{ Messenger}. The writer reaffirmed the humaneness of the Jewish method, but cautioned Jewish butchers and\textit{ shochem} alike to be tender and punctual in leaving no ox to wait in the slaughterhouse or to hang on the line for any amount of time before slaughter.\footnote{12 ASPCA, \textit{Ann. R. 1868}, 17-23; and Editorial,\textit{ Jewish Messenger}, 13 Dec. 1867, ASPCA-NY, SBK I: 178.}

Taking further action, Bergh circulated a letter to a number of kosher slaughterers. The butchers resisted his recommendation that a poleax be used to render animals unconscious, as well as his demand that animals not be hoisted up by a chain. Beyond any defense based on ritual, they claimed that animals killed by poleax would not bleed, and the meat’s color would make it unsaleable. After this round of correspondence, Bergh told supporters, “It will be perceived that the mode of slaughtering animals for food, required by the Hebrew faith, although not regarded with favor by the Society, cannot properly be interfered with.” Bergh’s subsequent proposals to regulate the act of
slaughter always included an exemption for Jewish slaughter. Nevertheless, he was not reticent when queried about his attitude toward shehitah, which he thought “heartless.” “I don’t like it,” Bergh told one journalist.  

Bergh found a more trafficable issue in the quality of meat coming from animals consigned to the city’s cattle markets—especially those at Communipaw and Weehawken across the river in New Jersey. Many citizens deplored the treatment of animals in these places, and worried about the resulting adulteration of meat. This was ironic, for at least one of these facilities had opened amid great fanfare about its efficiency, cleanliness, and modernity, and they had been conceived, in part, as a solution to the problems generated by the many smaller slaughtering establishments operating in the city. In October 1866, the New Jersey Stock Yard and Market Company opened a slaughtering operation at Communipaw. A railroad track ran directly into the buildings, connecting them with the great rail systems of the West. Operators planned to slaughter and dress animals outside the city, cutting expenses and eliminating objectionable cattle drives through the streets of New York. Jackson Schultz, head of the Board of Health, praised the enterprise as one “that would conduce to the health and well-being of the citizens of New York,” and “remove one of the great sources of disease in the city.” Schultz also celebrated the


14 An 1870 estimate placed the population of New York City somewhere between 800,000 and 1,000,000. Its markets received 2,776,492 animals a year, and its meat bill exceeded $30,000,000. There were 1400 butchers in the city. “The Great Metropolis,” N. Y. Times, 11 Jan. 1870, 2.
"promised 'humane' system," where a hog could be killed and dressed in seven minutes in a semi-automated process. Slaughterers would cut the throats of cattle suspended in air, without the clumsy step of knocking them over the head.\footnote{15}{\textit{Abattoirs-The Western Railroads Combined in the Enterprise,}} \textit{N. Y. Times}, 24 Apr. 1866, 5; \textit{The Communipaw Abattoirs,} \textit{N. Y. Times}, 20 Sept. 1866, 2; \textit{Opening of the New Abattoirs,} \textit{N. Y. Times}, 18 Oct. 1866, 2; and \textit{The Great Abattoir at Communipaw, New Jersey,} \textit{Frank Leslie's}, 17 Nov. 1866, 135-37.

For about two years, the mammoth operation at Communipaw continued to draw favorable attention. \textit{Frank Leslie's} positive review of the slaughtering process noted that animals were "speared just at the junction of the brain with the spinal marrow. This blow produced instantaneous death, and, if it failed, the animal was not badly harmed."

However, when Bergh and a colleague toured Communipaw in late 1868, they saw men kicking, clubbing, and setting dogs upon animals in order to move them through the killing line. Cattle, Bergh complained, suffered "hoisting by one leg, throat-cutting, dislocation and prolonged agony, a large share of which might be spared . . . by a well-directed blow in the head." Those animals kept in the pens until slaughter received neither water nor shelter. The two men also saw ulcerated flesh among the vast quantities of dressed beef.\footnote{16}{\textit{The Mode of Slaughtering at the New Abattoir in Communipaw, New Jersey,}} \textit{Frank Leslie's}, 16 Feb. 1867, 344; \textit{The Communipaw Abattoir,} \textit{N. Y. Times}, 12 Nov. 1868, 8; \textit{Mr. Bergh's Observations at the Communipaw Abattoir,} \textit{N. Y. Times}, 16 Dec. 1868, 2; and \textit{The Great Abattoir at Communipaw,} \textit{Scientific American}, 16 Dec. 1868, 392.

By mid-1869, nearby residents were actively seeking legal protection from Communipaw's "abattoir nuisance," as a shock to the senses and a public health threat. News accounts confirmed that animals arriving by train from the West were woefully emaciated and that many lay "stretched out on the ground, apparently in the last agonies
of starvation, unable to rise.” In 1870, knowledgeable observers agreed that abuses in the handling and slaughter of animals were on the increase at Communipaw. The yards were always packed, filthy, and muddy, and animals received no shelter. The State of New Jersey appointed an inspector to prevent the most notorious abuses. Bergh and his supporters clamored for the Board of Health to condemn the most conspicuously diseased animals before they reached the butcher’s stall, to punish the dealers and drovers responsible for these conditions. “We all suffer,” the Tribune’s cattle market reporter noted, “because it is utterly impossible for the meat of animals subject to such inhuman treatment to be healthy; and putting out of consideration all feelings of mercy which we ought to have . . . let us at least think and act merely in self-defense.” As late as 1873, such admonitions notwithstanding, little had changed at Communipaw. 17

The dislocation of animals’ joints by hoisting them off the floor prior to slaughter, so common in smaller butchering operations, also predominated in the larger abattoirs. At Communipaw, a wheel set the process in motion, heaving the cattle high in the air and swinging them around, into an adjoining pen. There, the slaughterer stabbed one animal at a time in the neck, in full view of the others. 18 Eventually, the ASPCA’s attempt to challenge such practices led to litigation. Davis vs. Society for the Prevention of Cruelty to Animals had its origins in January 1873, when Bergh and several agents entered a


slaughterhouse on 39th Street where hogs were routinely hauled up a gangway of forty feet by an iron chain passed around one leg. Hoisted into the air, their joints dislocated, they were left to hang by their heels as butchers slit their throats to let the blood run out. Finally, the butchers plunged them, many still alive, into boiling water. Bergh threatened arrest unless the practice was modified. The company, Davis, Atwood, and Crane, responded by seeking an injunction to restrain the ASPCA from any interference. Elbridge Gerry, Bergh's attorney, argued that the company's practices amounted to "needless mutilation and cruelty under the statute" and characterized the injunction plea as "an attempt to evade a criminal prosecution and to induce a court of equity to try the issue, at the same time restraining the society from making arrests." A. Oakey Hall appeared as plaintiffs' counsel and Bennett's Herald supported them. So did the court, which granted a temporary restraining order.\(^\text{19}\)

Another judge dissolved the injunction, and the hog butchers appealed to the state Supreme Court, which upheld the decision against them. Then the case went to the Court of Appeals, where it was argued in November 1877. In January 1878, that court affirmed the right of ASPCA officers to enter slaughtering establishments to ensure that "no uncalled for cruelty was used in killing." Sometime later, a newspaper reporter followed Bergh on an inspection tour of a slaughterhouse in which animals on all fours were led to their deaths on a moderately ascending gangway. Moving on to other establishments,

however, Bergh found indifference, skepticism, and resistance to his suggestions for improvement.  

Bergh did not fail to emphasize the brutalizing impact of the practice of slaughter on the butcher himself, and newspaper opinion expressed the same concern. However, the brutalization of others, especially children, was even more troubling. In one establishment, Bergh complained, the braining and throat cutting of animals was done in plain sight of the public, and a reporter decried the proximity of one slaughterhouse to a schoolhouse. One editorialist commented that “the Young men and children who are to be entrusted with so great an inheritance as our Republic should not be rendered familiar with and indifferent to the torturing of poor creatures that are at the mercy of us who call ourselves a superior order of beings.” In time, Bergh became a consistent champion of legislation to prohibit the slaughter of animals in visible locations in any town with a population exceeding 1,000. He also sought to prohibit the employment of any child under fourteen in slaughterhouses or other establishments where animals were killed.  

In the years following the Davis litigation, the ASPCA continued monitoring slaughtering establishments. In 1886, the ASPCA reported that while failing to suppress altogether the many cruelties attending the slaughter of animals for food, its agents nevertheless limited many practices through their inspection visits. By that time,

20 “Mr. Bergh and the Hog Slaughterers,” New York Express, 3 June 1874, and “Another Victory for Mr. Bergh,” N. Y. Times, 4 June 1874, ASPCA-NY, SBK 6: 107; “Hog Slaughtering Injunction Dissolved,” Unsources article (Nov. 1875), ASPCA-NY, SBK 6: 266; and “Spare the Cattle.”

however, the organization was, like many other societies, focusing greater attention on the suffering of livestock in transit—a universe of animal misery without equal. This emphasis would perdure until the early years of the twentieth century, when humane methods of slaughter resurfaced as a national objective of the animal protection movement.22

The Milk of Human Cruelty

Bergh’s determination to put the ASPCA’s mission into the public consciousness led him to another issue that had been around for some years—the problem of “swill milk” from cows fed not on hay but on distillery slop in order to spare feeding costs. In the last years of that decade, however, Frank Leslie’s began to publish exposes and descriptions of the sickly cows, who lived miserably, each one occupying a stall about two and one half to three feet wide. Chained together in dreadful and unsanitary stables, some holding as many as one thousand animals, they suffered from sores, bloat, and other debilitating conditions. A primitive inoculation against distemper caused many to die and many more to lose their appendages, leaving them “stump-tailed.” In many cases, the cows’ weakness necessitated the use of slings to support them. They never left their stalls unless they were dead or too sick to produce, in which case they were sent to market, where they joined the meat supply, or to the offal contractor. Many suspected that political corruption thwarted efforts at reform. In 1856, for example, the Brooklyn Common Council passed a law requiring adequate space and freedom of movement for

cows. Only a few months later, though, the same council passed a provision exempting
the swill dairies from its jurisdiction. Political machinations also derailed the inquiry
launched in 1858 in response to the Frank Leslie’s agitation, and an 1862-1864 initiative
in the state legislature.23

A new phase of the campaign began when Bergh took up the issue in 1867.
Because their diet and intensive confinement caused the animals to suffer, the ASPCA
was in a position to invoke the anti-cruelty statute. Bergh’s agitation culminated in the
prosecution of Morris Phelan, a swill dairy operator in Brooklyn, where the ASPCA’s
statewide charter made it possible for Bergh to act. Bergh testified to the terrible
conditions of the Skillman Street cow den, and two medical experts also appeared for the
prosecution. Bennett’s Herald applauded Bergh for his diligence: “From a charge of
cruelty to the cows . . . it is probable that the facts may show a worse form of evil, in the
production of poisonous milk.” However, despite a grand jury’s finding of a bill of
indictment, the Brooklyn District Attorney declined to prosecute Phelan and a second
swillman the ASPCA had exposed.24

23 “The Swill Milk Exposure,” Frank Leslie’s, 15 May 1858, 377-81; “Public Rebuke of the Swill
Milk Candidate,” Frank Leslie’s, 18 Dec. 1858, 41; Lambert A. Wilmer, Our Press Gang (Philadelphia: J.
T. Lloyd, 1859), 161-64; “The Milk Trade,” N. Y. Times, 8 July 1866, 3; “Swill Milk,” Frank Leslie’s, 23
Apr. 1859, 327-29; “The City Milk Business,” Harper’s Weekly, 16 July 1859, 464; “Swill Milk-Board of
Health,” Frank Leslie’s, 18 April 1866, 82; “An Act to Prevent the Adulteration of Milk,” ASPCA, Ann. R.
1868, 76; “Swill Milk,” and “Milk for Babes,” N. Y. Tribun, 6 Jan. 1870, 2; and Duffy, Public Health,
431. On the role of Leslie’s in exposing the trade, see Frank L. Mott, A History of American Magazines

1867, ASPCA-NY, SBK 1: 86; “Cruelty to Animals,” N. Y. Times, 8 Mar. 1867, 2; “Swill Milk,” N. Y.
1867, 8; “Trial for Cruelty to Animals,” Brooklyn Eagle, 20 Mar. 1867, ASPCA-NY, SBK 1: 104; “The
1869, ASPCA-NY, SBK 1: 98; “Mr. Bergh and District Attorney Morris,” Brooklyn Union, 27 June 1869,
Ultimately, Bergh adopted the approach of attacking the swill establishments from time to time, calling public attention to the health dangers of milk from diseased animals. The Board of Health also fought the menace, and published a weekly list of those caught selling swill milk in the city. Such pressure helped to drive much of the trade to the outskirts of the city and further into Brooklyn.  

Even so, the tolerance by Brooklyn authorities of both the swill trade and the traffic in diseased meat from distillery dairies discouraged Bergh from investing too much energy in the matter. Beyond this, his frankness about their apathy won him no friends across the river. By the mid-1870s, the problem remained unresolved, even though Bergh’s agents and police continued to raid swill dairies, making arrests for watering milk and other practices. In 1874, New York public health authorities identified swill milk as a principal cause of child and infant mortality in Brooklyn. Just one year later, their Philadelphia counterparts blamed swill milk for the prevalence of typhoid fever in that city, after the deaths of over 130 infants in one month. The New York Board of Health began to require numbered identification of all vehicles and cans used by milk

ASPCA-NY, SBK 1: 184; and “Mr. Morris’s Muddle,” N. Y. Herald, 31 May 1870, ASPCA-NY, SBK 3: 77.


dealers. From time to time, the ASPCA went after the worst of the swill dens, but Bergh was pessimistic about the prospect for convictions. In February 1879, he drew both Dr. Liautard and James Law, another prominent veterinarian, into a Blissville case. Later that year, however, at a forum on "Pure Milk," he expressed his view that legislation could do no more to prevent adulteration. In 1882, the Brooklyn branch of the ASPCA and the Board of Health were still at war with the swill-milk dealers. Well into the 1890s, the ASPCA continued to make occasional raids on mephitic and unsanitary dairy stables, and to emphasize the impact of cruel and unenlightened husbandry practices on the health of animals. 27

In the end, certification, refrigeration, and sterilization provided the solution to the swill dairy threat and the crime of milk adulteration. By establishing rules and regulations for the production, examination, and treatment of milk, health authorities kept adulterated products from reaching the market. Sterilization and pasteurization through

heating destroyed the germs of bovine tuberculosis and other diseases, reducing infant mortality.  

Scientific and technical approaches to enforcement made the difference, not the ASPCA's campaigns. Nevertheless, the ASPCA's participation in the controversy points to its important part in helping to address animal-related public health issues in the years before an administrative apparatus responsible for such matters developed within municipal, state, and federal governments, and also reflected its efforts to ensure that the comfort and welfare of animals would receive greater weight in policy debates.

**Blood Enthusiasms**

New York State prohibited animal fights in 1856. Nearly a decade later, however, journalists reported that cock and dogfights took place every night in both New York City and surrounding areas. The fights continued with little interference from police until Bergh founded the ASPCA. From then on, his steady determination to harass the enthusiasts of animal fighting regularly brought the matter before the public and into the court system.  

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From the earliest phase of the ASPCA's existence, Bergh zeroed in on the Water Street saloon and dog-pit of Kit Burns, a Dickensian habitué of the New York sporting scene. The campaign to close down "Sportsman's Hall" put Bergh, his agents, and the police at great risk, confronting hostile crowds in dangerous circumstances. One evening in December 1866, police officers accompanying Bergh burst through the skylight of the pit, and arrested Burns and another man. Some days later, however, Judge Dowling acquitted them, noting that the prosecution could produce no spectators to testify that the two had actually set the dogs upon one another. The decision caused Bergh great consternation, for he thought the ASPCA had met the burden of evidence, and he made it a point to remind the judge in public that keeping a pit and being present at a fight were sufficient grounds for conviction.\footnote{30}{“Kit Burns’ Dog-Paradise in Water Street,” Frank Leslie’s, 8 Dec. 1866, 181; “A Dog Fighter in Custody,” N. Y. Sun, 3 Dec. 1866, ASPCA-NY, SBK 1867: 4; “The Arrest of Kit Burns and Others for Dog Fighting,” Frank Leslie’s, 22 Dec. 1866, 217; “Dog Fighting,” New York Daily News, 7 May 1868, ASPCA-NY, SBK 2: 29; “Fruitless Effort to Suppress Dog-Fighting,” N. Y. Times, 8 May 1868, 2; “Justice Dowling’s Method of Administering the Law Against Dog Fights,” N. Y. Times, 9 May 1868, 8; and “Humanity and Law,” N. Y. Times, 13 May 1868, ASPCA-NY, SBK 2: 33.}

One year later, Bergh expressed his dismay at a similar ruling by the justice, after an accused animal fighting enthusiast boasted that he was immune because he “carried 1,000 votes at his back.” Bergh continued to pursue the issue, however, and his persistence paid off. By early 1870, the Times could note that ASPCA agents were responsible for closing down at least three animal fighting establishments.\footnote{31}{“Mr. Bergh and Justice Dowling,” N. Y. World, 24 Apr. 1869, ASPCA-NY, SBK 2: 128; and “Mr. Bergh’s Work,” N. Y. Times, 19 Feb. 1870, 2.}

For a time, Kit Burns’s establishment avoided this fate. As a dodge, he and his family turned the place over to an evangelist for prayer meetings. But the principal
enthusiasm to be found there was for animal fights, and Burns continued to stage them. He also took his own animals out to fight at locations in Brooklyn and New Jersey. Not only was he able to avoid heavy fines; he could sometimes escape conviction altogether.32

A November 1870 raid on Burns’s pit yielded 32 arrests, including that of the proprietor, on charges of witnessing and participating in a rat-baiting and dog fighting event. In this instance, agents in plainclothes entered in advance to witness the setting of animals to fight. The defendants’ counsel maintained that a dog fight had broken out accidentally during a rat-killing “exhibition.” By the time the trial commenced in February 1871, Burns had died. But the outcome would no doubt have warmed his heart, as Recorder John Hackett told the jury that he did not think the killing of rats by dogs came within the scope of the anti-cruelty statute. Hackett’s opinion was that “rats and mice were vermin, and why should not cats as well as dogs be interdicted from killing them?” The jury returned a verdict of not guilty.33

When Bergh’s agents brought New York City cases to court, and could marshal sufficient evidence that a fight had occurred, they could expect cooperation from the


justices. The organizers of an event might be imprisoned for a month, while their patrons were discharged after paying fines of $20 each. On the other hand, in the absence of conclusive evidence, a case might easily be dismissed. The outcome of every case could also depend on the disposition of the justice or magistrate; Recorder Hackett, for instance, was inclined to come down hard on dog fighting when he thought the facts permitted.\(^{34}\)

The death of one impresario of blood enthusiasms did not mean the end of animal fights. Although Bergh secured few actual convictions, he helped to push the dog fighters across the river to Brooklyn and New Jersey, where they could often rely on leniency from the courts. Stopping animal fights proved especially difficult in Brooklyn, where the police declined to cooperate with the ASPCA.\(^{35}\)

In 1874, on Long Island, Bergh’s agents could not secure sufficient cooperation from police to arrest all parties at a saloon cockfight. The ten men they did arrest returned to the saloon that same evening and resumed the fights until daylight. Several days later at trial, an elderly justice let the defense counsel bully prosecution witnesses. Worse, policemen who had attended the fight made their “hearty sympathy with the sport” clear beyond any doubt, denied knowledge of the pit located just a few doors from


their station house, and hesitated in their identifications. After four hours of farce, Bergh abandoned the courtroom.36

The Albany legislature strengthened Bergh's hand in February 1875 with the passage of a law providing for the forfeiture of property tied to cruelty to animals. A few of the city's newspapers, including the Herald and the Sun, vigorously opposed the bill. However, Bergh managed to secure its passage by conceding explicit exemptions for the horsecar companies and the pigeon shooters.37

Despite the efforts of Bergh and his successors, animal fighting did not disappear from New York City or its environs. Even with the help of conventional law enforcement agencies, humane agents were unable to suppress it. Animal fighting continued to thrive, if more furtively, further away from the city's central districts, in locations where it was often impossible for officers to approach without discovery, and through the use of public notices cleverly worded so as to avoid official scrutiny. Its survival was a stark reminder that neither criminalization nor public stigma was enough for the suppression of cruelty.38

By the end of 1873, the ASPCA had made 104 arrests for dog or cock fighting. By 1880, the total reached 510, with a high figure of 119 arrests in 1874, the year of the


statutory change. At times, as between 1891 and 1894, the ASPCA waged extended campaigns against the surging popularity of both dog and cock fights, but, from 1895 onward, agents perceived a noticeable decline. One attributed this not only to vigorous enforcement but also to the popularity of “manly athletic sports” that were fast taking the place of “dog-fighting and kindred brutalities.”

The Miseries of the Urban Horse

Henry Bergh’s major day-to-day preoccupation, and by some accounts the animal he personally favored, was the horse. Seeking to stem the tide of equine misery they saw all around them, Bergh, his agents, and regular police officers arrested New Yorkers for kicking, beating, stabbing, and overworking horses in a wide range of contexts. In the early years, Bergh and his deputies prosecuted the cases in court on their own. For their part, attorneys for the accused drivers and their employers disparaged the ASPCA’s motives and disputed its assessments of their animals’ mistreatment and health.

Just a month after founding the ASPCA, Bergh launched a campaign to end horsecar and omnibus overcrowding. In tackling the issue, Bergh entered an arena of considerable pre-existing discontent. The overloading of streetcars annoyed many in the city. Designed to carry 40 to 74 passengers, they were frequently packed with many more. “[The] grasping, avaricious companies crowd, cram, and bundle homeward-bound citizens, setting all sanitary laws at complete defiance, to say nothing of torture and


inconvenience, in a space capable of seating barely one-third of the number authorized,” an editorialist in Bennett’s Herald clamored. “This overcrowding should come under supervision of Mr. Bergh, as the poor horses are equally as great sufferers.” Many who rode in the cars agreed.  

Bergh’s campaign against streetcar cruelty also converged with broad debates over the condition of the streets, the problems created by traffic blockages, fatal accidents and injuries resulting from reckless driving or inadequate harness fittings, ignorance of traffic regulations, smoke and stench, unreachable safety straps, the menace of pickpockets, the liberties taken with women passengers, and lack of courtesy on the cars. Bergh proposed that the Board of Aldermen require more cars, and forbid the public from entering packed vehicles. He also advocated modifications to lengthen the cars. He asked riders to consider walking in order to alleviate overcrowding and equine immiseration. The Times thought Bergh’s recommendations impractical and unlikely to succeed; lasting improvement would only come, its editorialists counseled, with the advent of “underground or elevated steam roads.” Even so, the Times congratulated Bergh for having frightened some of the lines into providing additional horses. The newspaper also encouraged citizens with proximate destinations to walk instead of crowding onto the streetcars.  

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The transportation companies repeatedly ignored Bergh’s complaints about the strains caused by long routes, inadequate nourishment, insufficient stable conditions, and deficient shoeing practices. Their stables burned to the ground on a recurrent basis, killing and injuring animals. Sometimes they employed unfit horses in the nighttime to avoid the scrutiny of ASPCA agents, who usually patrolled during the day. The horses suffered from extremes of weather and temperature, wounds, sores, and lameness, treacherous road conditions, and worse. Most lasted only three to five years before being sold for less arduous work. Many finished up at the tannery or glue factory.43

Bergh reminded one supporter that the ASPCA was “laboring under the disadvantage of introducing a novel idea, and in the application of it to powerful monopolies, we are forced to move slowly.” However, he quickly discovered the streetcar companies were not interested in reform, and their indifference to his suggestions for reform exhausted his patience. Finally, the ASPCA president decided that the prosecution of individual drivers guilty of driving a lame or exhausted horse was

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the best strategy. While this left Bergh vulnerable to the charge of making poor men suffer for their employers' policies, the courts had consistently held that unless an officer of a corporation had himself hit a company animal on the head with a shovel or driven it lame, or personally witnessed cruelty on his line without intervention, he could not be held accountable.  

In early January 1868, Bergh and a policeman arrested the conductor and driver of a grossly overcrowded car. The horses struggled so much that passengers had to come to their aid in putting the car in motion. Even so, after their conviction, the men appealed, and one stoked popular prejudice against Bergh by complaining of the hardship his sentence had imposed. The successful prosecution of the two men gained notoriety as People v. Tinsdale. Recorder John Hackett's ruling underscored that "the law does not make president, directors, or other officers of the company responsible for the acts of their employees but only those who have charge of the car." Employee status, he further concluded, did not constitute an exemption from liability under the anti-cruelty law.

Hackett also rejected the defense's claim that the overloading was not intended. "If one

44 Bergh to Field Fowler, 15 Oct. 1867, ASPCA-NY, LBK 3: 115-17; "The Horse Cars and Cruelty to Animals," N. Y. Times, 20 July 1866, 8; and Letter to N. Y. Post, 27 July 1866, #. Cornelius Vanderbilt, Jr. wrote Bergh that he had fired an employee whose cruelty was reported; N. Y. Sun, 4 Oct. 1866, 2. It was no secret that the companies treated human employees no better than horses. See "White Slaves," N. Y. Times, 10 Apr. 1874, 4 "Our White Slaves," N. Y. Times, 11 Apr. 1874, 4; "Car Drivers and Conductors," N. Y. Times, 14 Apr. 1874, 2; "Car Drivers and Conductors," N. Y. Times, 14 Apr. 1874, 4; and Joseph W. Barnes, "Friend of Every Friendless Beast," Rochester History 35 (Oct. 1973): 9.

commits a murder,” he noted, “it would be absurd to interpose the defense that he did not
so intend. If a man overloads a car, beyond the ability of the horses attached to it to
draw, he is within the act in question, and guilty of cruelty and therefore responsible.
The intention is assumed directly from the act itself.”

Even with this favorable decision, the ASPCA’s prosecution attempts got mired in
the system during the late 1860s, as the companies continued to appeal convictions of
drivers and conductors in the lower courts. In 1869, the streetcar interests asserted their
influence in the legislature to smother the ASPCA’s bill limiting the number of
permissible passengers in one car. Despite these setbacks, Bergh and his agents kept
making arrests, believing that inaction would make the ASPCA a party to cruelty “by
permitting sore and bleeding animals to drag the cars to the end of the route.” Press
reports continued to reveal overcrowding, and the nighttime use of decrepit, spavined,
and injured horses. Another ruse was “playing the double,” in which operators would
lead a lame horse some distance up the road to another car. There, they exchanged the
lame horse with the second car’s animal, who was then brought down to the halted car as
if from the stable. Bergh tried to keep the matter in the press through daytime arrests and
nighttime raids. In time, however, presiding judges refused to take the cases in light of

46 People v. Tinsdale, 10 Abb. Pr. (n. s.) 374 (N.Y. 1868); “Thanks to Recorder Hackett,” New
York Citizen, 15 February 1868, 4; and Charge of His Honor Recorder Hackett in the Case of the Driver
and Conductor of One of the Cars of the Bleecker Street and Fulton Ferry Railroad, Delivered February 7,
1868 (New York: ASPCA, 1868).

47 Bergh to D. C. Whyte, 4 Apr. 1868, ASPCA-NY, LBK 3: 362; “Overcrowded Cars and Stages,” New
1869, 2; “Bergh and the Railroad Horses,” N. Y. Herald, 8 Dec. 1870, 7; and “Crowded Street Cars,” N. Y.
Herald, 13 Mar. 1870, ASPCA-NY, SBK 3: 62. On “playing the double,” see “Mr. Bergh Energetically at
the pending appeals. It did not help matters that, as Bergh noted, "certain magistrates, and men of political influence, are holders of the stocks of these companies, and hence such corporations possess an immunity from punishment, not enjoyed by smaller offenders."\textsuperscript{48}

In February 1871, after more than four years of campaigning, Bergh provoked a major confrontation. In the midst of a heavy snowstorm, he interfered with two of the horsecar lines on Third and Fourth Avenues. For two hours, during the height of traffic, he forced car after car to unload passengers, until he saw several drawn by four horses each coming into view. Later the same month, Bergh secured the arrest of John Conover, president of the Bleecker Street Line. Conover, frustrated by ASPCA interference, arrived at one of Bergh's blockages, jumped onto the lead car and drove forward, daring agents to stop him. They did, turning him over to the police. At Conover's arraignment, however, Justice Dowling concluded that conditions on the street had not warranted the ASPCA's interference, and excused the defendant. Nevertheless, Bergh had scored a decisive victory, for the companies began to station "hill horses" along their routes, to help pull cars up steep acclivities.\textsuperscript{49}

That spring, Bergh again attacked the transport companies, this time for using lame horses. During one week in April 1871, the ASPCA took thirty-three lame horses out of harness from thirty different stages. Agents blocked the lines, stopped


overcrowded cars, ordered passengers off, forced the return of their fares, and turned the teams back to their stables.\textsuperscript{50}

Among those who did not approve was Mayor A. Oakey Hall, one of the ASPCA's incorporators who had lost sympathy with Bergh. Hall issued a letter that discouraged the police from cooperating with the ASPCA's efforts, in view of the inconvenience to passengers and pedestrians. Bergh responded with a vigorous defense, and pointed to the ASPCA charter's requirement that the police assist in its efforts.\textsuperscript{51}

In 1872, Bergh again exchanged public fire with Mayor Hall, who, though then embroiled in the Tammany scandal, reiterated his displeasure with the cooperation that the ASPCA was receiving in its streetcar campaign. Later in the year, a police commissioner personally interfered with an ASPCA officer's arrest of a driver, releasing the man, re-harnessing the horse, and, as Bergh complained, "prolonging instead of preventing the cruelty." An exchange of accusations over the jurisdiction and authority of both agencies ensued.\textsuperscript{52}


\textsuperscript{51} "The Mayor and Mr. Bergh," \textit{N. Y. Times}, 30 June 1871, 5; "Mr. Bergh and the Mayor," \textit{N. Y. Times}, 1 July 1871, 5; and "New York Society," \textit{ODA} 4 (July 1871), 116.

Despite widely felt anger toward the railway companies, some passengers resented Bergh's interference, and apocryphal stories began to circulate of individuals who had died from exposure because of the stoppages. In August 1872, a retaliatory attack on Bergh, linked to Hall, originated within the Board of Health, when a commissioner moved that the Board institute proceedings against the ASPCA president. The premise behind this action was Bergh's implicit violation of the sanitary code, which prohibited obstruction of the streets by horses and/or vehicles. The commissioner highlighted the case of a woman who, hurrying to the deathbed of her sister, missed a train on account of the stoppages. Bergh refuted the story and blamed the companies, for "when they provide the citizens with sick, sore, lame, and overworked animals, it is clearly not the fault of the law nor its officers if public travel is impeded." In the present case, Bergh continued, "the obstruction is the natural sequence of a lawful arrest. If a railroad corporation . . . provokes a legal arrest, consequent upon which the public suffers inconvenience, the company is responsible, in law, for that wrong." Elbridge Gerry, Bergh's resourceful attorney, added that the statute "leaves out of question the consequences of its enforcement, and as it contains no exception as to the time and place of arrest, none is to be implied." Newspaper opinion recommended that Bergh make his arrests at the depots—after taking the numbers of the cars, conductors, and drivers—in order to secure the cooperation of the police and the support of the public. However, Bergh and his agents consistently rejected this approach, arguing that to do so would
have imposed an additional burden on suffering animals that most needed their intervention.\textsuperscript{53}

In November 1872, three street railroads filed a suit in equity, suing Bergh for $25,000 each and seeking an injunction to restrain him and his officers from making summary arrests of drivers and compelling conductors to return fares. In court, company attorneys claimed that “the offense of cruelty being merely a misdemeanor . . . [the ASPCA] is . . . without authority to make a summary arrest; that if an arrest is made, it must be on a warrant issued by a magistrate, based on a sworn complaint.” They argued further that, “if the misdemeanor was committed at all, it must have been done at the stable . . . by the persons in charge who send out the horses.” Meanwhile, Bergh continued to stop crowded cars as winter set in, with the companies attempting to run their lines with two horses per car during a period of heavy snowfall. The confrontations continued into the next year.\textsuperscript{54}

On January 6, 1873, Judge Joseph Daly of the Court of Common Pleas denied the sweeping injunction the companies sought, but restricted the ASPCA’s authority to send drivers and horses back to the stables. The judge ordered Bergh and his agents to confine


themselves to arresting drivers, and then only in the case of "plain and patent violation of the Act of 1867." They were not to take charge of the animals or vehicles, although, within a few months, some companies came to prefer that the ASPCA assume temporary custody of any stage from which it had removed a driver.55

In April 1873, Bergh arrested Dennis Christie, a driver on the Twenty-Third Street Line, in a dispute over the lameness of a horse. After Christie's acquittal in the Court of Special Sessions, his employer filed a motion in the Court of Common Pleas to have Bergh held in contempt of Judge Joseph Daly's injunction, for having improperly arrested a driver. Chief Justice Charles Daly, once a member of the ASPCA, denied the motion, ruling that Bergh and his agents had at least some grounds for thinking the horse lame. With the encouragement of his employer, Christie then sued Bergh in the Marine Court for false imprisonment, and Judge Shea ordered the arrest of the ASPCA president. In November, however, Judge Shea dismissed the case in an opinion that affirmed the right of Bergh and his agents to arrest any man they thought guilty of neglect or inhumane treatment of an animal.56


56 "Motion to Punish Mr. Bergh for Contempt Denied," N.Y. Times, 25 Apr. 1873, 2; "The Case Against Mr. Bergh," N.Y. Times, 1 May 1873, 8; "Motion to Punish Mr. Bergh for Contempt of Court Denied," N.Y. Times, 29 May 1873, 2; Christie vs. Bergh 15 Abb. Pract. (n.s.) 51 (N.Y. 1873); and "A Decision in Favor of Mr. Bergh," ODA 6 (June 1873), 4. On Christie's false imprisonment suit, see "Mr. Bergh Arrested," N.Y. Times, 24 Apr. 1873, 8; "Mr. Bergh's Horseflesh," New York Comm. Advertiser.
Jacob Sharp, president of the Twenty-Third Street Line, the city’s predominate street railway company, became Bergh’s most dogged adversary, and his influence reached deep into the state legislature. In the mid-1870s, Sharp led the opposition to Bergh’s campaign for a state law to prohibit salting of the streetcar tracks. Because the freezing, salty slush that resulted could damage the streets as well as injure and ulcerate the animals’ hooves, the issue had attracted the attention of municipal authorities even before the formation of the ASPCA. However, Bergh had trouble securing prosecutions under an extant city ordinance on salting. State legislators bowed to corporate influence despite the ASPCA’s presentation of petitions signed by thousands of New Yorkers. In 1875, the anti-salting measure went down in the Assembly by a vote of 58-40.57

The street railroads also attempted to challenge the constitutionality of legislation that directed fines collected in cruelty cases to the ASPCA. In January 1873, when the ASPCA arrested John McMahon, another driver for the Twenty-Third Street Line, Sharp instructed him to plead guilty to cruelty through overloading, in order to set up a test case. After McMahon was fined $200 for cruelty to a horse, Sharp’s attorneys immediately appealed, and pursued the case through both the New York State Supreme Court and the Court of Appeals, which heard it in May of the same year. The court of

57 In one of Bergh’s attempted prosecutions under the city ordinance, Dr. Liautard testified about the effects of salting on horses’ hooves. A. Oakey Hall appeared as defendants’ counsel. See ASPCA, Ann. R. 1874, 23-27; and “New York Marine Court,” Daily Register, 6 Dec. 1873, ASPCA-NY, SBK 6: 28-29.
last resort ruled in the ASPCA’s favor and ordered the company to pay the fine.\textsuperscript{58}

The ASPCA’s position improved in 1874 because of revisions to the anti-cruelty statute that passed the Albany legislature in a nearly unanimous vote. The revised statute clarified the authority of humane agents to seize and destroy animals, and to secure warrants. It also prohibited interference with them during the course of arrests. Most importantly, the words “owner” and “person” in the new bill were “held to include corporations as well as individuals.” Nevertheless, the railway interests were able to thwart Bergh’s proposals for legislation to require an extra horse for cars when the grade exceeded one foot in fifteen, as well as a series of “No seat, no fare” bills to limit the number of passengers in a car. For his part, Bergh continued to arrest drivers, even as operators defended their right to carry as many passengers as they could.\textsuperscript{59}

In the late 1870s, seeking to reduce costs, the railroads introduced one-horse, or “bob-tail,” cars. These operated without any conductor, and the driver had to manage the collection of fares as well as guide the vehicle. They did not prove popular, and concerns about public safety and lack of police action against reckless drivers abounded. Legislation to limit the number of passengers again failed in Albany, and Justice Kilbreth scuttled Bergh’s attempt at a prosecution for overcrowding in 1878.\textsuperscript{60}

\textsuperscript{58} “Mr. Bergh Gains a Victory,” \textit{N. Y. Times}, 20 July 1873, 4.


At about the same time, moreover, legislators enacted a law providing that the obstruction of any lawfully running car could be prosecuted as a misdemeanor. The legislation was originally conceived to prevent obstructions by truckmen and carters who refused to keep their vehicles off of the streetcar rails. Thus, it was a shock when the Christopher Street Railroad launched a test case, insisting upon the arrest of an ASPCA officer for interference. In the end, the railroad president withdrew his complaint when courts and magistrates in several cases upheld the ASPCA's authority. Some newspaper editorialists admonished Bergh that common sense dictated the expediency of conducting cars led by lame animals back to the terminus of the road. This added a little more to the animals' suffering rather than forcing the many inconveniences of a stoppage upon the passengers. Other editorials supported Bergh, however, noting that the companies themselves, whenever a horse or pair of horses gave out, transferred horses from the approaching car to the one left standing, and so on throughout the line, until new animals could be brought from the stable.  

By 1884, Bergh and his agents had reached a holding position on the issue of streetcar overloading. "I instruct my officers not to stop public travel, except when the load is so excessive as to leave no doubt of the inability of the horses to drag it," Bergh

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related. “At all grades I insist upon an extra horse being kept . . . and while snow is on
the track [I] require four horses invariably.” When necessary, he added, “we stop
overloaded cars and compel the conductor to provide more horses, or insist on the load of
thoughtless passengers being reduced.” ASPCA agents also attempted to arrest or
negotiate with the depot foremen in charge of the cars rather than to intervene against
individual drivers.\textsuperscript{62}

Complaints about the mistreatment of New York’s streetcar horses continued
right through the 1880s. One month before he died during the Great Blizzard of March
1888, Bergh halted cars on the Vanderbilt line in order to make the drivers “double up.”
After his death, and for as long as there were horsecars on the streets, public complaints
continued, and the ASPCA’s agents maintained their vigilance, turning out injured and
suffering horses and making occasional arrests.\textsuperscript{63} In the end, electrified and underground
transit systems, the bicycle, and the motor vehicle delivered urban workhorses from the
suffering and neglect that nineteenth-century life imposed upon them. However, during
the decades that witnessed the harshest utilization of horses in transit and commerce,
those animals had no greater champion than Henry Bergh.


York,” \textit{N. Y. Times}, 20 Nov. 1886, 8; “Merciful to the Beasts,” \textit{N. Y. Herald}, 10 July 1887, and
“Neglected and Abused Street Car Horses,” \textit{Brooklyn Citizen}, 3 Aug. 1887, ASPCA-NY, SBK 10: 1;
Y. Times}, 21 June 1888, 4; and “Car Companies Raided,” \textit{N. Y. World}, 22 Aug. 1890, ASPCA-NY, SBK
10: 257.
Bergh's Antagonists

The ASPCA's activity upset a range of vested interests, and there were many who could not regard its work as benign or innocuous. Bergh's numerous antagonists actively sought to insulate themselves against his intervention. Sometimes, they went further, launching attempts to limit or eliminate the ASPCA's statutory authority.

One of the preferred methods of self-protection was to seek special exclusion. Animal experimenters moved quickly to secure an exemption from prosecution under the 1867 statute. Early in the 1868 session, the Judiciary Committee of the New York Assembly, under pressure from a variety of interests, stripped an ASPCA omnibus bill before releasing it for a general vote. Streetcar companies scuttled an 1873 initiative to strengthen the anti-cruelty statute, to protect their right to continue salting. Canal carriers, pigeon shooters, and butchers also succeeded in gutting provisions of the bill. In 1874, a similar process of "skinning" legislation occurred.64

There were other forms of resistance as well. Bennett's Herald campaigned against both the 1873 and 1874 anti-cruelty statute revisions. Abattoirs and stage railway corporations sought legal injunctions to thwart Bergh's attempts to intervene against their practices. Even the little man had his means of fighting back; in 1871, an especially combative horse owner successfully sued the ASPCA for false imprisonment.65

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Bergh also drew many ad hominem attacks. Detractors told stories of his having sent a poor man off to prison for months for trivial offenses, and circulated rumors about his callousness as a landlord. Cartoonists lampooned his inconsistencies in supporting capital punishment and flogging for wife-beaters.66

Nor could Bergh and his agents count upon the city’s magistrates to dispense justice. Seven years after the formation of the ASPCA, the New York Times condemned one judge’s handling of cruelty cases as “scandalous.” When a magistrate refuses to guarantee the protection of animals under law, the Times insisted, “he not only renders the law a dead letter, but he encourages the repetition of the very offense which that law was framed to prevent.” Bergh commonly encountered judges who imposed their own definitions of humane treatment, and he rated magistrates alongside politicians as the parties who most frequently stood in the way of the ASPCA’s progress. He was particularly disturbed that they would punish petty theft with the utmost severity while dismissing cases of the most atrocious cruelty.67


Bergh’s opponents also sought to undermine the ASPCA’s hard-earned statutory authority. During its first decade, the enforcement powers of the ASPCA were challenged no less than five times through legislation or litigation. The most serious threat came in early 1870, apparently directed by Democratic political leaders of the Irish sixth and seventh wards, who sympathized with the animal fighting rings. Bergh’s biographer Edward Buffet believed that stronger political influences within the legislature—like the street railway companies—were at work, too, and noted that the fight over swill milk was very intense at this moment. The Tribune observed that the so-called “Burns bill” would have prohibited summary arrests by the ASPCA by requiring a warrant in all cases. A contemporaneous ASPCA alert, mailed to legislators, deplored the provisions which would forbid its officers “or other persons, from delaying, or interfering with a vehicle, or driver thereof, upon any charge of violation” of the anti-cruelty statute. An ASPCA agent would not have been able to stop a driver long enough to get his name.68

While the Herald supported those who argued that Bergh had taken the principle of kindness too far, others, including Lydia Maria Child, came to his defense. “The man who claims a right to abuse the beasts that are in his power is spiritually akin to those

who claimed a right to ‘wallop their niggers’ without interference,” Child declared. Ultimately, this attempt to limit the ASPCA’s enforcement power passed in the Assembly but failed in the Senate.69

Another serious challenge came in 1873, when Bergh and Gerry sought legislation to legitimate agents’ de facto power (as previously determined by the courts) “to arrest any person found violating the provisions of the law without warrant, the same as if engaged in a breach of the peace.” One supportive assemblyman suggested that “as there was a possibility of doubt, the provision was put into the bill to anticipate an adverse decision from a higher court.” Opponents of the measure eliminated this clause in committee hearings even before sending the ASPCA’s entire proposed 1873 statutory revision down to defeat. A few years later, after Bergh had antagonized many private and commercial interests whose influence within the legislature exceeded his own, it would prove even more difficult to modify the statute. With virtually all his legislative proposals bitterly contested, Bergh would look back on the legislative gains of 1866 and 1867 with regret that “I did not ask for more when I could so easily have got them.”70

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"Mute Animals Share His Compassionate Bounty": Bonard's Bequest and the Survival of the ASPCA

The ASPCA did not employ attorneys in routine cases. Typically, Bergh and/or his agents would testify as a magistrate posed questions. Eventually, Bergh obtained authorization to fulfill prosecutorial functions himself under special appointments from the District Attorney and the Attorney General of New York State. However, the growing burden of legal work eventually proved too much. In 1870, Bergh recruited Elbridge T. Gerry as legal counsel. Gerry, grandson and namesake of the fourth vice president and Massachusetts patriot who signed the Declaration of Independence, drafted virtually every bill proposed by the ASPCA until Bergh’s death in 1888. In addition, he represented the ASPCA in a series of contentious court cases. These included complex prosecutions, libel lawsuits, testamentary challenges, restraining orders, contempt citations, and writs of habeas corpus.71

Several of Gerry’s most important cases dealt with contested wills, as the ASPCA had to fight to preserve its claim to bequests in the face of prejudice against the notion of a testamentary gift to the cause of animals. Skepticism and ridicule of the ASPCA’s purpose were the stock-in-trade of opposing attorneys, and hostile press descriptions of testators as misguided, miserly, and misanthropic reinforced such derision. The most notable instance involved Louis Bonard, the man dubbed “the miser of Wooster Street.” The Frenchman had accumulated his fortune in trading with Indians, and, it seemed,

indirectly profited from the trapping of fur-bearing animals. Bonard led a frugal and somewhat enigmatic existence as landlord, investor, and inventor. In February 1871, Bonard called Bergh to his deathbed at St. Vincent’s Hospital to execute a new will, leaving $150,000 in assets to the ASPCA.72

The majority portion of Bonard’s estate was in realty, and, after the old man’s death, Gerry petitioned the state legislature for an amendment to the ASPCA’s charter empowering it to hold real property. The friendly support of William “Boss” Tweed ensured the swift procurement of the amendment only a month later. Establishing the legal validity of Bonard’s will proved more difficult. Sensing a windfall, the French consul contested the will on behalf of the French nation, introducing motions to take testimony and conduct a search for heirs in France. Subsequently, several persons alleging blood relationship turned up as well. The court rejected all of these claims, but Bonard’s mysterious background and loner status haunted the proceedings. Lawyers attempting to overturn the will assailed the dead man’s sanity. Gerry had to neutralize their charge that Bonard was the victim of “an insane delusion . . . that upon his death his soul would pass into the body of some animal, and, therefore, by providing for a society

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designed to extend protection to animals, he would himself reap a future benefit from such protection by endowing it with the means to that end.  

In the end, Gerry turned back all challenges, and in November 1872 the court declared the will valid. The case took two years to resolve, and became a cause célèbre. It also proved to be the ultimate deliverance of the ASPCA, which used the Bonard bequest, reduced to $115,000, for the purchase of expanded headquarters at the corner of Fourth Avenue and 22nd Street. Bergh erected a gravesite monument to his benefactor in Greenwood Cemetery, complete with a bronze ASPCA seal and a laudatory epitaph. The Bonard affair, moreover, cemented the already close friendship between Gerry and Bergh. Together, they became avid students of litigation over contested wills, a problem the ASPCA would confront on many subsequent occasions.

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75 Bergh’s ASPCA Scrapbooks attest to his interest in such cases, even when the ASPCA was not an affected party. His attention proved prudent. In 1884, the second large bequest left to the ASPCA, by Carrie Welton, was also bitterly contested, and the testator’s sanity again disputed, in a trial that lasted almost two weeks. See “Bergh Wins the Case,” New Haven Register, 30 Oct. 1886, ASPCA-NY, SBK 9: 300. Three other instances are described in “A Louis Bonard Case,” N. Y. Sun, 6 Sept. 1872, ASPCA-NY, SBK 5: 63; “Miss Marx’s Will Sustained,” N. Y. Herald, 24 Mar. 1886, ASPCA-NY, SBK 9: 253; and “SPCA Gets Bequest,” N. Y. Tribune, 8 Aug. 1909, and “Relatives Lose Will Fight,” N. Y. Herald, 8 Aug. 1909, ASPCA-NY, SBK 12: 172. Bergh’s in-laws challenged his will, contesting his donation to the
Because of Bonard's bequest, the nation's first anti-cruelty organization gained a permanent home. More importantly, Bonard's gift assured the perpetuation of an institution that had, in just a few years, wrought a series of changes in the treatment of non-human animals. During that period, Bergh and his colleagues set pioneering precedents for intervention against a range of cruelties, many of which had gone unchallenged before the formation of the ASPCA. Both he and others were confident that the mere presence of the humane society on the city's landscape had curbed many forms of conspicuous cruelty, and eliminated others altogether.76

Moreover, Bergh became an indefatigable proselytizer, determined to push the case for kindness to animals on a wide range of fronts, and in the face of opposition and opprobrium from a variety of antagonists and skeptics. His campaign to extend the implications of the kindness ethic to the greatest possible degree brought animals within the scope of benevolent philanthropy in the United States. More importantly, it was a pioneering step toward a broader conception of moral community, one going beyond the human race to include other species.

Sometime in 1870, reporting on a new institution in Philadelphia, the *New York Tribune* pointed, with amusement, to a "gush of sweet emotion" in the City of Brotherly Love. There, it seemed, dogs have suddenly been discovered to be the most precious heritage and wards of the Philadelphia public. The quality of mercy there is being strained... Verses in their honor are freely circulated in the public schools, and to every child who commits them a reward is given of the photograph of some noble cur. The ladies (God Bless Them) who lead this popular movement have petitioned Councils for $25,000 to erect an Asylum, or more properly speaking, a House of Entertainment, for such dogs as may have lost their way while pursuing their daily walks abroad.\(^1\)

In its rush to satirize, however, the *Tribune* told its readers very little about the new "Asylum"—America's first animal shelter—or the serious practical goals of its founders. Tipping its hat to Henry Bergh's humane endeavors, the article lamented the tendency of women to "get hold of a theory... and befrill and beruffle it... as they would a dress."

In fact, the women in question, members of the Women's Branch of the Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA), had gone well beyond Bergh in forging a new path for humane work. It was one that would alter the course of animal protection in the United States. Because of their efforts, the animal

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shelter became a fundamental institution of the humane movement, and an important locus for the transmission of its values.

Beyond this single accomplishment, moreover, Caroline Earle White, the pillar of Philadelphia activism, became one of the most influential and by far the most important female figure in American humane work. White devoted more than half a century to animal protection, and was a pioneer in strategy, tactics, public education, litigation, enforcement, and pragmatic care for animals. In many respects, her long-term influence surpassed that of Henry Bergh and George Angell, the other members of the movement's founding triumvirate.2

Finally, the Women's Branch exemplified the inherent opportunities for women in humane work. Concern for animals became an established domain of women's social activism, in part because the larger society deemed it an appropriate channel for feminine sensitivities. The Women's Branch members made the most of this assumption, and, in their hands, concern for animals became not simply a suitable channel for women's energies but an important expression of social feminism.

The Origins of Humane Work in Pennsylvania

Within a week of Bergh's incorporation of the American Society for the Prevention of Cruelty to Animals (ASPCA), Philadelphia newspaperman M. Richards Mucklé published a notice soliciting the support of like-minded persons for an

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organization to pursue the same work in that city. From his office window at Third and Chestnut, Muckle often witnessed the mistreatment of animals who carried people and freight through the city, and he sometimes went into the street to remonstrate with drivers. Muckle had been considering the formation of an anti-cruelty society in the fall of 1865, but suspended his efforts for want of information concerning the movement in England.³

Other Philadelphians were thinking and acting along similar lines. Kate Covert had been taking in animals and trying to place them in homes since 1844. As early as 1858, Annie Waln and Elizabeth Morris, two women who would play significant roles in the Women’s Branch, began collecting strays with the same goal. Waln and Morris used chloroform to kill animals too ill or otherwise unfit for placement. In 1860, Waln’s brother, a prominent Quaker merchant, wrote to the Royal Society for the Prevention of Cruelty to Animals (RSPCA) for information about starting a similar organization, but, as he later recalled, “the unhappy civil war . . . caused the plan to be deferred.” Instead,

Samuel Morris Waln made testamentary provisions to support the founding of such a society.⁴

In a late-life reminiscence, Caroline Earle White recalled that she had always loved animals, and that the frequency of animal abuse at intersections near her home caused her so much distress that she avoided those streets altogether. Years before she helped to launch the PSPCA, attorney Richard White, her Irish-born fiancé, suggested that with such affinities she should support the RSPCA.⁵ White read of Henry Bergh's work while vacationing in the Adirondacks, and, in the summer of 1866, after visiting him in New York, she determined to gather support for a society to prevent cruelty to animals in her own city. Together with her husband, she began to secure signatures for a petition supporting its formation. It may have been Bergh who told her about Muckle’s interest, but, in any case, White and the newspaperman were soon working together. White’s husband helped them draft a charter with laws patterned after the New York model, and they soon gained the approval of all the judges of the Pennsylvania Supreme Court, as well as the endorsement of other judicial officials in the state. By the end of February 1867, the state legislature had granted a charter, and the PSPCA was incorporated in April 1868. White, by one account, coaxed a $10,000 donation from S.


⁵ Campbell, “Caroline Earle White, Reformer,” 37.
Morris Waln to endow the new organization. One year later, the PSPCA convened a public meeting at which Bergh spoke before 2,000 Philadelphians.  

Caroline Earle White descended from reform-minded Quakers on both sides. Her father Thomas Earle, an architect of the 1838 revision of the Pennsylvania Constitution, actively campaigned for Negro suffrage and the abolition of slavery. Earle was the Liberty Party's vice presidential candidate in 1840. White's mother Mary was also active in anti-slavery work. One uncle, Pliny Earle, was a psychiatrist and pioneering reformer in the care of the insane; another, John Milton Earle, was a Free Soiler and an ally of Charles Sumner. White's brother, George Earle, was an attorney and abolitionist lecturer, who, like their father, took on many slaves and freedmen as clients. In her youth, White attended anti-slavery conventions, contributed money to the cause, and was a follower and admirer of the abolitionist and feminist Mary Grew. White endorsed the women's suffrage movement, but devoted little of her own energy to the cause.  

Although she was the principal force behind the organization of the PSPCA, it was her husband, not White herself, who was elected to serve on the board. Mary F. Lovell and Jane Campbell, who knew her well, believed that White had not initially expected "to take an active part in the administration of [PSPCA] affairs." But male
leaders quickly “discovered that the cooperation of women was essential to the carrying on of the work.” Samuel Morris Waln, the PSPCA’s first president, “advanced enough to realize how useful women might be,” asked White to form a women’s division.8 The Women’s Branch of the PSPCA first met on April 14, 1869 at Waln’s home, with thirty women in attendance. Among those present was Adele Biddle, daughter of Nicholas Biddle, one-time head of the Bank of the United States and adversary of President Andrew Jackson. Biddle and Lovell, an English-born temperance activist, became White’s closest allies.9

The formation of organizational auxiliaries was a common means for dividing men’s and women’s roles in benevolent work throughout the nineteenth century. In general, female auxiliaries functioned to raise money, and the women did no public lecturing, penned no pamphlets, and intervened only modestly in public life. By 1869, as the case of the Women’s Branch demonstrates, the strength of this model had waned. By the end of its first year, the Women’s Branch had close to 400 members, compared to 570 for the men’s society. The Women’s Branch recruited members through networks of kinship and friendship; its annual reports listed those who joined under the names of those who had solicited their support.10 Yet the Women’s Branch was anything but a

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9 Women’s Branch, PSPCA, Ann. R. 1870, 3.

10 On membership figures, see Mary F. Lovell, History of the Women’s SPCA From its Foundation April 14, 1869 to January 1908 (Phila.: 1908), 4. On the men’s society, see AHA, Ann. R. 1881, 60.
mere fund-raising section; it published a wide range of literature and its members actively participated in all aspects of humane work.

Women did, of necessity, adjust their tactics to avoid personally enforcing anti-cruelty statutes. Direct interference with offenders, the majority of whom were men, would have been exacting and sometimes dangerous for a woman. “If I were a man, I am quite sure that I should follow your example,” White once wrote Bergh, who prowled the streets of New York City directly challenging the mistreatment of animals, “but as it has pleased Almighty God to create me a woman, I must be satisfied with a more limited sphere of labor, and do the little good I can with my tongue.”

As it turned out, White did not settle for a limited sphere of labor, or restrict her efforts to the verbal good she could accomplish. Moreover, the gendered division of humane work in Philadelphia had more significant implications than the abstention of women from direct enforcement. Over time, the example of the Women’s Branch would have important consequences for the evolution of humane work in the United States.

The General Work of Humane Reform

In its early years, the PSPCA was very active in the reform of agricultural, stockyard, market, and slaughterhouse cruelties. The organization was vigorous in its attacks on “bagging,” the practice of allowing milk to collect in cows’ udders in order to make them seem more productive before sale. In 1870, the PSPCA’s attempted prosecution of a farmer was foiled by the judge’s charge to the jury that such practices

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were not “unusual.” This occurred even though two physicians testified that “if the secretion of milk be so great as to distend the udder beyond its normal condition, pain and suffering to the animal must ensue.” The PSPCA persevered in its prosecution attempts, but this was not the last time that the organization lost such a case. Bagging was prevalent in all of the counties surrounding Philadelphia.12

The PSPCA also tried to curb other agricultural and commercial cruelties. One was the tying of calves’ legs en route to market, a common custom of butchers who traveled to farms to purchase animals. The organization also challenged the practice of bleeding calves 24 hours before slaughter in order to whiten their meat. In addition, the PSPCA policed the market districts for cases of cruelty to poultry shipped to the city, discovering shocking instances of misery, death, adulterated meat, and moral depravity.13

Both the men’s and women’s branches of the PSPCA focused on the cruelties of the stockyard and the slaughterhouse. In June 1872, the PSPCA’s corresponding secretary Pliny Earle Chase (White’s cousin) complained to the Philadelphia Board of Health that “cattle arriving at the Union Stockyard, West Philadelphia, on Friday and Saturday evenings, are frequently dead or in a dying condition, but they are nevertheless

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dressed as if regularly slaughtered, and it is believed that their meat is offered for sale in our markets.”

The PSPCA lobbied congressional representatives in support of a federal cattle transportation bill, suggesting an amendment to prohibit the shipment of large and small animals in the same car. “In the trains which arrive at our drove yards,” Chase wrote Congressman William D. Kelley, “hogs and sheep are often crushed to death by larger cattle.” Under White’s leadership, the Women’s Branch took other measures to promote reform in the transportation of cattle for slaughter. Around 1876, White abandoned a planned prosecution effort after her organization secured the promise of the Pennsylvania Railroad to move cattle trains more expeditiously rather than shunt them aside in favor of freight cargo.

As Bergh had done in New York City, Philadelphia humanitarians confronted the horse car transportation interests of the city, most notably the Philadelphia Traction Company, forcing the removal of animals from work because of lameness or other ailments. In July 1869, the PSPCA secured a verdict against two employees of the Union Passenger Railway Company for overloading. Just a year later, the societies worked to pass legislation limiting the number of passengers on rail cars to thirty, but the effort failed. In 1872, a round of cases, some brought during that year’s devastating equine epidemic, revealed a problem that would hold back progress on this question for years—the hesitation of many magistrates to fine and punish drivers who argued that they were


15 Chase to William D. Kelley, 13 Dec. 1872, in PSPCA-HSP, LBK 1872-76; and AHA, Ann. R., 1884, 43-44.
merely following the orders of their supervisors or the heads of the railway companies that employed them.16

In 1873, a woman passenger filed a complaint of cruelty against the Spruce and Pine Street Railroad, having witnessed the overburdening of horses on a day following a heavy snowstorm. She had taken the trouble to visit the railroad depot in an effort to redress the situation. In this case, the line’s superintendent was fined $20 for failing to add horses. The Philadelphia District Attorney actively opposed the PSPCA’s efforts to promote prosecution of the street railway companies and their employees, however, asserting that the anti-cruelty statute was not meant to apply to such enterprise. He did the same thing the following year in a case where the Tenth and Eleventh Street Railway ran only two horses per car during a snowstorm.17

In one particular, the situation in Philadelphia was worse than that in New York. The New York street railway lines generally took passengers on or let them off only at the principal crossings. In Philadelphia, frequent stops and sudden starts to accommodate passengers waiting just a few feet apart wore heavily upon the horses. The main offenders were women, because men were often in the habit of hopping on and off of the cars while they were still in motion. Many women, on the other hand, liked to have the


car stop at their doorstep. The Women's Branch specifically appealed to women to refrain from stopping the cars anywhere except the crossings.18

During the 1870s, agents of both the men's and women's societies remained active on the streetcar issue. In the Centennial Year of 1876, it was their main focus. In January, the Women's Branch petitioned the state legislature to limit the number of passengers in the city's street railway cars, anticipating that the increase in visitors to Philadelphia would exacerbate the already serious problem of overloading. During the year, PSPCA agents removed 400 horses used to transport passengers to the Centennial exhibition grounds from harness, and distributed thousands of pamphlets to visitors. The situation worsened during a mid-summer heat wave, in which one of the lines going out to the Centennial site registered losses of 16 to 18 horses daily for a week.19

However, humane agents did not arrest any drivers unless the animals "gave out," thinking it futile. "The magistrates take the ground that if the horses are able to pull the cars, they are not overloaded," White noted, "and they take no account of the cruelty that is inflicted in the endeavor to start the cars, and to draw them round a curve or up an ascending grade, of the tremendous spraining and wrenching of all the muscles and sinews of these noble animals, which it is so distressing to witness." 20

18 "Stopping Cars at Street Corners," ODA 9 (June 1876), 2; and "Stop Horse-Cars at Street Corners Only," ODA 9 (Feb. 1877), 68.


20 Women's Branch PSPCA, Ann. R. 1877, 5-6; and "Early History of the Pennsylvania SPCA," Undated article, Phila. Ledger, PBC-TUUA.
Some Philadelphia newspapers took an even harsher view of the magistrates. “One of the most serious obstacles to the good work of the Society for the Prevention of Cruelty to Animals is the opposition of the magistrates to bind over to answer at court the drivers of horses that are not in a physical condition to be worked,” one editorialist noted. “Whenever such a horse is owned by a railway company, these magistrates are more anxious to protect the companies than to punish them for cruelty.”

For their part, the streetcar companies preferred to let their drivers go to jail than to pay the fine. Some were profligate in their use of crippled horses. Moreover, they did not stand by while the humane societies interfered. The Lombard and South Street Railway was particularly adamant about defying humane restrictions. In 1891, streetcar companies made a bold effort to secure legislation that would have limited humane agents to taking down the names of offending drivers, prohibiting them from removing any animal from harness. In a close contest, animal protectionists fought the measure off.

Ultimately, as in New York, the street railway interests proved too powerful for the SPCAS. White’s moral authority was sufficient to have a recalcitrant and abusive driver dismissed by one concern, but none of the companies would consider voluntarily limiting their passenger load. White could not even secure their commitment to make stops only at intersections. Test cases proved inconclusive, most efforts to negotiate improvements failed, and all attempts at regulation of the transportation monopolies were

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defeated in either the city council or state legislature. Finally, as White noted, "our hands have in no wise been strengthened by the people themselves, who while complaining of the abuse of car horses, continue by overcrowding the cars to encourage and aid in it."23

Animal Control: Rabies, and the Dog Roundup

The distinctive character of organized humane reform in Pennsylvania did not rest merely upon the heightened participation of women. Rather, it centered on the introduction of the animal shelter, a concept that members of the Women's Branch imported from England. Neither Henry Bergh nor George Angell envisioned shelters for loose-running canines as a part of humane work. Nor were the establishment of an animal shelter and the assumption of a role in animal control among the original goals of the male-dominated PSPCA.24 Credit for the creation of an institution that would rationalize animal control, enhance the prospects for animals' adoption into new homes, and guarantee the option of a merciful death belonged to the women of Philadelphia.

The inception of the animal shelter in the United States proceeded directly from the dread of rabies, or hydrophobia, which generated powerful anxieties. Beyond an understanding of the classic bite-wound chain of transmission, nineteenth-century knowledge was inadequate, and many innocuous conditions in the dog were mistaken for rabies. The belief that the disease carried a fatal prognosis for its human victims


heightened the sense of fear that drove public debate and municipal extermination campaigns.25

While the perceived threat of rabies caused great anxiety, and inspired exaggerated actions designed to control its spread, it was a disease of relatively minor importance from a scientific and medical perspective, occurring quite rarely in humans. The sequence of breakthroughs that led to an understanding of rabies came in the 1880s with the work of Louis Pasteur (1822-1895). Pasteur’s study of rabies opened up the field of germ theory—the study of microorganisms in the causation and spread of disease. Yet, in the judgment of many epidemiologists, Pasteur’s work saved very few lives, leading one biographer to conjecture that Pasteur selected it for study as a romantic problem, one that “had long had a firm hold on public imagination and was the epitome of terror and mystery.”26

Pasteur was particularly interested in demolishing the theory of spontaneity—the notion that rabies could occur de proprio motu in any being, human or animal, at any time. Pasteur would not publish his first paper on rabies until 1881, although Henri Marie Bouley (1814-1885) had asserted by 1870 that the cause of rabies could be found in the saliva. Symptoms of the disease in humans, as Pasteur and others had observed it,

25 The term “hydrophobia” reflected the belief that the affected individual, human or non-human, suffered from a morbid dread of water. Today we know that while rabies is fatal in dogs, it is not invariably so in humans. Indeed, humans are not extremely susceptible. Not every exposure results in infection, even when the exposure comes in the form of a rabid animal’s bite. Viral particles in the saliva of a rabid dog penetrate the victim’s skin, through the bite, and then incubate in the tissues. They then travel rapidly to the central nervous system, where they cause acute encephalitis. The key determinant is whether the rabid animal was secreting the virus in its saliva at the moment it bit someone. An infection can only be presumed to have occurred when an individual actually develops rabies.

consisted of "spasms, restlessness, shudders at the least breath of air, an ardent thirst, accompanied with an absolute impossibility of swallowing, convulsive movements, fits of furious rage . . . horrible suffering."\textsuperscript{27}

Pasteurian science precipitated a major social transformation, spurring a dramatic redefinition of hygiene, science, and medicine, both in relation to one another and within the larger social matrix. Through its elucidation of rabies and the development of a vaccine, Pasteur's work transformed the human-animal bond, making petkeeping a much safer practice. Joseph Ernest Renan, welcoming Pasteur into the Académie Française, portentously remarked, "Humanity will owe to you deliverance from a horrible disease and also from a sad anomaly. I mean the distrust which we cannot help mingling with the caresses of the animal in whom we see most of nature's smiling benevolence."\textsuperscript{28}

Some observers constructed rabies, like cholera, as a threat posed by the urban poor, their irresponsible habits, and the filthy environment in which they lived. Rabies was different from cholera and other medical threats, however, because it was not the urban proletariat but rather their dogs who carried pestilence, dirt, and disease into the world of more privileged classes. All persons, regardless of class or character, were vulnerable to the depredations of menacing canines who ran wild in the streets. In the


\textsuperscript{28} DuBos, \textit{Free Lance}, 332. Kathleen Kete points out that Pasteur's fellow Parisians thought that rabies was caused by sexual frustration. Thus, it was necessary but risky to have to lock up one's dog. See Kathleen Kete, \textit{The Beast in the Boudoir: Petkeeping in Nineteenth-Century Paris} (Berkeley: University of California Press, 1994), 103-4, passim.
popular imagination, such dogs threatened not only the individual but also the social body.\textsuperscript{29}

For their part, animal protectionists generally opposed the viral theory of rabies, probably motivated by the feeling that it did not improve the animals’ case in the court of public opinion. Under the theory of spontaneity, it was easier to defend animals as innocent victims rather than marauding agents of danger, and to assert that the condition could threaten humans even when they had not been bitten. George Angell frequently published items skeptical of the viral basis of hydrophobia, and Samuel Morris Waln informed readers of one Philadelphia newspaper that rabies could “originate in the human system without the instrumentality of any animal.”\textsuperscript{30}

Humane advocates also entered the public debate over muzzling as a preventive measure against the threat. They argued that muzzling was a cruel practice that prevented animals from using their open mouths to breathe and perspire, and caused them severe discomfort. Because of the irritation and aggravation it caused, muzzling, far from preventing rabies, was more likely to induce it. It did this, they sometimes alleged, by arresting the natural secretions of the body, turning them inward, and corrupting the blood in such a way as to propagate the very disease it was meant to prevent.


\textsuperscript{30} George Angell, “Hydrophobia and the Imagination,” \textit{ODA} 6 (Aug. 1873), 15; and S. Morris Waln, Letter to the Editor, \textit{The Age}, 10 May 1870, WPSPCA-HSP, SBK.
Humanitarians also advanced the claim that hydrophobia was not only rare in its occurrence but no more prevalent in summer than in other seasons.31

In Philadelphia, newspaper commentary on the dog roundup condemned its barbarities. For as long as many could remember, a group of African-Americans led by the infamous Jim Francis had done the dog catching. The rough and tumble chase scenes that followed attracted all sorts of hangers on, including the orphans at Girard College, located near the pound. Mischievous boys would set off the cry of “Mad dog!” and cause further panic. On occasion, a policeman might become involved in the chase and increase both the excitement and the danger by firing his revolver at fleeing animals.32

The methods for catching and disposing of animals in Philadelphia, New York, and other municipalities varied in their details, but they were all violent operations. In Philadelphia, dogcatchers lassoed the animals with ropes that choked them, and then dragged them to their wagons, sometimes several blocks away. The men roughly tossed the dogs inside, often breaking their legs and necks. The animals were then taken to the pound, a dilapidated building with a dirt floor, where no food, water, or suitable bedding was available. After a waiting period of one to two days, attendants hung the dogs up on ropes and chains or tossed them into small pens, and then bludgeoned them to death with clubs. The crudeness of such methods meant that not all of the animals died


immediately, and there were grisly reports of lingering deaths. Sometimes, dogs who appeared dead would revive and throw themselves off the “dead cart,” struggling to escape further blows. The dogs were slaughtered in plain sight of one another, and an anonymous journalist described the scene at the Corinthian Avenue pound as a “feast for fiends.”

In New York, the preferred means of disposal involved packing dogs inside an iron cage or barge, which dogcatchers lowered into a local river or a large tank of water. In the summer of 1859, New York disposed of close to 10,000 dogs in this manner. During the 1860s and 1870s, the city’s newspapers conveyed the magnitude of the summer roundup. Parasol-toting women and their escorts lined up at one end of the Sixteenth Street Pound, while wagons full of dogs and numerous individual handlers with dogs in tow converged at the facility to exchange animals for monetary compensation. In New York, as in most cities, the pound maintained class distinctions. Dogs who appeared healthy and well cared for were presumed to be pets and thus received a few days’ reprieve in anticipation of their owners’ appearance with the redemption fees (two dollars in New York City and Philadelphia) and reimbursement for feeding and other care. Poundkeepers assumed that less healthy and poorly groomed dogs were abandoned or unwanted strays. They did not even bother to feed these animals, intending to kill

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them, if unclaimed, within 24 hours. Hence, impounded animal companions of working class people had very little chance of survival.\textsuperscript{34}

The Women’s Branch and the Dog Shelter

Taking over municipal animal control responsibilities in Philadelphia and re-establishing the pound as a shelter or sanctuary where citizens could seek lost and adoptable animals, the Women’s Branch set a precedent that would be widely emulated in other communities. Their assumption of duties at the pound built upon an informal tradition of animal rescue in the city, for some women associated with the Branch had been attempting to help stray dogs and cats for some years already. This ongoing rescue work set the stage for the involvement of Philadelphia women with the problems of rational animal control, the threat of rabies, and humane methods of extermination.

Once formed, the Women’s Branch lost little time in placing municipal animal control at the heart of its agenda. In June 1869, at their third meeting, Branch members approved a motion to create “a Refuge for lost and homeless dogs, where they could be kept until homes could be found for them, or they be otherwise disposed of.” The motion carried unanimously, and the women wrote to George Angell, then traveling in Europe,

“requesting as much information as possible about the Dog Hospital in Paris, and the Home for Friendless Dogs in London,” two institutions performing similar work.\textsuperscript{35}

The information gained from Angell and others helped to shape the response of the Women’s Branch to the challenge of animal control in Philadelphia. England’s Battersea Home, formed in 1860, established the basic rules that would guide most similar institutions in succeeding years. Angell reported that dogs brought to the London home “are kept several days to be reclaimed by owners: afterward if not claimed, [they] are given to such persons as wish for them and will undertake to properly care for them. If no one offers to take them, after a length of time, varying according to their apparent value, they are mercifully killed.”\textsuperscript{36}

Inspired by Angell’s report, Branch members decided in November 1869 to “initiate measures that would promote our obtaining the control of the taking up and disposing of stray dogs.” The women resolved to seek complete authority over the existing city pound. This would guarantee their power to supervise the manner of killing the dogs, for so long as city employees managed the site, they believed, there could be no certainty in providing for humane death. Samuel Morris Waln, though dubious of their chances of securing control, promised the women $5,000 if they achieved their goal.\textsuperscript{37}


\textsuperscript{36} Women’s Branch, PSPCA, Minutes of Nov. 29, 1869, WHS Papers. The rules in use at London’s Home for Lost and Starving Dogs in 1860 are in Cottesloe, Battersea Dogs’ Home, 20.

\textsuperscript{37} Women’s Branch, PSPCA, Minutes of Nov. 29, 1869, WHS Papers; Silver Festival of the Women’s Branch (1893), 5; and Caroline Earle White, “An Item of Past History,” 35-36.
The women’s social position undoubtedly contributed to the rapid success of their campaign, and mitigated at least some gender-related limitations. In early January 1870, Caroline Earle White met with Mayor Daniel Fox, and, just a few weeks later, he granted final approval of a plan to give the Women’s Branch charge over the dog roundup, although he reserved the right to pay and direct the dogcatchers. It was a little more difficult to persuade the City Council to direct funds usually earmarked for the work to the Women’s Branch, and the women had to make due with a smaller subsidy than expected.\textsuperscript{38}

White later recalled that at the moment of their intervention the pound was “a miserable one story building with an earthen floor. Here, the unfortunate animals were confined, all thrown in indiscriminately together, without any food or water, for one to two days, at the end of which time, if not redeemed, they were killed.” This killing, White continued, “was inflicted in each other’s sight by men armed with bludgeons, who, after fastening them up to the beams of the building by chains, beat out their brains.”\textsuperscript{39}

After the Women’s Branch took over, its officers introduced a series of humane innovations. Dogcatchers worked with scoop nets instead of lassoes, thereby avoiding the strangulation of dogs. In addition, the organization equipped the dogcatchers’ wagons with shock-absorbing “springs,” and partitioned them to protect the smaller dogs from the depredations of the larger ones.\textsuperscript{40}

\textsuperscript{38} Women’s Branch, PSPCA, Minutes of Quarterly Meeting, Jan. 5, 1870, and Women’s Branch, PSPCA, Minutes of Feb. 23, 1870, WHS Papers; and “A Severe Blow,” JOZ 16 (July 1907), 80-81.

\textsuperscript{39} Silver Festival, 4-5.

\textsuperscript{40} White, “A Severe Blow,” 80-81.
The Women's Branch also began anew by relocating the pound to a property near Twentieth and Lehigh, on city-owned ground, where the shelter commenced operation in a building constructed sometime in 1870. The facility consisted of a yard divided into two parts, one dedicated to animals waiting to be reclaimed by owners, the other for unclaimed animals. (On several occasions, White indicated that the animals were separated by sex.)\textsuperscript{41} Roofed housing surrounded the sides of the enclosure, allowing the dogs to claim shelter or to have free run as they wished. Arbored grapevines provided shade and protection from the summer heat. At the center of the yard stood a pump and water trough, at all times accessible. All of the dogs were fed, regardless of whether or not they were to be killed. Their diet ordinarily consisted of "horse-flesh, in good condition, and in the summer, cracklings [crisps of fried pork skin and fat] and boiled corn meal."\textsuperscript{42}

Significantly, the Branch leadership decided to capture animals throughout the year, rejecting the claim that the summer months constituted a special period of transmission, and believing that the most effective measure to reduce overall risk was to "clear the streets of all dogs running at large." The vindication of their views about the proper means of addressing the threat of rabies was a goal that White and her coworkers took seriously.\textsuperscript{43}

\begin{footnotes}
\item[43] Caroline Earle White, "Hydrophobia," \textit{The Age}, Undated article, WPSPCA-HSP, SBK.
\end{footnotes}
Others took the threat seriously as well. Indeed, concern that sentimentality and naïveté would overwhelm hard-nosed practicality in addressing the menace of hydrophobia accounted for much of the criticism directed at the Women's Branch. Citing known and alleged cases of hydrophobia, the *Philadelphia Inquirer* insisted on an aggressive policy of killing loose-running animals in the public interest.⁴⁴

One of the most important innovations the shelter managers introduced was that of voluntary relinquishment as an alternative to abandonment. They promoted the institution as a place to which people could bring animals suffering on account of age, illness, or accident for a painless death. The shelter also sold unclaimed dogs of value to subsidize its operations. Under the management of the Women's Branch, the shelter became a safe and (sometimes) a redemptive social space, as well as a means for diminishing the disorder and cruelty of the stray animal roundups.⁴⁵

Beyond the obvious demands of imposing order on a chaotic process—the catching, keeping, and killing of dogs—the Philadelphia women faced other challenges. For several years, the shelter concept continued to meet with cynicism and ridicule in some quarters. On occasion, newspapers criticized the Women's Branch for doting on dogs in the midst of so much human misery. Disparaging a similar operation, the London Home for Lost Dogs, *Harper's Weekly* painted a picture of secure and spacious accommodations and pampered, healthy inmates. Only the final paragraph betrayed the


⁴⁵ Women's Branch, PSPCA, Ann. R. 1870, 5; Women's Branch, PSPCA, Ann. R. 1873, 16; and “Philadelphia—The Dog Shelter,” 393.
truth of the animals’ uncertain destiny. The Harper’s piece echoed one of the most common accusations leveled against animal protectionists—that their priorities were misordered. Calling the shelter “a mockery of Christian charity,” the article minced no words:

The feeling that prompted the establishment of such an institution is doubtless noble and humane; but isn’t it rather stretching sentimental humanity to care for dogs, and leave children to die of cold and hunger? A canine waif is carefully picked up and enviously tended until claimed by its owner or otherwise humanely disposed of; while a human waif, with an immortal soul to be saved or lost, is generally left to shiver and starve until it has done something for which it can be sent to jail.46

Concern over adverse publicity prompted the managers of the Women’s Branch to mount an active campaign of letter writing concerning shelter practices, hydrophobia, and the charge of misanthropy. Even before the shelter began to operate, they changed its name, “The Home for Dogs,” to “The Temporary Shelter for Lost Animals” to avert misunderstanding and ridicule. Branch members specifically shunned use of the term “pound” because of the negative connotations generated by the city’s previous methods, and substituted “dog-shelter” at every opportunity. They even named the facility’s mascot “Shelter.”47

White and her colleagues also marshaled whatever information they could to demonstrate the integrity and efficiency of the operation. Each year they provided statistics concerning the numbers of animals taken in by the dogcatchers and those relinquished by citizens, as well as those that the shelter sold, gave away, or euthanized.


47 Caroline Earle White to All Day City Item, 25 May 1874; and Women’s Branch, PSPCA, Minutes of Nov. 1874, WHS Papers.
There were decidedly human concerns at issue, too. One of the most important involved the honest accounting of funds, as prior evidence existed of policemen, dogcatchers, and poundkeepers “knocking down” redemption money for themselves. By one estimate, only a third of the money taken in had been going to the city under the old arrangement. The situation improved when White hired Philip Marett as shelter manager. Beyond tending to finances, the responsibility of helping White answer criticism also fell to Marett.48

In time, the Women’s Branch pursued a course of expansion for the operation. In 1874, Elizabeth Morris and Annie Waln established a depot and auxiliary in the heart of the city. Here, they took in stray and relinquished animals, transporting them as necessary to the larger shelter facility for redemption, adoption, or euthanasia. Eventually, the concept of depots or drop-off stations took hold in other parts of the city, helping to popularize humane and rational means of animal control. Within a few years, the need for defensiveness about the shelter’s mission had diminished, and its efforts began to draw praise. Once satirized as the misguided product of women’s sentiment, the animal shelter took its place alongside numerous other benevolent institutions, assuming the most practical of roles in urban life.49

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48 Women’s Branch, PSPCA, Minutes of Apr. 27, 1871 and May 16, 1872, WHS Papers; “The Dogs—Trouble and Statistics,” Undated, unsourced article, WPSPCA-HSP, SBK; and “Rusticus’ and the Superintendent of the City Dog Shelter,” All Day City Item, 18 Jan. 1873, PSPCA-PA, SBK 1866-1877.

Whatever else humane treatment meant to nineteenth-century animal protectionists it did not necessarily entail sparing animals from death. In general, humane advocates sought only to improve the circumstances of animals’ deaths, not to prevent them. The quality of animal death was one of the most critical issues discussed in the early meetings of the Women’s Branch, and the members were not squeamish about it. At a June 16, 1869 meeting, “The Committee on inquiring into the least painful mode of killing” reported that it had solicited the opinions of eminent physicians (including S. Weir Mitchell) about the killing of dogs by suffocation with charcoal fumes. Although the Mayor and City Council had already approved this method after prior consultation, a motion to substitute chloroform, as a more merciful measure, was adopted.\(^5^0\)

Subsequent deliberations resulted in a proposal for the use of carbonous oxide gas. Its sponsor, Coleman Sellers, was a prominent inventor and head of the Franklin Institute who with his wife took an active role in the affairs of the PSPCA and the Women’s Branch. Sellers reiterated his convictions about the superior humanity and efficiency of the new method, as well as his recommendations for refinements, in a series of communications.\(^5^1\) An illustration and detailed explanation of the euthanasia chamber

\(^{50}\) Women’s Branch, PSPCA, Minutes of June 16, 1869, WHS Papers.

\(^{51}\) Women’s Branch, PSPCA, Minutes of May 29, 1872, June 5, 1872, Apr. 9, 1873, Apr. 30, 1873, June 25, 1873, and Dec. 31, 1873, WHS Papers; Women’s Branch, PSPCA, Ann. R. 1875, 12; and Dictionary of American Biography (1935), “Sellers, Coleman.” Sellers almost certainly drew on his knowledge of other scientists’ work. In 1885, for instance, Benjamin Ward Richardson claimed that his experiments with carbonic oxide gas and other narcotic agents dated to 1850, and that he brought his conclusions before the Medical Society of London in 1871. See Benjamin Ward Richardson, “The Painless Extinction of Life,” Popular Science 26 (Mar. 1885), 641-52.
became fixtures of the annual report of the Women’s Branch. The gas, generated in a
cask containing water, whiting, and sulfuric acid, was heated up in two charcoal stoves.
As the gas cooled, it was forced through a pipe into an airtight chamber, eleven feet by
four feet five inches by two feet eight inches in dimension. To draw the gas in more
efficiently, the operator had to open a small window for draft, leaving a wire screen in
place to prevent the dogs’ escape. According to the report, “Not more than a minute
ought to elapse before the dogs fall insensible. After they are insensible they will utter a
cry and very soon cease to breathe; leave them in for 8 or 10 minutes, to make sure that
all life is entirely extinct.”

More than thirty years after the shelter began to euthanize animals, Mary F.
Lovell asserted the practical and benevolent advantages of the switch from carbonic acid
gas to carbonous oxide gas. Lovell noted that “it has been found far superior, and free
also from the danger to human life, which attended the use of vitriol and other chemicals
used in producing carbonic acid gas, being also less expensive.” Still, she continued,
“The ideal method of depriving of life creatures so quick to anticipate danger, so
intelligently cognizant of human intent toward them as dogs are, has yet to be found.”

Lovell’s comments touched on another question of considerable concern, the
practice of killing animals in front of one another. The Branch members did not require
evidence of the cognitive capacities of animals to spark their apprehensions concerning

52 Women’s Branch, PSPCA, Ann. R. 1877, 18-23; and “The Philadelphia Dog Shelter,” N. Y.
Times, 25 Aug. 1871, 2. One proponent of electricity for killing questioned whether the animals’ deaths
were painless under the carbonic acid system. See “Dog-Killing by Electricity,” ODA 9 (July 1876), 11.

53 Lovell, History of the Women’s SPCA, 10.
the dogs' awareness of death. They were convinced of the animals' terror at seeing death meted out to other canines. The elimination of this practice was consistent with their view that the quality of animals' deaths was an important matter.  

Humane advocates did not abandon drowning and other methods for killing animals after the adoption of the gas chamber. Puppies, kittens, and cats still died by drowning at the Philadelphia shelter, at least in its early years. The decision by the Women's Branch to continue this method was characteristically pragmatic. Drowning had been a common way of killing younger animals throughout the centuries, and many considered it a viable one if others were inexpedient.

Humanitarians also recommended the use of chloroform for killing animals, especially cats. The method usually involved taking a sponge saturated with chloroform to the animal's nose, covering him or her with a blanket, and then soaking the sponge for a second time. Within a minute, the animal ceased to struggle and fell asleep, and, after several minutes more, his or her heart ceased to beat. An alternative method entailed shutting the animal inside a box with the sponge. Humane advocates endorsed both methods for use by individuals trying to dispose of unwanted cats and kittens.

The issue of killing newborn animals raised a maternalist dilemma. White and her colleagues adopted a firm policy with respect to both dogs and cats—to "leave the

54 Women's Branch, PSPCA, Minutes of June 16, 1869, WHS Papers; and Silver Festival, 4-5.


mother one," even as the other members of a litter were killed. This was more or less the
standard counsel for dealing with the feline surplus. However, some humane advocates,
who thought that many of these single kittens nevertheless ended up homeless and
pitiable, disputed this instruction. If one took the kittens away immediately, they argued,
the mother did not miss them at all.57

The development of the shelter was the single most important accomplishment of
Philadelphia animal protectionists, setting a precedent for humanitarian intervention in
municipal animal control that others throughout the country would emulate in later years.
The Philadelphia women proudly advertised the shelter concept and the euthanasia
technology, in annual reports, letters, and conference proceedings. They wanted to
disseminate information about the shelter and their methods, not simply to earn local
support, but to spur adoption of similar measures elsewhere. They specifically
recommended an approach combining voluntary cooperation with city authorities. At an
international conference in 1880, White agreed to write an account that could be used to
promote the humane shelter concept. Her report was translated into French and German
for broader distribution.58

At the time that White published her account, the Battersea Dogs' Home,
inspiration for the Philadelphia animal shelter, was still using prussic acid to kill dogs and
cats, placing a drop on each animal's tongue. This method, while almost instantaneous,

57 "Leave the Mother One," ODA 4 (Aug. 1871), 124; [A. E. P.], Letter, ODA 4 (Feb. 1872), 173;
and ["Aunt Dolly"], "What to Do with the Kittens," ODA 9 (May 1877), 91.

58 "Mode of Killing Dogs by Carbonous Oxide Gas," Women's Branch, PSPCA, Ann. R. 1877,
24; "How Philadelphia Kills Dogs," N. Y. Times, 7 July 1877, 5; and Lovell, History of the Women's
SPCA, 21-24.
was not painless. Moreover, the administration of prussic acid to dogs and especially to cats could be hazardous for the humans who had to carry it out. In 1883, Dr. Benjamin Ward Richardson, who had conducted relevant experiments since the 1840s, and encouraged the RSPCA to investigate the use of narcotics for painless killing, designed a lethal chamber employing carbonic acid gas for use at the Battersea home.  

Some years passed before humane organizations in other American communities adopted the approach of the Women's Branch. The permanent substitution of other methods in place of drowning in New York City, for example, did not occur until after Henry Bergh’s death in 1888, and only in 1894 did the ASPCA take on any municipal control duties. Moreover, only a handful of humane organizations elsewhere created shelters or assumed responsibility for their local pounds before 1900.

The methods employed by the Women’s Branch did attract attention outside the animal protection community. During the last quarter of the century, the investigation of means for killing animals converged with deliberations concerning capital punishment, and with discussions of appropriate administration of anesthesia. In an 1878 address on “The Mode of Inflicting the Death Penalty,” Dr. John Packard noted that the method of killing dogs in Philadelphia presented “many advantages on the score of humanity,

59 Cottesloe, Battersea Dogs’ Home, 68-72.

propriety and efficiency.” In 1885, moreover, the humane society’s techniques received mention in a medical textbook.⁶¹

The Gendered Bifurcation of Humane Work in Pennsylvania

As the work progressed, the men’s and women’s branches in Philadelphia operated largely independent of one another, with separate bank accounts and programs. On occasion, however, the branches actually found themselves at cross-purposes, and the men’s board once required Pliny Earle Chase to advise his cousin that the Women’s Branch agents were undercutting the work of the men’s society at the Philadelphia stockyards.⁶² In 1874, the Women’s Branch took separate rooms from the men’s society for the first time, renting space elsewhere in the same building. Still, in 1875, all parties undertook serious negotiations for a reunification of the two divisions, and a proposal “that the Societies should unite on terms of perfect equality” received the endorsement of Bergh and Angell. Men and women were to be eligible to serve as managers of the PSPCA, on a board composed of fifteen. In the event that a woman was elected president, a man would serve as vice president, and vice versa. Significantly, the Women’s Branch was “to have sole charge of the Dog Shelter,” whatever the other outcomes of the merger. The gentlemen of the PSPCA, it seems, wanted no part of the

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⁶² Chase to White, 17 Sept. 1874, in PSPCA-HSP, LBK 1872–76. Chase’s letter did not specify how one set of agents undercut the work of the other.
shelter operation. Ultimately, the women rejected the merger proposal, ending forever any attempts to unify the work of the two branches.63

Nevertheless, between 1876 and 1884, White and four to five other women annually served on the Board of Managers of the PSPCA, although none held officers’ positions. This arrangement ended abruptly when a longstanding debate over the propriety of issuing membership cards to the Women’s Branch members boiled over into a full-blown dispute about the police authority of the Women’s Branch agents. By the charter granted to the PSPCA by the state legislature, the cards entitled the members “to call with authority upon the police to arrest any person who should violate the law for the protection of animals.” For some years, the power of humane agents to arrest had been delegated to the Women’s Branch through the men’s society, and several men on the PSPCA board were uneasy with this arrangement. The question was referred to counsel, who advised that the Women’s Branch was a branch in name only, and had all of the characteristics of a separate organization. In 1883, White and her coworkers sought and secured a special act of the legislature, giving all agents of the Women’s Branch (all were males) the right to make arrests. Even so, after almost fifteen years of responsible activity by White and her coworkers, some legislators opposed the grant on the grounds that it was inadvisable to put police power into the hands of women.64

63 Women’s Branch, PSPCA, Minutes of Dec. 29, 1875, WHS Papers.

64 Women’s Branch, PSPCA, Minutes of Feb. 7, 1870, WHS Papers; Women’s Branch, PSPCA, Ann. R. 1884, 4-5; and Lovell, History of the Women’s SPCA, 27. Although the Women’s Branch did employ its own agents, the male-dominated PSPCA handled a much higher volume of cases. From 1867 through 1913, the PSPCA recorded 770,794 complaints, initiated 14,352 prosecutions, suspended 129,243 animals from work, and ordered the destruction of 17,351 animals. See “Animal Law is SPCA Victory,” Phila. Inquirer, 15 Feb. 1914, in Frederic Schiller Lee Papers, Archives and Special Collections, A. C. Long Health Sciences Library, Columbia University, New York, NY [Lee Papers], Vivisec tion SBK 6.
Finally, in 1898, after an inept attorney directed a bequest to the PSPCA instead of the Women's Branch, White and her colleagues took steps to rename and recharter their organization as a separate entity. Now, three decades after the de facto division between the two groups, the Women's Branch became the Women's Pennsylvania Society for the Prevention of Cruelty to Animals (WPSPCA). It was a formal recognition of a long established fact. "We never should have been styled a branch of the parent society," White wrote in 1899, "as we were not one in reality."

One of the most important distinctions between the two organizations lay in their relationship to the University of Pennsylvania. In the late 1870s, key leaders of the PSPCA, especially Coleman Sellers and the prominent publisher Joshua Lippincott, became important boosters of veterinary education. The PSPCA men agreed that the challenge of caring for animals depended upon competent scientific instruction, and that veterinarians could play an important role in stemming cruelty to animals. Sellers and Lippincott were instrumental in the foundation and development of the university's School of Veterinary Medicine. Sellers led the drive to raise money for the school, and Lippincott, a Penn trustee, became one of its principal benefactors.

The members of the Women's Branch, on the other hand, did not invest any of their philanthropic energies in support of veterinary education. At this time, of course, women were not welcome in that profession. Veterinary educators believed that females

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65 "Under a New Name," IOZ 7 (July 1898), 87; and Journal of Zoophilby Supp. 8 (Dec. 1899), 2.
would be more prone to affective ties with animals that could obstruct objective veterinary judgments.\textsuperscript{67} Moreover, from its inception, the School of Veterinary Medicine’s instructors were cautious in their relations with the Women’s Branch and later with the WPSPCA, perhaps in deference to their colleagues at the university’s medical school. The members of the Women’s Branch had always been less deferential to local scientists on the question of vivisection than the officials of the PSPCA. During the last quarter of the nineteenth century, Penn medical scientists clashed on several occasions with White and her colleagues over proposals to regulate vivisection, and to secure pound and shelter animals for use in experiments. In these skirmishes, they typically ridiculed the women—many of whom had helped White to found the American Anti-Vivisection Society (AAVS) in 1883—as sentimental neurotics who had taken a good idea too far.\textsuperscript{68}

Setting aside such highly partisan criticisms, assumptions about women’s essential nature and talents generally worked to advance and solidify their position in the realm of animal protection. Although the gender ideology of the nineteenth century denied them full access to the public sphere, women used it to create the social and cultural space in which they could cultivate and develop their concerns about many aspects of public life. Animal protection, as much as any other benevolent cause of the mid-nineteenth century, provided a fruitful outlet for women’s activism, because it welcomed and capitalized upon conceptions of women as the standard-bearers of moral

\textsuperscript{67} On the gender bias of the profession, see “Female Veterinarians,” \textit{American Veterinary Review} (Dec. 1897), 595-96.

\textsuperscript{68} White’s confrontation with Philadelphia experimenters is discussed in Chapter VIII.
improvement and civilization. Prevailing notions about women’s capacity for empathy and uplift proved especially useful for ensuring their greater public influence through a movement that generally acknowledged and celebrated its sentimental motivations.

At the same time, the actions of the Philadelphia humanitarians in organizing the animal shelter offer a compelling example of women’s institution-building and their use of available opportunities to accomplish goals of social importance. Female advocates of humane reform in Philadelphia pursued their objectives by building a separate organization that permitted them to identify and address problems in their own way, assuming responsibilities and providing services that had once devolved upon local government. They gained clear support for their work from sources of male authority, even as they generally operated within the lines of demarcation that distinguished male from female political roles. Employing what Estelle Freedman calls a “separatist political strategy,” the Philadelphia women played their part in “redefining womanhood by the extension, rather than the rejection, of the female sphere.” They were, as Freedman might say, women who “held back from self-conscious feminism,” but “nonetheless assumed innovative roles as urban philanthropists.”

To carry out their work, female humane advocates in Philadelphia had to negotiate a complex matrix of Victorian-era conceptions concerning women’s social, political, and cultural roles. Developing a separate identity and institutional base, White and her colleagues pursued campaigns and strategies that differentiated the WPSPCA

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from other humane societies around the country. Until the time of her death, White's organization stood at the movement's vanguard. Above all, it initiated the first serious attempt by humanitarians to gain authority over municipal animal control, launching the process whereby the humane shelter became the fundamental institution of animal protection in the United States.

The overall legacy of the WPSPCA was much broader than this, however. During White's half-century of leadership, the organization employed pioneering methods and tactics not simply in regard to the animal shelter, but also in relation to cattle transportation, slaughtering practices, vivisection, captive bird shoots, and many other questions. White and her supporters acknowledged and nurtured the more radical strains of animal advocacy that emerged during the 1880s and 1890s. In those decades, the WPSPCA explored and advanced progressive approaches and solutions to many humane problems, promoted alternatives such as vegetarianism and substitutes for fur and plumage, and pursued hard-nosed investigation and exposure of entrenched cruelties. As a female-led institution, the WPSPCA exerted a critical formative influence on the direction and the substance of humane work.
Humane reform in New England took shape under the guidance of George Thorndike Angell (1823-1909), a self-made man who retired from the law at forty-five to campaign not only against cruelty to animals but also against food adulteration and other public health dangers. To the assertive campaigning approach of Henry Bergh, and the institution-building focus of Caroline Earle White, Angell brought the third component of American animal protection—the broad-based public education initiative. In the 1870s, Angell put his approach to the test in what became a national campaign to raise awareness of the suffering of animals in transportation and slaughter. Over time, he narrowed his focus to the humane instruction of youth, and pioneered in the production of materials geared toward that goal. Angell’s unrelenting emphasis on education as a means of promoting kindness-to-animals helped to push this approach to the forefront of humane work during the last quarter of the nineteenth century.\footnote{“George Thorndike Angell,” \textit{Boston Transcript}, 16 Mar. 1909, 12; and \textit{National Cyclopedia of American Biography} (1897), s. v. “Angell, George Thorndike.”}

\textbf{“there is much wrong in the treatment of animals”}

Appropriating the hyperbole that would characterize Angell’s own rhetoric in years to come, the piece asserted that, in his hands, humane work was “a triumph of social science, destined not only to save our dumb animals from abuse, but to strike at the foundations of society.” Such labors promised, moreover, “the solution of the labor question, the abolition of war and the brotherhood of man.” It was a sweeping, utopian, and quixotic vision, one that reflected both Angell’s optimism and his faith in the essential goodness of humankind.

Angell’s mother was a schoolteacher, and his father a Baptist minister who died when George was four. Born in Southbridge, Massachusetts, Angell survived a precarious childhood in which he was placed with relatives. After graduating from Dartmouth in 1846, he taught in Boston public schools. In 1851, Angell was admitted to the bar, and became a junior partner of Massachusetts abolitionist Samuel Sewall. While not personally involved in the abolitionist cause, Angell knew many of its principals, including William Lloyd Garrison, Wendell Phillips, and Charles Sumner.

By his own account, Angell had been fond of animals since childhood and had often intervened to protect them from cruelty. On August 22, 1864, he executed a will expressing his view that “there is much wrong in the treatment of domestic animals.” Angell directed his trustees to employ his estate for production and circulation, in common schools and Sunday schools, of literature that “will tend most to impress upon

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the minds of youth their duty toward those domestic animals which God may make
dependent upon them."

Less than four years later, Angell decided to organize a society to protect animals,
after reading accounts of a horse race, against time, in which the contestant horse,
"Empress," was driven to death. Angell's announcement seeking support appeared in the
Boston Daily Advertiser on February 25, 1868. He did not have to wait very long, for on
that day he received a visitor, Emily Appleton, who had already taken steps toward the
organization of a society. She had met Henry Bergh months earlier and had been
Corresponding with him. By October 1867, Appleton had collected close to ninety names
of interested parties, and submitted paperwork for an act of incorporation with the
Committee on Agriculture of the state legislature. With her consent, Angell redrafted the
papers of incorporation, which the legislature quickly approved, and, on March 31, 1868,
the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) conducted
its first official day of business. The acquaintances of Emily Appleton and her husband
William, a prominent publisher, became the first donors, and for years the Appleton
home was an important venue for Angell’s interactions with prominent New Englanders.4

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3 "A Brief History of the Work," Our Dumb Animals [hereafter ODA] 5 (June 1872), 212; and
George T. Angell, Autobiographical Sketches and Personal Recollections (Boston: American Humane

4 Bergh to Emily Appleton, 29 Oct. 1867, American Society for the Prevention of Cruelty to
Animals Archives, New York, NY [ASPCA-NY], LBK 3: 137-38; "Long Race—Death of the Winning
Advertiser, 25 Feb. 1868, 2; "A Brief History of the Work," ODA 5 (June 1872), 209; "Massachusetts
Record," ODA 9 (June 1876), 8; "Cruelty to Animals," Boston Journal, 10 Apr. 1874, Pennsylvania
Society for the Prevention of Cruelty to Animals Archives, Philadelphia, PA [PSPCA-PA], SBK 1866-
1877; and "Emily Appleton," Our Animal Friends 32 (Aug. 1905), 545. Angell cited three prior incidents
that drew him to the cause in "What Led You, Mr. Angell, to Go Into this Work?" ODA 41 (Jan. 1909),
115.
Angell proved himself an exceptional promoter, and before long the MSPCA was thriving. The organization conducted an annual fair, and sponsored contests for the best essays on methods to prevent cruelty. Angell and his supporters also initiated competitions to encourage inventions designed to eliminate or relieve the suffering of animals. Angell did his best to gain access to the nation's pulpits and other speaking platforms, and, here, too, he enjoyed considerable success. He wrote to prominent citizens throughout the country soliciting endorsements; Harriet Beecher Stowe was one of the first to respond.

Angell's unique early accomplishment was the movement's first steady publication, Our Dumb Animals, which he edited with help from Abraham Firth and Frank Fay. In June 1868, Angell produced the first issue, printing 200,000 copies. Through a political contact, he secured the help of the Boston police force for door-to-door delivery, a method of distribution that lasted for some years. Before long, supporters in other parts of the country were ordering copies to circulate. Each month’s issue included a compendium of recent news on animal protection, narratives of animal fidelity, heroism, and sagacity, recommendations for basic animal care, and accounts of humane inventions. Angell once told William O. Stillman of the American Humane Association (AHA) that he sent the magazine to every doctor, lawyer, and clergyman in Massachusetts, because they were most “apt to be consulted when people make a will.”

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5 “Fair Held at Horticultural Hall, Boston, by the Ladies, for the Benefit of the SPCA,” Frank Leslie’s, 30 December 1871, 251; and Angell, Autobiographical Sketches, 18.

Its children's department was an important feature of Our Dumb Animals, offering a steady fare of selections on kindness to animals. As a former schoolteacher, Angell took a special interest in humane education, and it quickly became the hallmark of the MSPCA's campaigns. From its inception, the organization offered prizes for compositions on the treatment of animals. In the early years, Angell frequently lamented the paucity of humane literature for children. In 1873, he expressed his delight at the publication of Julia Eastman's Striking for the Right, a progenitor of Black Beauty. Eastman drew upon real incidents from the MSPCA's case files. In her narrative, children in a Massachusetts town form a kindness club under the guidance of a teacher who supports their desire to take active steps to halt cruelty. Their efforts prompt numerous changes in the way the townspeople treat animals. Showing them the way, their young teacher contradicts the town pastor in regard to the rights of animals, challenges the cruelty of teamsters, and criticizes methods used to transport cattle. One boy's cruelty has bitter consequences, but even his story ends in redemption. Eastman's book sounded many of the themes that Angell liked to emphasize, and the appearance of Striking for the Right put him on the lookout for similar publications.7

In 1871, Angell abandoned his already neglected law practice in order to campaign full-time for animals. His approach greatly differed from that of Bergh; none of the rich apocryphal lore that surrounds the New York crusader attends his Massachusetts counterpart. Angell did not share Bergh's nativism or his commitment to

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7 Julia Eastman, Striking for the Right (Boston: D. Lothrop and Sons, 1872); "Striking for the Right," ODA 5 (Jan. 1873), 264; and "Is 'Striking for the Right' Exaggerated?" ODA 5 (Feb. 1873), 274.
prosecution. Instead, he preferred to promote public education as a means to encourage humane conduct. At a meeting of the American Social Science Association in 1874, Angell expressed his conviction that "it is quite as possible to develop the heart as the intellect." When this is "required and done," he continued, "we shall not only have higher protection for dumb creatures . . . but also human life better developed and better worth living."  

The Identification and Relief of Animal Suffering

Like his colleagues elsewhere, Angell first concerned himself with the common cruelties of the urban environment. The MSPCA’s earliest priority was the problem of overburdened horses. In a letter to the Massachusetts Ploughman, Angell protested the driving to death and starvation of animals. He also deplored the traffic in worn out horses and the frequent abandonment of injured or superannuated animals. Angell’s missive underscored the limitations of the 1834 Massachusetts statute and the need for new legislation to broaden the legal definition of cruelty. "There is a law against cruelly beating and torturing, but there is no law in our statute book against overdriving, overloading, overworking, starving, or abandoning to starve, and hitherto there has seldom been found anybody to enforce what little law there is," Angell wrote. Thus, "beating horses with irons, with billets of wood, loading them far beyond their capacity to

draw, overdriving them, overworking them, denying them proper food, drink and shelter, have been things, more or less of which have been occurring in our streets every day.”

The first man arrested by the MSPCA in 1868 brought in experts to swear that the horse involved could bear the load, and the judge dismissed the charges. In a letter to the Boston Transcript, Angell offered a critical analysis, entitled “What is Overloading a Horse, and How Proved?” In it, he argued that “what one horse can do one day has no force in showing what another ought to do on another day,” and that the best judge of whether a horse was overloaded was the horse. Addressing the court’s reluctance to give credence to the testimony of some bystanders, Angell suggested an empirical approach.

“So when the horse, ordinarily kind and willing to pull, comes with a heavy load to a rise of land and, after one or two efforts, stops and says, as plainly as words can speak it, ‘I am overloaded, I am working too hard, I feel that the task put upon me is too heavy,’ that is evidence,” Angell wrote. “No magistrate or juror would have any difficulty in deciding in his own mind whether a case to which his attention might be attracted in our public streets was or was not a case of cruelty.”

One editorialist for Our Dumb Animals believed the MSPCA might secure more convictions if it did not have so much trouble convincing witnesses to testify. “In a majority of cases reported at our office the first request is, ‘do not mention me in


connection with the matter, as the party is a neighbor of mine, and I don't wish to testify against him," the writer noted. "The whole burden of unearthing suitable evidence to warrant a prosecution is thus thrown on our agent, who finds it exceedingly difficult, and he is sometimes obliged to abandon a good case in consequence." Angell and his collaborators found it particularly hard to persuade women to testify, and made a point to praise those who had shown the courage to appear in court or to intervene against street-side cruelties.  

 Early in its history, the MSPCA directorate considered mounting a test case against one of the Boston street railway companies. However, the directors hesitated, wishing to avoid the precedent of a failure, "a result pretty sure to follow, because of the difficulty of obtaining sufficient evidence," Frank Fay, the MSPCA Secretary, later noted. "The society would have to prove that the horse car and load weighed over 12,000 pounds, which would require a freight of over fifty passengers, and if that was done," Fay observed, "the hostlers, driver and conductor would testify that the horses did their usual work next day, and were neither disabled nor apparently weakened."  

 At first, Angell believed that in Boston, as distinct from New York, the problem was tied less to corporate avarice than to passengers' tendency to "pile in" without regard for the horses' welfare. To some extent, as a writer in Our Dumb Animals suggested in 1876, "the remedy is with the people." Early on, however, Angell concluded that the transportation companies were disingenuous in their claims to enforce a limit on

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passenger load, and in February 1872 the MSPCA sponsored a petition to the state legislature for a law to restrict the number of people on each car. An ex-director of the Metropolitan Horse Railroad offered compelling testimony, highlighting “that diabolical outrage, the use of over twenty-five hundred horses in the city of Boston on horse railways, night and day, rain or shine, year in and year out, by which they suffer all the tortures of a lingering death on an endless treadmill.” This was the first in a series of unsuccessful attempts.\(^{13}\)

In November 1872, in the midst of the era’s greatest epizootic, a controversy about overworked horses led to an acrimonious exchange in the Boston press, as the MSPCA stood firm in its threat to make arrests if any sick horses were found in use. In the aftermath of the scourge, *Our Dumb Animals* published with enthusiasm accounts of advances in the development of a “steam street car” that would one day replace horses on street railroads. The MSPCA also took credit for many improvements the companies did institute as a result of pressure. The horses received much better care; “tow-horses” were stationed along steeper grades; superintendents forbade whipping and abuse of animals; and company stables observed higher standards for ventilation and cleanliness. Operators did not work animals who were lame or galled, and they did not use inferior stock.\(^{14}\)


On the other hand, Bostonians, like Philadelphians, insisted on having the cars stop at their doors, necessitating frequent stops and starts that were punishing to the horses who drew them. The MSPCA could persuade neither the companies nor the riding public to end this practice. The Board of Railroad Commissioners also dismissed suggestions that the Boston companies emulate those of Paris, which sold only as many tickets as there were places available, as an "expedient that could not be thought of" in Massachusetts. There were many occasions, such as in inclement weather or after a theater performance, when crowding of cars seemed either justifiable or difficult to prevent.15

Like the companies in New York and Philadelphia, Boston streetcar interests fought off all initiatives to regulate the number of passengers admitted onto the cars, and to prohibit the use of salt on their tracks. Ten years after the first attempt to limit occupancy, the MSPCA believed that the companies were carrying two to three times as many passengers in the same cars. Angell made one last attempt to lobby for restrictions in 1881, by which time he had become thoroughly cynical about the political influence of the street railways.16

The means of putting worn out, sick, and injured animals to death on the street was an important priority. For years, the MSPCA lacked any authority to kill an animal without the consent of the owner, although such permission could usually be obtained

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15 "Stop Horse-Cars at Street Corners Only," ODA 9 (Feb. 1877), 68; and "Overcrowded Horse-Cars," ODA 19 (Sept. 1886), 29.

when it became clear that the use of a disabled, diseased, or fatally wounded animal could be prosecuted. On the streets, its agents used chloroform and specially designed hammers for curbside euthanasia. There were, one MSPCA editorialist underscored, worse things than death. "As our primary object is to save animals from suffering," he wrote, "we feel that when we secure the comparatively painless death of an animal which is worn out and past service, if suffering from disabilities or with wounds or incurable illness, we are doing a merciful act." Furthermore, the writer noted, "While some contend that animals are entitled to live until they die a 'natural death,' we feel that we are showing kindness to them by relieving them from the possibility of suffering."  

In 1872, Angell recruited Harvard zoologist D. D. Slade to prepare a pamphlet, probably the first of its kind anywhere, on how to provide a merciful death to suffering creatures. The instructions specified where the blow should be struck, or the bullet aimed, in the case of the horse. It recommended a bullet through the brain in the case of the dog, and advised the use of cyanide of potassium for the merciful killing of cats. Later in the century, the American Humane Education Society (AHES) editions of Anna Sewell's *Black Beauty* (sponsored by the MSPCA) included this same information in an appendix.  

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One issue Angell avoided was the gathering up of stray dogs. He believed that Boston had very few loose-running dogs in comparison with other communities, and reminded correspondents that the MSPCA had no authority to remove licensed dogs from the street, even if they were running loose. He consistently maintained that rabies was a rare condition and that much of the fear it occasioned was unfounded. Angell did think that humane muzzles were a useful precaution in times of high anxiety over hydrophobia.  

Perhaps more than any other figure in American animal protection, Angell conceived of humane work as akin to the other great reforms of the era. In a letter to Harvard University President Charles Eliot, politely if equivocally acknowledged, Angell proposed a series of lectures by such reformers as Clara Barton (the Red Cross), Mary Livermore (woman’s suffrage), Frances Willard (temperance), and himself. He regularly presented information on other reforms in the pages of Our Dumb Animals.

Like his counterparts in New York and Philadelphia, Angell sought to promote and defend the interests of animals in a broad range of contexts. From an early stage, however, he decided to focus special attention on two areas of concern. One, humane education, would occupy most of his energies after 1880. During the 1870s, however, Angell devoted his time and effort to campaigns against the mistreatment of animals used 

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20 “Mad Dogs,” ODA 3 (Aug. 1870), 20; “Hydrophobia,” ODA 7 (July 1874), 12; “Killing Stray Dogs,” ODA 9 (July 1876), 11; “‘Mad Dog’ Panics,” ODA 9 (Sept. 1876), 29; and “Spitz Dogs and Hydrophobia,” ODA 9 (Mar. 1877), 76.

for food. It was an issue that held special urgency in that decade, and one that Angell helped to bring to a national audience.

Cruelty, Consumption, and Consequences

Most humane advocates in the mid- and late nineteenth century worked to soften the cruelties endured by animals being transported to slaughter. Angell was an especially active propagandist, and did more than any of his colleagues to place the issue onto the national agenda, where in 1873 it became the subject of the landmark Twenty-Eight Hour Law. In Boston as in other cities, the husbandry, transportation, and slaughter of animals for meat and other products constituted a realm in which environmental threats, animal welfare, and public health concerns all converged. This gave the humane societies a chance to assert themselves in municipal life. Between 1856 and 1859, Massachusetts passed a pure milk law, appointed milk inspectors, and banned the feeding of cows with the refuse of distilleries, so that swill milk never became an important focus for the MSPCA. The production of meat was a different story, though, and the need for reform was great. In 1870, Dr. George Derby, first secretary of the Massachusetts Board of Health, noted that slaughtering methods in the city had not changed in fifty years. In the earliest edition of Our Dumb Animals, Angell included quotes from the proprietor of one local abattoir on cruelty in slaughterhouses. He also lobbied Derby and other members of the Board of Health for replacement of antiquated slaughterhouses by a modern central
facility. He even purchased shares of the abattoir’s stock, in order to have a shareholder’s voice in its management.22

Ultimately, the health hazards constituted by an unregulated and decentralized slaughtering industry proved to be a more trafficable issue than the cruelties of slaughter or transportation. Since the mid-1860s, the environmental nuisances of the Brighton slaughtering district had stirred concern. The Massachusetts Board of Health tried to encourage changes in the operation and disposal methods of the slaughterhouses, but butchers resisted and little progress occurred. At first, even appeals to the legislature were thwarted.23

Events took a dramatic turn in mid-April 1871, when a slaughterhouse worker at Brighton died after wiping himself off with a towel he had used to wash the sides of a dead ox. The coroner ruled that George Temple’s death resulted from blood poisoning after the towel inflamed a sore on his cheek. When it was revealed that his employer had already sent half the animal’s meat to market, a panic ensued. Four days later, a joint special committee of aldermen and common council members convened to investigate the sale of unwholesome meats.24


Angell capitalized on these events with a special insert in *Our Dumb Animals*. Summarizing the Board of Health’s report, Angell concluded “that our Eastern markets ... are largely supplied with the meats of diseased animals, and to some extent with the meats of animals that have died of disease; second, that the eating of these meats produces disease in those who eat them; and third, that it is impossible to detect these meats after they have been dressed.” Among other points, Angell expressed admiration for the attendance of rabbinical authorities at the slaughterhouse to observe the slaughter and dressing of animals, with the aim of excluding unhealthy products from the Jewish community.

In 1872, Angell issued the first of many editions of *Cattle Transportation*, an attempt to demonstrate that the public health problems at Brighton and other slaughtering districts were tied to the awful treatment of animals in transit. The MSPCA president assumed that public appraisal of the issue would turn on “sanitary considerations,” and the essay accordingly emphasized this aspect of the problem, “to secure the interest of persons who are not moved to consider the matter on the side of humanity alone.”

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27 George T. Angell, *Cattle Transportation* (Boston: MSPCA, 1874); idem, *Autobiographical Sketches*, 40; and Frank B. Fay, “Secretary’s Report: Stock Transportation,” *ODA*, 6 (May 1874), 107. At least six editions of *Cattle Transportation* had appeared by the end of 1875.
The humane movement's campaign to highlight the ordeal of animals in transportation and slaughter emerged in the context of widely shared apprehensions, for it was not only animal protectionists who made the connection between cruelty and adulterated food products. Louis Agassiz, in an 1866 letter to Henry Bergh, alluded to "the dangers arising from the ill treatment of beef cattle before slaughtering them." Other scientists agreed that the cruelties of confinement and transportation over long distances routinely brought the flesh of sick and fevered animals to the markets and dinner tables of the eastern metropolitan areas.  

Other observers besides Angell saw the Brighton beef scandal as the direct result of mistreatment that resulted in the corruption of animals' flesh. "Lusty and strong the oxen and heifers leave their far-off pastures, but a week's experience on a cattle-train is too much for their constitutions," one New York Times writer commented. "Crowded and crammed together in reeking cages, they are transported thousands of miles without sleep or rest, and often without food or drink. Some are crushed to death, some die of hunger and exhaustion, and some breathe just long enough after their arrival to be knocked on the head by the ruthless butcher."  

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The conviction that cruelty corrupted the flesh of animals killed for food had a long history. Several early English advocates of humaneness, including Soame Jenyns, had advanced it, as had General de Grammont, the champion of animal protection in France. In the United States, this view had broad currency for a decade or two before the start of organized humane work. In 1853, for instance, a New York grand jury recommended the investigation of butchers who kept cattle from five to seven days without water. Horace Greeley's New York Tribune lamented that "the flesh of beef is often diseased by this system of starvation before butchering, that a congestive fever is engendered, and that the practice is not only cruel to the poor brutes, but worse than cruel to those who make use of the flesh of animals thus treated, for human food." References to the deleterious nature of meat from badly treated or malnourished animals commonly appeared in discussions of food adulteration in the years before and after the Civil War, and the argument received considerable support outside the movement. Once they launched their work, Angell, Bergh, and other humane colleagues frequently cited the causal relationship between cruelty and corrupted meat as part of their case for improving the treatment of animals in transit. Indeed, the notion that "cruelty to animals avenge

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“itself upon the consumer” was a central theme of Angell’s 1874 lecture at the annual meeting of the American Social Science Association.\(^{32}\)

In 1872, the onetime abolitionist Loring Moody, who had previously worked for the MSPCA, formed the Mission for Animals, specifically to address the public health dimension of cattle transportation. The organization’s literature subordinated moral arguments to those of health and economy. Its officers included Angell, Bergh, Samuel Sewall, the Reverend James Freeman Clarke, and Chicagoan Edwin Lee Brown, who in 1877 would play a key role in forming the American Humane Association (AHA). During its brief existence, the Mission was an early advocate of a national system of livestock inspection.\(^{33}\)

Moody’s organization failed to raise enough money to survive, however, and it was Angell who pushed the issue onto the national agenda, establishing himself as one of the nation’s first pure food advocates. In addition to his campaigns against food adulteration, Angell crusaded against the introduction of poisonous substances into cookware, wallpaper, and other commonly used industrial products. His influence on


\(^{33}\) “Transportation of Cattle,” \textit{Phila. Record}, 24 July 1873, PSPCA-PA, SBK 1866-1877; Mission for Animals, \textit{Secretary’s Report} (Boston: Cochrane and Sampson, 1873); and Mission for Animals, \textit{Secretary’s Report} (Boston: Cochrane and Sampson, 1874).
these issues was appreciable, and would soon draw the interest of an American president, Rutherford B. Hayes, to the question of cattle transportation.  

Humane advocates in Boston, New York, and Philadelphia also spoke out against the consumption of calves taken prematurely from their mothers. The product of this violation of the maternal bond—"bob" veal—was both a barbarity and a health risk. In New York, the sanitary code called for the punishment of those who sold meat from calves, pigs, and sheep less than four, five, and eight weeks old, respectively. One New York butcher agreed, writing that "much of the flesh called veal, sold about our cities, really is not fit for human food, in consequence either of its tender age, starvation, bleeding, and the inhuman manner of conveying these (and some other) animals through our streets to their destination, or all combined."  

Angell was one of the first animal protectionists to appeal directly to consumers to spur change. Throughout the 1870s, he regularly called attention to the cruelty of bleeding calves in order to whiten the meat, asking fellow citizens to remember that "when they refuse to buy it there will be nobody found to bleed the calves."  

Our Dumb Animals republished excerpts from the works of British veterinarian William Youatt, who had been so influential in helping to overcome the same practice in England, and from butchers who deplored bleeding but emphasized that the refined tastes of the consumer lay behind the cruelty. 

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correspondent encouraged women to exercise their civilizing influence in the marketplace by rejecting the meat made white "by a practice as cruel as it is unwholesome," and by insisting upon "red veal," derived from older calves who had not been bled.36

In addition, Angell and other humanitarians asked consumers to be more conscious of cruelty to poultry. They strongly condemned epicurean cruelties like paté de foie gras--produced, as J. V. Smith noted, "by nailing the poor animals to the floor in a very hot room. Unable to take exercise, and confined in a sweltering air, the poor creatures fall sick, their livers enlarge to a monstrous size." Humane concern extended to the more common mistreatment of poultry on the way to and from market. The prevailing method of carrying them upside down by the legs led to great suffering as the blood rushed to their heads.37

Angell and his colleagues cautioned consumers about other animal products, such as milk and eggs, too. They even extended the claim to include the mistreatment of fish. "Every fish ought to be taken out of the water as soon as caught, and immediately killed by a blow with a little club, on the back of the head," Angell wrote, "both because it is


merciful to the fish, and merciful to those that eat the fish.” Sam Lawson, in Harriet Beecher Stowe’s Oldtown Folks, made a similar point.\(^{38}\)

Reformers like Angell also invoked cruelty’s corrupting impact on meat as part of their argument that animals ought not be slaughtered in each other’s presence. “[The] animal to be slaughtered should be conducted to the spot selected, quietly, without the use of goad or club, and everything calculated to alarm should be removed. All slaughtering premises should be kept clean from blood, and no carcasses be allowed to hang in view,” D. D. Slade advised. “No animal should be permitted to witness the death of another. Trifling as these measures may be to the professional butcher, they are of vast importance, not only in view of avoiding cruelty, but as affecting the wholesomeness of meat; there being no question as to the effects of torture, cruelty, and fear upon the secretions, and if upon the secretions, necessarily upon the flesh.” The MSPCA kept Slade’s essay in circulation for many years as humane advocates continued to cite the “culinary costs” of cruelly produced meats.\(^{39}\)

In 1870, Angell’s intense focus on the unwholesome products of animal suffering took him to Chicago, where he helped to launch a humane society that made stockyard

\(^{38}\) “Kill Your Fish,” ODA 7 (Apr. 1875), 88; Angell, Protection of Animals, 10-11; and “Mr. Bergh and the Fish Market,” ODA 18 (Nov. 1885), 254. Henry Bergh had agitated on the question since the turtle case in June 1866. See Henry Bergh, An Address Delivered in the Great Hall of the Putnam County Agricultural Society on the 15th of September 1867 (New York: Lange, Billman, and Lange, 1868), 5. In Oldtown Folks, Sam Lawson insisted on killing the fish his youthful companions had caught by breaking their necks as he removed them from the hook. The flouncing and floundering of the fish distressed him, and he told the boys, “Fish has their rights as well as any on us.” See Harriet Beecher Stowe, Oldtown Folks (1869; New Brunswick: Rutgers University Press, 1987) ed. Dorothy Berkson, 31. An outdoorsman who shared Angell’s concern discussed this and other cruelties in an 1880 illustrated article for Harper’s Weekly: see Gaston Fay, “Cruelties to Fish and Fowl,” Harper’s Weekly, 13 Nov. 1880, 731-32.

\(^{39}\) D. D. Slade, quoted in Angell, The Protection of Animals, 7.
and transportation cruelties its central focus. During the period 1871-1873, the MSPCA president helped to marshal support for federal legislation directed toward the prevention of inhumanities in handling and transit. In 1877, he was a central figure in the mobilization of concerned humane advocates who gathered to form the AHA, a national organization that would address the issue. More importantly, throughout the decade, Angell waged an unremitting public awareness campaign that helped to keep the matter on the national agenda. 

**Educating the Heart**

George Angell’s enthusiasm for humane education helped to make it one of the most important elements of animal protection work in the Gilded Age and Progressive era. While others before him had extolled the value of the kindness-to-animals didactic, Angell applied his entrepreneurial talent to promoting the teaching of kindness on the broadest conceivable scale. The MSPCA directed tens of thousands of dollars toward the production and distribution of humane education literature, making it the most important source of such materials in the nation.

Humane education provided a means of spreading the word that could easily be adapted by other advocates, especially women, in whatever region or situation they might have to operate. It did not require substantial funds, and anyone able and willing to work with children in the schools or elsewhere could participate. Angell provided both the

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40 The next chapter discusses the national campaign to address animal suffering in transportation.
inspiration and the resources for such work, which contributed to the coalescence of a national animal protection movement.

In the early years of anti-cruelty work, humane education referred broadly to the instruction of both adults and children in the virtues of kindness. Many of the societies focused on teaching custodians and handlers of animals about the advantages of improved treatment and care. They appealed to the practicality and common sense of those who worked with animals, and found that fundamental ignorance about animals’ needs and characteristics was the cause of much avoidable neglect and abuse.41

Before long, however, animal protectionists began to recognize and to trumpet the advantages of early instruction in kindliness as a means of reducing adult crimes and prosecutions. Accordingly, they shifted their emphasis to the education of children as a longterm response to the spread of cruelty. Angell stood at the forefront of this approach.

Enthusiasm for humane education of children predated the anti-cruelty societies, coinciding with the emergence of the common school movement. The massive influx of immigrants in the 1830s and 1840s led some educators to envision the school as a central instrument of assimilation, guiding immigrant children away from the “backward” cultures of their parents. Horace Mann (1796-1859), universal schooling’s best known proponent, based his educational philosophy on unlimited faith in the perfectibility of human beings and their institutions. His conviction that the public school could be the answer to all of the Republic’s problems had its roots in the deepest of American

41 An exemplary publication incorporating these premises is Hannah W. Richardson, A Plea for the Dumb Creation (Phila.: PSPCA, 1869).
traditions, including Jeffersonian republicanism, Christian moralism, and Emersonian idealism. As Mann conceived the common school, it would be a guarantor of social order that reduced the destructive potential of class, political, or sectarian difference. This was not an unproblematic or unchallenged view, of course, and popular education was a subject of intense debate.42

By 1860, Mann’s ideals had reached fruition, with public schools operating in a majority of the states. Although there were significant variations in their philosophies, all supporters of the common schools hoped to improve children’s character by inculcating morality and citizenship, and to facilitate social mobility by promoting talent and hard effort. Through education, they would push all citizens toward what one reformer called the “civilized life” of order, self-discipline, civic loyalty, and respect for private property. Between 1860 and 1920, the common school movement, expanding its reach to include kindergarten, elementary, and secondary levels, became the dominant tradition in American education. During the same period, compulsory attendance requirements—rare before the Civil War—became universal, with Mississippi the one exception.43


A supporter of many antebellum social reforms, Mann recognized the value of early humane instruction. "The good man grows in virtue, and the bad man grows in sin," Mann wrote. "From the youthful benevolence that rejoices to see an animal happy, one grows up into a world-wide benefactor, into the healer of diseases, the restorer of sight to the blind, the giver of a tongue to the dumb, the founder of hospitals. . . . Another grows from cruelty to animals, to being a kidnapper, and enslaver, and seller of men, women, and children."  

Over time, humane values were incorporated into formal systems of education. Indeed, kindness to animals was an important element in the object teaching method associated with the doctrines of the State Normal School at Oswego, New York and its president Edward A. Sheldon (1823-1897). Oswego, while not the first, became the most important of the proliferating normal (teacher training) schools. Sheldon was influenced by the pedagogical doctrines of Swiss educator Johann Heinrich Pestalozzi (1746-1827), who placed the child at the center of all educational activity and saw the work of the school as continuous with that of the domestic environment. The Pestalozzian tradition was Romantic, viewing each child as a garden plant, to be tended, nurtured, and cultivated to his or her fullest potential. Powerfully influenced by Rousseau, Pestalozzi's approach diverged from then rigid modes of instruction relying on authoritarian control, absolute obedience, corporal punishment, and forced rote memorization. Instead, Pestalozzi's methods relied on the natural instincts of the child to generate the motivation

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" Horace Mann, *Twelve Sermons Delivered at Antioch College* (Boston: Ticknor and Fields, 1861), 121.
Pestalozzi’s system for developing the child’s senses of sight, touch, and sound.

Pestalozzian education gained a foothold in antebellum America through the brief existence of New Harmony, Indiana, Robert Owen’s utopian community. Its lasting influence came through post-Civil War exponents, especially Edward Sheldon. Sheldon’s curriculum centered on lessons that introduced children to objects they might find around them at home. The emphasis was on varieties of learning experience rather than specific subjects. “The natural history of the animal creation furnishes abundant materials for instruction,” Sheldon proclaimed. “First, of a religious character; for the wisdom and goodness of the Creator are manifestly proclaimed in the wonderful construction and beautiful adaptation of animals.” More pointedly, Sheldon’s endorsement of using animals in object teaching acknowledged its influence upon moral character. By awakening interest in animals, he wrote, “kind and humane feelings are promoted, which those who have witnessed the pleasure even very young children take in tormenting creatures over which they have any power, will acknowledge to be an object of no small importance.”

After the anti-cruelty societies formed in the late 1860s, humane education became a vital objective of a burgeoning social movement specifically devoted to the

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welfare of animals. All of the major figures in animal protection invested their energies in it. Even Henry Bergh, better known for his zealous pursuit of specific cruelties, and much less optimistic about human nature than Angell, found time to endorse and encourage humane education work. Bergh’s vehicle was *Our Dumb Chattels*, a pamphlet the ASPCA published and made available for the use of the new societies springing up in other cities. While he was not the author, the pamphlet conveyed both Bergh’s cultivated sensitivity to animal pain and his stern convictions about punishment. Many tales in *Our Dumb Chattels* were of a Hogarthian character, depicting youthful protagonists forced to endure cruelties analogous to those they had inflicted upon animals. The punitive measures taken by parents in some of these tales were calculated to frighten children into upright behavior, an approach humane authors and publishers later abandoned.

In Philadelphia, too, humane education efforts followed the founding of anti-cruelty organizations. Rebecca Willing, a board member of the Women’s Branch of the Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA), played a crucial role. In 1872, the Women’s Branch organized its first contest for essays on kindness to animals. Subsequently, Willing and other humane workers, including Mary F. Lovell and Caroline Earle White, launched a society for boys called the Young American Humane Union. They attempted to organize student groups in the city’s grammar schools, where they read selections concerning the habits and treatment of animals, and awarded badges

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46 *Our Dumb Chattels* (New York: ASPCA, 1867); Bergh to Ferdinand Coxe, 16 Aug. 1867, and Bergh to Emily Appleton, 16 Aug. 1867, in ASPCA-NY, LBK 3: 8-11; and “Mr. Bergh at the Five Points House of Industry,” *Frank Leslie’s*, 23 Nov. 1867, ASPCA-NY, SBK 3: 168.
and other prizes. In the 1880s, at White’s urging, the campaign expanded into the Catholic schools. 

For his part, George Angell, influenced by Horace Mann, stressed humane education’s utility for ensuring public order, suppressing anarchy and radicalism, smoothing relations between the classes, and reducing crime. Humane education would be the solution to social unrest and revolutionary politics, he believed, and a valuable means for socializing the young, especially the offspring of the lower classes. Angell also appreciated the significance of the public school system as a forum for socialization, especially in an increasingly secular society. He told the annual meeting of the AHA in 1885 that “the public school teachers have in the first fortnight of each school year, about four times as many children, and have them more hours, than the Sunday school teachers do during the whole year.”

In support of his grand vision for humane education, Angell created a “missionary fund” to support the distribution of educational materials all over the country. Most of the money went to support the formation of “Bands of Mercy.” The English temperance movement’s Bands of Hope, which served to rally children by means of a pledge against alcohol consumption and related evils, provided the model. Band of Mercy members

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pledged themselves to “be kind to all harmless living creatures, and try to protect them from cruel usage.” Angell and Thomas Timmins, a minister who had assisted with the development of the Bands of Mercy in his native England, introduced the concept to the United States in 1882. Timmins worked to form bands while Angell strove to raise money and awareness.49

Years later, in 1889, this initiative coalesced as the American Humane Education Society (AHES), which incorporated and extended the premises of the Band of Mercy program.50 Angell saw humane education as vital to the long-term survival and acceptance of the anti-cruelty movement. The Band pledge was

simply the opening up of a door. . . . [Each] Band is thus provided with the very best material for the humane education of its members, and through them of their fathers and mothers and the communities in which they reside. Very soon acts of cruelty and kindness begin to be noticed as never before; and talked about. . . . The humane sentiment of the community is gradually uplifted—then comes a demand for the enactment and enforcement of laws—then comes the Humane Society to crown the whole.51

Such holism—a view that all parts of society could be reached, and all brought into harmony with humane values—lay behind virtually every initiative undertaken by the MSPCA and the AHES until Angell’s death in 1909.

49 See Thomas Timmins, The History of the Founding, Aims, and Growth of the American Bands of Mercy (Boston: P. H. Foster, 1883); and “Thomas Timmins,” ODA 31 (Oct. 1898), 63. Massachusetts agriculturalist Benjamin P. Ware, his collaborator in the effort to promote Band of Mercy work in Marblehead, provided a recollection of Timmins in “A Marblehead Letter,” ODA 38 (Jan. 1906), 114. On other publications’ sympathetic coverage, see “Good News,” ODA 21 (Jan. 1889), 88.


51 “What Do the Bands of Mercy Amount To?” ODA 20 (Mar. 1888), 118.
From the 1870s onward, Angell had been on the lookout for suitable reading material for guiding the young toward the values of kindness. He found his ideal vehicle in *Black Beauty*, the novel dictated by a dying British invalid, Anna Sewell, to her mother, and first published in 1878. In 1890, Angell circumvented copyright laws and brought out the first American edition under the auspices of the AHES. This was the first in a succession of AHES editions, normally incorporating appendices relevant to the work and ideas of his several societies. Some editions included a special index that guided readers to instances of cruelty and kindness in the novel. In just two years, over one million copies were in circulation, an unprecedented accomplishment in publishing.\(^{52}\)

The other books in the AHES series anchored by *Black Beauty*—*Our Goldmine at Hollyhurst* (1893), *The Strike at Shane’s* (1893), *Four Months in New Hampshire* (1894), and *For Pity’s Sake* (1897)—would remain mainstays of humane literature well into the twentieth century. The books, along with cash awards, medallions, badges, and rewards of merit, were distributed in schools in recognition of good behavior, recitations, essays, acts of kindness, and other attainments. In addition, an energetic cadre of humane society workers and supporters purchased and sold copies to sustain their own work.

*Black Beauty* cast a long shadow over the field, and Angell, wishing to inspire a canine analogue, advertised a contest for the purpose. The winning entry was *Beautiful...*\(^{52}\)

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Joe, by Margaret Marshall Saunders of Nova Scotia. Later, a spate of autobiographical works—authored by a host of maltreated animals—appeared, and the animal autobiography became a staple of humane literature. The movement’s celebration of such titles elevated certain authors to special status as harbingers of a humane world. Saunders herself was the best known of these, but Gene Stratton-Porter, who would later become famous as a children’s author, began her career anonymously with The Strike at Shane’s. In early adulthood, Ralph Waldo Trine (1866-1959), who went on to become a best-selling mind cure author, won an AHES contest for the best essay on humane education as a way of preventing crime. Trine later wrote Every Living Creature, advocating kindness to animals as an essential element in enlightened character.

Humane education literature reflected animal protection’s roots in the culture of sentiment that drove much of American reform in the nineteenth century. Sympathy with animals reflected the Victorian era’s privileging of the heart over the head. Humane education drew heavily on the gospel of the heart for its language and its lesson plans.

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56 Ralph Waldo Trine, Every Living Creature: or, Heart-Training Through the Animal World (New York: Thomas Y. Crowell, 1899); and “Ralph Waldo Trine,” ODA 39 (Jan. 1907), 120.
The religion of the heart appealed to both secular and evangelical animal advocates who decried the emphasis on practical knowledge at the expense of moral culture and ethical and emotional development. Education of the intellect did nothing to inculcate compassion and mercy.  

Sentimental fiction, usually authored by women, was a special locus and medium for what some called “heart culture.” As literary scholar Jane Tompkins notes, a novel in this genre was “a political enterprise, halfway between sermon and social theory,” that attempted to codify and to mold the values of its time. Both Uncle Tom’s Cabin and Black Beauty were products of this culture, sentimental works with great designs and ambitions.

In the post-Civil War period, historian David Pivar has suggested, the formation of character became “a new social religion and the dynamic for social change,” especially for feminists and moral reformers. The properly instructed child could resist temptation and internalize a morality consistent with middle class ideals of social purity. Such preoccupation with youthful virtue provided humane advocates with both rationale and wider opportunities. The promotion of humane education as an antidote to depraved

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57 On the conflict between heart and head in the Victorian era, see James Turner, Reckoning with the Beast: Animals, Pain, and Humanity in the Victorian Mind (Baltimore: Johns Hopkins University Press, 1980), 75-78, 101-4.


character and a panacea for numerous social ills brought animal protection into closer alignment with other reform movements of the era.

During the 1880s, George Angell attempted to further the spread of the kindness-to-animals ethic by launching a campaign to make humane education compulsory in Massachusetts. He found a key ally in Charles L. Flint, president of the Boston School Board, through whose influence Angell gained easy access to the schools. Angell gathered signatures for petitions in an effort to persuade the legislature to require that children be taught not to molest birds and other animals. Ultimately, the campaign to secure specific legislation failed, but its spirit was honored. By November 1886, Angell was publishing correspondence with the Massachusetts Board of Education that confirmed the teaching of humane precepts. The promotion of kindness to animals was "the legal and moral duty of every teacher in the Commonwealth" as part of the requirement to comply with an extant public statute requiring "the teaching of humanity, universal benevolence, etc." The Massachusetts campaign set a precedent and a standard toward which advocates in other states would work in the decades ahead.

Prosecution versus Persuasion

Virtually every society for the prevention of cruelty to animals had the power to make arrests under the anti-cruelty statute in its state, and many published relevant statistics in their annual reports. However, prosecution and arrest records were just one

60 "Resolutions and Petition," ODA 18 (Apr. 1886), 302; "Our Work with the Legislature," ODA 18 (May 1886), 312; "To Massachusetts Teachers," ODA 19 (Nov. 1886), 49; and "The Honorable Charles L. Flint," ODA 21 (Apr. 1889), 127.
among many elements in any society’s annual report, along with accounts of education outreach, public speaking engagements, humane inventions, endowed fountains, donor and bequest information, and other details of the work. The diverse items contained in these reports suggest that the character of such organizations is shaped more by their chosen scope of activity than by their legal authority. The ability to make arrests was not the defining characteristic of a society for the prevention of cruelty to animals. Prevention did not rest upon punishment.

Early on, many leading animal protectionists concluded that other strategies, especially public education, were of better service to the cause. Humane advocates also recognized that arrests and prosecutions were not feasible approaches for dealing with all of the cruelties that they targeted. Some SPCAs could not even afford the salary of an agent. Thus, they sought to balance prosecution with other activity.

The statistical analysis of humane society investigation records is fraught with difficulty, because reporting practices, statutory definitions, and legal authority varied from organization to organization, along with campaign priorities, personnel levels, and practical resources. Even so, such analysis permits three conclusions. First, the preponderance of cases investigated and prosecuted involved the neglect and mistreatment of horses. Second, the majority of those who mistreated these laboring animals were working class people. Third, as the years passed, the humane movement’s reliance on arrest and prosecution steadily declined.

Outright brutality toward horses, like that represented in the SPCA seal, was certainly common, especially in the early years of humane work, and the organizations
were vigilant and unyielding in their efforts to suppress violent conduct. But humane society agents investigated numerous offenses that came within the category of neglect, examining horses in their community for lameness, sores, bad shoeing, glanders, and disability. In these instances, intervention generally involved the dispensation of advice or veterinary literature, a warning, or—in the case of a very sick or debilitated animal—an order for destruction.

As much any figure in early animal protection, George Angell embodied the movement’s preference for persuasion over prosecution, an inclination he and others made explicit in MSPCA publications. In 1868, an anonymous editorial in Our Dumb Animals judged Henry Bergh’s approach in New York City more “‘heroic’ than would be acceptable or most successful in New England.” In its first decade (1868-1878), the MSPCA investigated 18,389 complaints, prosecuting 1,893 (10 percent) of them. Apparently, the MSPCA officials exercised good judgment in deciding which cases to pursue, as 1,564 (83 percent) of the cases that Angell and his agents chose for prosecution resulted in convictions. By mid-1883, six percent (2,284) of a total of 36,717 cases investigated by the MSPCA had ended with convictions. Educating the public about animal care, and warnings about mistreatment, neglect, and abandonment, seemed to be making a difference, and, in 1888, Angell proudly quoted an agent’s comment that “we find it very difficult now to get cases of cruelty in Boston sufficiently aggravated to
sustain a prosecution in the courts.” In 1906, Angell cited a newspaper report that confirmed the higher reliance of the ASPCA on prosecution.61

Bergh’s ASPCA was certainly more vigorous in advocating and pursuing prosecutions. Yet, despite apparent differences in the approach taken there, the trend in New York also involved a shift away from prosecution to persuasive means. In 1892, four years after Bergh died, the ASPCA reported that in 27 years its agents had investigated 51,253 complaints and prosecuted offenders in 18,927 (37 percent) of these cases.62 Over the following six years, however, the prosecution rate fell below 3 percent, as the overall number of incidents investigated swelled. Moreover, after 1894, when the ASPCA made 1,010 arrests, the total number of annual arrests declined steadily every year.63

A declining rate of prosecution also held for the Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA), which reported in 1885 that it had

61 “Our Work,” ODA 1 (June 1868), 1; “How Many Prosecutions Have You Commenced?” ODA 1 (Aug. 1868), 1; “A Brief History of the Work,” ODA 5 (June 1872), 209; “Tenth Annual Report,” ODA (May 1878), 93-94; American Humane Association (AHA), Ann. R. 1884, 64; “How Many Prosecutions Have You Made?” ODA 20 (Feb. 1888), 106; “The Comparative Value of Prosecutions,” ODA 38 (Dec. 1905), 100; and “The Prevention of Cruelty to Animals, Boston and New York,” ODA 38 (May 1906), 174. In Imperiled Innocents: Anthony Comstock and Family Reproduction in Victorian America (Princeton: Princeton University Press, 1997), Nicola Beisel claims that the New York anti-vice movement was more aggressive than that of Philadelphia because New York reformers were more preoccupied by the “perceived political impotence of the native born in cities increasingly dominated by immigrants.” This suggests that Bergh and his supporters might also have found greater public tolerance for a hard-hitting strategy of prosecutions and arrests in New York City than was possible in Philadelphia. On the other hand, Beisel argues that Boston anti-vice crusaders were also aggressive in their tactics because of nativist anxieties. In that city, given Angell’s suasionist approach, the correlation breaks down. Angell chose to work through public education and he was satisfied with the results of this approach.

62 ASPCA, Ann. R. 1893, 20. Through the end of 1881, approximately 7,456 (82 percent) of the 9,121 cases the ASPCA prosecuted involved cruelty to horses; ASPCA, Ann. R. 1882, 13.

investigated 19,006 complaints in 18 years of activity, and made arrests in just under 15 percent (2,764) of those cases. In Philadelphia as in Boston, humane agents seemed to have learned what it would take to establish cruelty in the court system, as 2,405 of these arrests (87 percent) resulted in convictions. In 1897, surveying 28 years of activity, the PSPCA noted that its agents had made arrests in less than three percent of the cases it investigated. Breaking this into four divisions of seven years each, the PSPCA reported that its arrest rate had declined from ten percent over the first seven years, to four percent, and then to two percent in succeeding periods. Sometime later, record keeping at the PSPCA changed, inflating the number of cases investigated. Under the new formula, the PSPCA reported in 1914 that it had prosecuted fewer than two percent (14,352) of the 770,794 cases it had investigated in 47 years of activity.

Beyond the statistical record, some societies had reputations for restraint and fairness. In 1883, noting that the Connecticut Humane Society made very few arrests, its president Rodney Dennis reminded his audience that “the highest civilization is indicated, not by the frequency and severity of punishments, but rather by the pressure of a sentiment which prevents the necessity of it.” In Philadelphia, the Women’s Pennsylvania Society for the Prevention of Cruelty to Animals (WPSPCA) sometimes reduced fines, replaced worn-out horses its agents had confiscated, and provided other forms of assistance to the indigent. In 1911, a Philadelphia teamster, speaking of a deceased WPSPCA agent, remarked that the officer “never wanted to prosecute, but

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always gave one a chance, advising the drivers and showing them how to do right by the horse that helped to make their living.”

Humane advocates also proved flexible in their attitudes toward observing the letter of the law. Occasionally, for example, they acknowledged that the penalties inflicted under anti-cruelty statutes might be too severe. This issue surfaced in Illinois, where the 1869 law assessed a fine of $50 for every act of cruelty. SPCA authorities there felt constrained from prosecuting cases where they believed that the parties might be unable to pay such a heavy fine. “To extort it in a good many cases,” they judged, “would have been greater cruelty than it was designed to punish.” Within a year of its passage, the law was amended to encompass a range of fines from $5 to $100, according to the severity of the offense.

There were other limits to humane enforcement practices. Although reliable statistics concerning employment are elusive, it is clear that very few humane societies had more than one salaried agent. In 1878, the PSPCA had four salaried agents on the streets. The PSPCA’s Women’s Branch (later to become the WPSPCA) employed two agents (both male) of its own. In 1879, the MSPCA reported that three agents were on


the payroll, and, within two years, the society added a fourth. In 1881, the MSPCA listed 400 volunteer agents around the state.68

Even for well-funded organizations, some cruelties proved extremely difficult to police, let alone to suppress. Animal fighters, for example, developed elaborate means of staging their events in secret, outside the reach of authorities. Sometimes, too, humane societies charted for operation within an entire state found it difficult to have their authority acknowledged outside their home counties. It was a cause of celebration when the Philadelphia-based PSPCA secured its first conviction in neighboring Montgomery County, eighteen years into the society’s work.69

The SPCAs quickly discovered that education and propaganda were the only means by which certain abuses could be halted. “A large proportion of the complaints which reach us,” Pliny Chase wrote in the PSPCA’s 1872 annual report, “are for cases against which the law provides no remedy. Some of this class, such as those which are practiced in private stables, and out of the way of witnesses, are, in their very nature, beyond the reach of any possible legal enactment.” This led humane societies to invest in


publications designed to educate citizens working with animals about their needs and behavior.  

Quite apart from their prosecution policies, humane societies frequently demonstrated compassion toward offenders, especially when they were poor. SPCA leaders understood that cruelty, neglect, and mistreatment often resulted from poverty, the exigencies of survival, or inadequate knowledge of animals. They tried to take these factors into account when dealing with lower class offenders. In an 1874 review of the ASPCA’s recent prosecutions, the New York Times noted that the “willful and deliberate offender, goaded on by evil passions and an utter disregard to all humanity, is severely dealt with by the present Police Justices.” In contrast, “those who, from sheer necessity, are often compelled to work horses in an unfit state to provide themselves and families with food, are cautioned, and their animals cared for by the society.”

Conclusion

As a dynamic promoter of animal protection, George Angell not only inspired the formation of humane societies across America, he sometimes participated directly in their organization. In 1870, Angell spent four months in Chicago, where he helped John C. Dore and Edwin Lee Brown found the Illinois Humane Society. In 1880, he played a role in the organization of the Wisconsin Humane Society. In 1881, he helped to launch the

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70 PSPCA, Ann. R. 1872, 14; ASPCA, Vices Practiced by Horses, Such as Baulking, or Inability to Proceed, Cribbing, or Gnawing Mangers and Stalls, Tearing of Their Blankets, Etc., With Some Suggestions for their Correction (New York: 1866); and Henry Bergh, The Horse: His Comfort, Discomfort, and Torture (New York: 1875).

Connecticut Humane Society and the Washington, DC Humane Society. Within a few years, all of these became strong and influential societies in their own right. Angell even influenced the programs of Great Britain’s Royal Society for the Prevention of Cruelty to Animals (RSPCA), reversing the flow of ideas and tactics across the Atlantic. In the spring of 1869, after a strenuous first year of activity, he traveled to Europe for a long rest. However, it soon became a working vacation. Angell’s enthusiasm about *Our Dumb Animals* soon prompted the English society to launch its own journal, *The Animal World*. Angell also pressed the need for an organized campaign of humane education, persuading Baroness Angela Burdett-Coutts to head a committee on the subject for the RSPCA. Years later, when Angell imported the Band of Mercy concept to America, he drew on the fruits of the effort he had helped to instigate during his stay in England.

Angell embodied the humane movement’s preference for education over enforcement. His two organizations distributed hundreds of thousands of pamphlets, books, and other items. Whatever the subject, his appeals to the public reflected his faith in the better nature of his fellow citizens, and his optimism about the transformative power of the kindness ethic. Angell was at the forefront of efforts to bring the immense suffering of animals in transportation and slaughter to public attention. Turning his attention to humane education, Angell introduced a model of activism that others could emulate. He was, unquestionably, the greatest popularizer of humane education both

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73 “George T. Angell,” *Animal World* 3 (1 June 1872), 129-30.
within and outside the humane movement. Both his suasionist approach, and his
enthusiasm for the humane education of youth, would steadily gain adherents during the
post-1880 phase of humane work.
CHAPTER V

"THE HUMANE SOCIETY TO CROWN THE WHOLE": GEORGE ANGELL AND THE PROMOTION OF KINDNESS TO ANIMALS

Humane reform in New England took shape under the guidance of George Thorndike Angell (1823-1909), a self-made man who retired from the law at forty-five to campaign not only against cruelty to animals but also against food adulteration and other public health dangers. To the assertive campaigning approach of Henry Bergh, and the institution-building focus of Caroline Earle White, Angell brought the third component of American animal protection—the broad-based public education initiative. In the 1870s, Angell put his approach to the test in what became a national campaign to raise awareness of the suffering of animals in transportation and slaughter. Over time, he narrowed his focus to the humane instruction of youth, and pioneered in the production of materials geared toward that goal. Angell's unrelenting emphasis on education as a means of promoting kindness-to-animals helped to push this approach to the forefront of humane work during the last quarter of the nineteenth century.1

"there is much wrong in the treatment of animals"


Appropriating the hyperbole that would characterize Angell’s own rhetoric in years to come, the piece asserted that, in his hands, humane work was “a triumph of social science, destined not only to save our dumb animals from abuse, but to strike at the foundations of society.” Such labors promised, moreover, “the solution of the labor question, the abolition of war and the brotherhood of man.”² It was a sweeping, utopian, and quixotic vision, one that reflected both Angell’s optimism and his faith in the essential goodness of humankind.

Angell’s mother was a schoolteacher, and his father a Baptist minister who died when George was four. Born in Southbridge, Massachusetts, Angell survived a precarious childhood in which he was placed with relatives. After graduating from Dartmouth in 1846, he taught in Boston public schools. In 1851, Angell was admitted to the bar, and became a junior partner of Massachusetts abolitionist Samuel Sewall. While not personally involved in the abolitionist cause, Angell knew many of its principals, including William Lloyd Garrison, Wendell Phillips, and Charles Sumner.

By his own account, Angell had been fond of animals since childhood and had often intervened to protect them from cruelty. On August 22, 1864, he executed a will expressing his view that “there is much wrong in the treatment of domestic animals.” Angell directed his trustees to employ his estate for production and circulation, in common schools and Sunday schools, of literature that “will tend most to impress upon

the minds of youth their duty toward those domestic animals which God may make
dependent upon them.”

Less than four years later, Angell decided to organize a society to protect animals,
after reading accounts of a horse race, against time, in which the contestant horse,
"Empress," was driven to death. Angell’s announcement seeking support appeared in the
Boston Daily Advertiser on February 25, 1868. He did not have to wait very long, for on
that day he received a visitor, Emily Appleton, who had already taken steps toward the
organization of a society. She had met Henry Bergh months earlier and had been
corresponding with him. By October 1867, Appleton had collected close to ninety names
of interested parties, and submitted paperwork for an act of incorporation with the
Committee on Agriculture of the state legislature. With her consent, Angell redrafted the
papers of incorporation, which the legislature quickly approved, and, on March 31, 1868,
the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) conducted
its first official day of business. The acquaintances of Emily Appleton and her husband
William, a prominent publisher, became the first donors, and for years the Appleton
home was an important venue for Angell’s interactions with prominent New Englanders.4

3 “A Brief History of the Work,” Our Dumb Animals [hereafter ODA] 5 (June 1872), 212; and
George T. Angell, Autobiographical Sketches and Personal Recollections (Boston: American Humane

4 Bergh to Emily Appleton, 29 Oct. 1867, American Society for the Prevention of Cruelty to
Animals Archives, New York, NY [ASPCA-NY], LBK 3: 137-38; “Long Race—Death of the Winning
Advertiser, 25 Feb. 1868, 2; “A Brief History of the Work,” ODA 5 (June 1872), 209; “Massachusetts
Record,” ODA 9 (June 1876), 8; “Cruelty to Animals,” Boston Journal, 10 Apr. 1874, Pennsylvania
Society for the Prevention of Cruelty to Animals Archives, Philadelphia, PA [PSPCA-PA], SBK 1866-
1877; and “Emily Appleton,” Our Animal Friends 32 (Aug. 1905), 545. Angell cited three prior incidents
that drew him to the cause in “What Led You, Mr. Angell, to Go Into this Work?” ODA 41 (Jan. 1909),
115.
Angell proved himself an exceptional promoter, and before long the MSPCA was thriving. The organization conducted an annual fair, and sponsored contests for the best essays on methods to prevent cruelty. Angell and his supporters also initiated competitions to encourage inventions designed to eliminate or relieve the suffering of animals. Angell did his best to gain access to the nation’s pulpits and other speaking platforms, and, here, too, he enjoyed considerable success. He wrote to prominent citizens throughout the country soliciting endorsements; Harriet Beecher Stowe was one of the first to respond.  

Angell’s unique early accomplishment was the movement’s first steady publication, Our Dumb Animals, which he edited with help from Abraham Firth and Frank Fay. In June 1868, Angell produced the first issue, printing 200,000 copies. Through a political contact, he secured the help of the Boston police force for door-to-door delivery, a method of distribution that lasted for some years. Before long, supporters in other parts of the country were ordering copies to circulate. Each month’s issue included a compendium of recent news on animal protection, narratives of animal fidelity, heroism, and sagacity, recommendations for basic animal care, and accounts of humane inventions. Angell once told William O. Stillman of the American Humane Association (AHA) that he sent the magazine to every doctor, lawyer, and clergyman in Massachusetts, because they were most “apt to be consulted when people make a will.”  

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5 “Fair Held at Horticultural Hall, Boston, by the Ladies, for the Benefit of the SPCA,” Frank Leslie’s, 30 December 1871, 251; and Angell, Autobiographical Sketches, 18.  

Its children’s department was an important feature of Our Dumb Animals, offering a steady fare of selections on kindness to animals. As a former schoolteacher, Angell took a special interest in humane education, and it quickly became the hallmark of the MSPCA’s campaigns. From its inception, the organization offered prizes for compositions on the treatment of animals. In the early years, Angell frequently lamented the paucity of humane literature for children. In 1873, he expressed his delight at the publication of Julia Eastman’s Striking for the Right, a progenitor of Black Beauty. Eastman drew upon real incidents from the MSPCA’s case files. In her narrative, children in a Massachusetts town form a kindness club under the guidance of a teacher who supports their desire to take active steps to halt cruelty. Their efforts prompt numerous changes in the way the townspeople treat animals. Showing them the way, their young teacher contradicts the town pastor in regard to the rights of animals, challenges the cruelty of teamsters, and criticizes methods used to transport cattle. One boy’s cruelty has bitter consequences, but even his story ends in redemption. Eastman’s book sounded many of the themes that Angell liked to emphasize, and the appearance of Striking for the Right put him on the lookout for similar publications.7

In 1871, Angell abandoned his already neglected law practice in order to campaign full-time for animals. His approach greatly differed from that of Bergh; none of the rich apocryphal lore that surrounds the New York crusader attends his Massachusetts counterpart. Angell did not share Bergh’s nativism or his commitment to

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7 Julia Eastman, Striking for the Right (Boston: D. Lothrop and Sons, 1872); “Striking for the Right,” ODA 5 (Jan. 1873), 264; and “Is ‘Striking for the Right’ Exaggerated?” ODA 5 (Feb. 1873), 274.
prosecution. Instead, he preferred to promote public education as a means to encourage humane conduct. At a meeting of the American Social Science Association in 1874, Angell expressed his conviction that “it is quite as possible to develop the heart as the intellect.” When this is “required and done,” he continued, “we shall not only have higher protection for dumb creatures . . . but also human life better developed and better worth living.”

The Identification and Relief of Animal Suffering

Like his colleagues elsewhere, Angell first concerned himself with the common cruelties of the urban environment. The MSPCA’s earliest priority was the problem of overburdened horses. In a letter to the Massachusetts Ploughman, Angell protested the driving to death and starvation of animals. He also deplored the traffic in worn out horses and the frequent abandonment of injured or superannuated animals. Angell’s missive underscored the limitations of the 1834 Massachusetts statute and the need for new legislation to broaden the legal definition of cruelty. “There is a law against cruelly beating and torturing, but there is no law in our statute book against overdriving, overloading, overworking, starving, or abandoning to starve, and hitherto there has seldom been found anybody to enforce what little law there is,” Angell wrote. Thus, “beating horses with irons, with billets of wood, loading them far beyond their capacity to

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draw, overdriving them, overworking them, denying them proper food, drink and shelter, have been things, more or less of which have been occurring in our streets every day.”

The first man arrested by the MSPCA in 1868 brought in experts to swear that the horse involved could bear the load, and the judge dismissed the charges. In a letter to the Boston Transcript, Angell offered a critical analysis, entitled “What is Overloading a Horse, and How Proved?” In it, he argued that “what one horse can do one day has no force in showing what another ought to do on another day,” and that the best judge of whether a horse was overloaded was the horse. Addressing the court’s reluctance to give credence to the testimony of some bystanders, Angell suggested an empirical approach. “So when the horse, ordinarily kind and willing to pull, comes with a heavy load to a rise of land and, after one or two efforts, stops and says, as plainly as words can speak it, ‘I am overloaded, I am working too hard, I feel that the task put upon me is too heavy,’ that is evidence,” Angell wrote. “No magistrate or juror would have any difficulty in deciding in his own mind whether a case to which his attention might be attracted in our public streets was or was not a case of cruelty.”

One editorialist for Our Dumb Animals believed the MSPCA might secure more convictions if it did not have so much trouble convincing witnesses to testify. “In a majority of cases reported at our office the first request is, ‘do not mention me in

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connection with the matter, as the party is a neighbor of mine, and I don’t wish to testify against him,”’ the writer noted. “The whole burden of unearthing suitable evidence to warrant a prosecution is thus thrown on our agent, who finds it exceedingly difficult, and he is sometimes obliged to abandon a good case in consequence.” Angell and his collaborators found it particularly hard to persuade women to testify, and made a point to praise those who had shown the courage to appear in court or to intervene against street-side cruelties.11

Early in its history, the MSPCA directorate considered mounting a test case against one of the Boston street railway companies. However, the directors hesitated, wishing to avoid the precedent of a failure, “a result pretty sure to follow, because of the difficulty of obtaining sufficient evidence,” Frank Fay, the MSPCA Secretary, later noted. “The society would have to prove that the horse car and load weighed over 12,000 pounds, which would require a freight of over fifty passengers, and if that was done,” Fay observed, “the hostlers, driver and conductor would testify that the horses did their usual work next day, and were neither disabled nor apparently weakened.”12

At first, Angell believed that in Boston, as distinct from New York, the problem was tied less to corporate avarice than to passengers’ tendency to “pile in” without regard for the horses’ welfare. To some extent, as a writer in Our Dumb Animals suggested in 1876, “the remedy is with the people.” Early on, however, Angell concluded that the transportation companies were disingenuous in their claims to enforce a limit on

11 “To the Ladies,” and “A True Woman,” ODA 1 (Jan. 1869), 58; “Unwilling Witnesses,” ODA 3 (Oct. 1870), 36; and “A Boston Woman,” ODA 21 (June 1888), 9.

passenger load, and in February 1872 the MSPCA sponsored a petition to the state legislature for a law to restrict the number of people on each car. An ex-director of the Metropolitan Horse Railroad offered compelling testimony, highlighting "that diabolical outrage, the use of over twenty-five hundred horses in the city of Boston on horse railways, night and day, rain or shine, year in and year out, by which they suffer all the tortures of a lingering death on an endless treadmill." This was the first in a series of unsuccessful attempts.13

In November 1872, in the midst of the era's greatest epizootic, a controversy about overworked horses led to an acrimonious exchange in the Boston press, as the MSPCA stood firm in its threat to make arrests if any sick horses were found in use. In the aftermath of the scourge, Our Dumb Animals published with enthusiasm accounts of advances in the development of a "steam street car" that would one day replace horses on street railroads. The MSPCA also took credit for many improvements the companies did institute as a result of pressure. The horses received much better care; "tow-horses" were stationed along steeper grades; superintendents forbade whipping and abuse of animals; and company stables observed higher standards for ventilation and cleanliness. Operators did not work animals who were lame or galled, and they did not use inferior stock.14


On the other hand, Bostonians, like Philadelphians, insisted on having the cars stop at their doors, necessitating frequent stops and starts that were punishing to the horses who drew them. The MSPCA could persuade neither the companies nor the riding public to end this practice. The Board of Railroad Commissioners also dismissed suggestions that the Boston companies emulate those of Paris, which sold only as many tickets as there were places available, as an “expedient that could not be thought of” in Massachusetts. There were many occasions, such as in inclement weather or after a theater performance, when crowding of cars seemed either justifiable or difficult to prevent.15

Like the companies in New York and Philadelphia, Boston streetcar interests fought off all initiatives to regulate the number of passengers admitted onto the cars, and to prohibit the use of salt on their tracks. Ten years after the first attempt to limit occupancy, the MSPCA believed that the companies were carrying two to three times as many passengers in the same cars. Angell made one last attempt to lobby for restrictions in 1881, by which time he had become thoroughly cynical about the political influence of the street railways.16

The means of putting worn out, sick, and injured animals to death on the street was an important priority. For years, the MSPCA lacked any authority to kill an animal without the consent of the owner, although such permission could usually be obtained.

15 “Stop Horse-Cars at Street Corners Only,” ODA 9 (Feb. 1877), 68; and “Overcrowded Horse-Cars,” ODA 19 (Sept. 1886), 29.

when it became clear that the use of a disabled, diseased, or fatally wounded animal could be prosecuted. On the streets, its agents used chloroform and specially designed hammers for curbside euthanasia. There were, one MSPCA editorialist underscored, worse things than death. “As our primary object is to save animals from suffering,” he wrote, “we feel that when we secure the comparatively painless death of an animal which is worn out and past service, if suffering from disabilities or with wounds or incurable illness, we are doing a merciful act.” Furthermore, the writer noted, “While some contend that animals are entitled to live until they die a ‘natural death,’ we feel that we are showing kindness to them by relieving them from the possibility of suffering.”

In 1872, Angell recruited Harvard zoologist D. D. Slade to prepare a pamphlet, probably the first of its kind anywhere, on how to provide a merciful death to suffering creatures. The instructions specified where the blow should be struck, or the bullet aimed, in the case of the horse. It recommended a bullet through the brain in the case of the dog, and advised the use of cyanide of potassium for the merciful killing of cats. Later in the century, the American Humane Education Society (AHES) editions of Anna Sewell’s Black Beauty (sponsored by the MSPCA) included this same information in an appendix.

17 “Killing Horses by Agents,” ODA 7 (Aug. 1874), 20; and “Glanders and Farcy,” ODA 9 (Mar. 1877), 77.

18 “Killing Horses,” ODA 4 (Feb. 1872), 172; and “Killing Disabled Animals,” ODA 5 (July 1872), 220.

One issue Angell avoided was the gathering up of stray dogs. He believed that Boston had very few loose-running dogs in comparison with other communities, and reminded correspondents that the MSPCA had no authority to remove licensed dogs from the street, even if they were running loose. He consistently maintained that rabies was a rare condition and that much of the fear it occasioned was unfounded. Angell did think that humane muzzles were a useful precaution in times of high anxiety over hydrophobia.20

Perhaps more than any other figure in American animal protection, Angell conceived of humane work as akin to the other great reforms of the era. In a letter to Harvard University President Charles Eliot, politely if equivocally acknowledged, Angell proposed a series of lectures by such reformers as Clara Barton (the Red Cross), Mary Livermore (woman’s suffrage), Frances Willard (temperance), and himself. He regularly presented information on other reforms in the pages of Our Dumb Animals.21

Like his counterparts in New York and Philadelphia, Angell sought to promote and defend the interests of animals in a broad range of contexts. From an early stage, however, he decided to focus special attention on two areas of concern. One, humane education, would occupy most of his energies after 1880. During the 1870s, however, Angell devoted his time and effort to campaigns against the mistreatment of animals used

20 “Mad Dogs,” ODA 3 (Aug. 1870), 20; “Hydrophobia,” ODA 7 (July 1874), 12; “Killing Stray Dogs,” ODA 9 (July 1876), 11; “Mad Dog’ Panics,” ODA 9 (Sept. 1876), 29; and “Spitz Dogs and Hydrophobia,” ODA 9 (Mar. 1877), 76.

for food. It was an issue that held special urgency in that decade, and one that Angell helped to bring to a national audience.

Cruelty, Consumption, and Consequences

Most humane advocates in the mid- and late nineteenth century worked to soften the cruelties endured by animals being transported to slaughter. Angell was an especially active propagandist, and did more than any of his colleagues to place the issue onto the national agenda, where in 1873 it became the subject of the landmark Twenty-Eight Hour Law. In Boston as in other cities, the husbandry, transportation, and slaughter of animals for meat and other products constituted a realm in which environmental threats, animal welfare, and public health concerns all converged. This gave the humane societies a chance to assert themselves in municipal life. Between 1856 and 1859, Massachusetts passed a pure milk law, appointed milk inspectors, and banned the feeding of cows with the refuse of distilleries, so that swill milk never became an important focus for the MSPCA. The production of meat was a different story, though, and the need for reform was great. In 1870, Dr. George Derby, first secretary of the Massachusetts Board of Health, noted that slaughtering methods in the city had not changed in fifty years. In the earliest edition of Our Dumb Animals, Angell included quotes from the proprietor of one local abattoir on cruelty in slaughterhouses. He also lobbied Derby and other members of the Board of Health for replacement of antiquated slaughterhouses by a modern central
facility. He even purchased shares of the abattoir’s stock, in order to have a shareholder’s voice in its management. 22

Ultimately, the health hazards constituted by an unregulated and decentralized slaughtering industry proved to be a more trafficable issue than the cruelties of slaughter or transportation. Since the mid-1860s, the environmental nuisances of the Brighton slaughtering district had stirred concern. The Massachusetts Board of Health tried to encourage changes in the operation and disposal methods of the slaughterhouses, but butchers resisted and little progress occurred. At first, even appeals to the legislature were thwarted. 23

Events took a dramatic turn in mid-April 1871, when a slaughterhouse worker at Brighton died after wiping himself off with a towel he had used to wash the sides of a dead ox. The coroner ruled that George Temple’s death resulted from blood poisoning after the towel inflamed a sore on his cheek. When it was revealed that his employer had already sent half the animal’s meat to market, a panic ensued. Four days later, a joint special committee of aldermen and common council members convened to investigate the sale of unwholesome meats. 24


Angell capitalized on these events with a special insert in Our Dumb Animals. Summarizing the Board of Health’s report, Angell concluded “that our Eastern markets . . . are largely supplied with the meats of diseased animals, and to some extent with the meats of animals that have died of disease; second, that the eating of these meats produces disease in those who eat them; and third, that it is impossible to detect these meats after they have been dressed.” Among other points, Angell expressed admiration for the attendance of rabbinical authorities at the slaughterhouse to observe the slaughter and dressing of animals, with the aim of excluding unhealthy products from the Jewish community.

In 1872, Angell issued the first of many editions of Cattle Transportation, an attempt to demonstrate that the public health problems at Brighton and other slaughtering districts were tied to the awful treatment of animals in transit. The MSPCA president assumed that public appraisal of the issue would turn on “sanitary considerations,” and the essay accordingly emphasized this aspect of the problem, “to secure the interest of persons who are not moved to consider the matter on the side of humanity alone.”


27 George T. Angell, Cattle Transportation (Boston: MSPCA, 1874); idem, Autobiographical Sketches, 40; and Frank B. Fay, “Secretary’s Report: Stock Transportation,” ODA, 6 (May 1874), 107. At least six editions of Cattle Transportation had appeared by the end of 1875.
The humane movement's campaign to highlight the ordeal of animals in transportation and slaughter emerged in the context of widely shared apprehensions, for it was not only animal protectionists who made the connection between cruelty and adulterated food products. Louis Agassiz, in an 1866 letter to Henry Bergh, alluded to "the dangers arising from the ill treatment of beef cattle before slaughtering them." Other scientists agreed that the cruelties of confinement and transportation over long distances routinely brought the flesh of sick and fevered animals to the markets and dinner tables of the eastern metropolitan areas.  

Other observers besides Angell saw the Brighton beef scandal as the direct result of mistreatment that resulted in the corruption of animals' flesh. "Lusty and strong the oxen and heifers leave their far-off pastures, but a week's experience on a cattle-train is too much for their constitutions," one New York Times writer commented. "Crowded and crammed together in reeking cages, they are transported thousands of miles without sleep or rest, and often without food or drink. Some are crushed to death, some die of hunger and exhaustion, and some breathe just long enough after their arrival to be knocked on the head by the ruthless butcher."  

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The conviction that cruelty corrupted the flesh of animals killed for food had a long history. Several early English advocates of humaneness, including Soame Jenyns, had advanced it, as had General de Grammont, the champion of animal protection in France.\textsuperscript{30} In the United States, this view had broad currency for a decade or two before the start of organized humane work. In 1853, for instance, a New York grand jury recommended the investigation of butchers who kept cattle from five to seven days without water. Horace Greeley's \textit{New York Tribune} lamented that "the flesh of beeves is often diseased by this system of starvation before butchering, that a congestive fever is engendered, and that the practice is not only cruel to the poor brutes, but worse than cruel to those who make use of the flesh of animals thus treated, for human food." References to the deleterious nature of meat from badly treated or malnourished animals commonly appeared in discussions of food adulteration in the years before and after the Civil War, and the argument received considerable support outside the movement.\textsuperscript{31} Once they launched their work, Angell, Bergh, and other humane colleagues frequently cited the causal relationship between cruelty and corrupted meat as part of their case for improving the treatment of animals in transit. Indeed, the notion that "cruelty to animals avenge..."
itself upon the consumer” was a central theme of Angell’s 1874 lecture at the annual meeting of the American Social Science Association.32

In 1872, the onetime abolitionist Loring Moody, who had previously worked for the MSPCA, formed the Mission for Animals, specifically to address the public health dimension of cattle transportation. The organization’s literature subordinated moral arguments to those of health and economy. Its officers included Angell, Bergh, Samuel Sewall, the Reverend James Freeman Clarke, and Chicagoan Edwin Lee Brown, who in 1877 would play a key role in forming the American Humane Association (AHA). During its brief existence, the Mission was an early advocate of a national system of livestock inspection.33

Moody’s organization failed to raise enough money to survive, however, and it was Angell who pushed the issue onto the national agenda, establishing himself as one of the nation’s first pure food advocates. In addition to his campaigns against food adulteration, Angell crusaded against the introduction of poisonous substances into cookware, wallpaper, and other commonly used industrial products. His influence on


33 “Transportation of Cattle,” Phila. Record, 24 July 1873, PSPCA-PA, SBK 1866-1877; Mission for Animals, Secretary’s Report (Boston: Cochrane and Sampson, 1873); and Mission for Animals, Secretary’s Report (Boston: Cochrane and Sampson, 1874).
these issues was appreciable, and would soon draw the interest of an American president, Rutherford B. Hayes, to the question of cattle transportation.\textsuperscript{34}

Humane advocates in Boston, New York, and Philadelphia also spoke out against the consumption of calves taken prematurely from their mothers. The product of this violation of the maternal bond—"bob" veal—was both a barbarity and a health risk. In New York, the sanitary code called for the punishment of those who sold meat from calves, pigs, and sheep less than four, five, and eight weeks old, respectively. One New York butcher agreed, writing that "much of the flesh called veal, sold about our cities, really is not fit for human food, in consequence either of its tender age, starvation, bleeding, and the inhuman manner of conveying these (and some other) animals through our streets to their destination, or all combined."\textsuperscript{35}

Angell was one of the first animal protectionists to appeal directly to consumers to spur change. Throughout the 1870s, he regularly called attention to the cruelty of bleeding calves in order to whiten the meat, asking fellow citizens to remember that "when they refuse to buy it there will be nobody found to bleed the calves." Our Dumb Animals republished excerpts from the works of British veterinarian William Youatt, who had been so influential in helping to overcome the same practice in England, and from butchers who deplored bleeding but emphasized that the refined tastes of the consumer lay behind the cruelty. In "A Word to Housekeepers," one MSPCA

\textsuperscript{34} James Harvey Young examines Angell's important role in the early phase of the pure food movement, and assesses his credibility, in Pure Food: Securing the Federal Food and Drugs Act of 1906 (Princeton: Princeton University Press, 1989), 45-52, 57-59.

correspondent encouraged women to exercise their civilizing influence in the marketplace by rejecting the meat made white "by a practice as cruel as it is unwholesome," and by insisting upon "red veal," derived from older calves who had not been bled.\textsuperscript{36}

In addition, Angell and other humanitarians asked consumers to be more conscious of cruelty to poultry. They strongly condemned epicurean cruelties like paté de foie gras--produced, as J. V. Smith noted, "by nailing the poor animals to the floor in a very hot room. Unable to take exercise, and confined in a sweltering air, the poor creatures fall sick, their livers enlarge to a monstrous size." Humane concern extended to the more common mistreatment of poultry on the way to and from market. The prevailing method of carrying them upside down by the legs led to great suffering as the blood rushed to their heads.\textsuperscript{37}

Angell and his colleagues cautioned consumers about other animal products, such as milk and eggs, too. They even extended the claim to include the mistreatment of fish. "Every fish ought to be taken out of the water as soon as caught, and immediately killed by a blow with a little club, on the back of the head," Angell wrote, "both because it is


merciful to the fish, and merciful to those that eat the fish.” Sam Lawson, in Harriet Beecher Stowe’s Oldtown Folks, made a similar point.38

Reformers like Angell also invoked cruelty’s corrupting impact on meat as part of their argument that animals ought not be slaughtered in each other’s presence. “[The] animal to be slaughtered should be conducted to the spot selected, quietly, without the use of goad or club, and everything calculated to alarm should be removed. All slaughtering premises should be kept clean from blood, and no carcasses be allowed to hang in view,” D. D. Slade advised. “No animal should be permitted to witness the death of another. Trifling as these measures may be to the professional butcher, they are of vast importance, not only in view of avoiding cruelty, but as affecting the wholesomeness of meat; there being no question as to the effects of torture, cruelty, and fear upon the secretions, and if upon the secretions, necessarily upon the flesh.” The MSPCA kept Slade’s essay in circulation for many years as humane advocates continued to cite the “culinary costs” of cruelly produced meats.39

In 1870, Angell’s intense focus on the unwholesome products of animal suffering took him to Chicago, where he helped to launch a humane society that made stockyard

38 “Kill Your Fish,” ODA 7 (Apr. 1875), 88; Angell, Protection of Animals, 10-11; and “Mr. Bergh and the Fish Market,” ODA 18 (Nov. 1885), 254. Henry Bergh had agitated on the question since the turtle case in June 1866. See Henry Bergh, An Address Delivered in the Great Hall of the Putnam County Agricultural Society on the 19th of September 1867 (New York: Lange, Billman, and Lange, 1868), 5. In Oldtown Folks, Sam Lawson insisted on killing the fish his youthful companions had caught by breaking their necks as he removed them from the hook. The flouncing and floundering of the fish distressed him, and he told the boys, “Fish hes their rights as well as any on us.” See Harriet Beecher Stowe, Oldtown Folks (1869; New Brunswick: Rutgers University Press, 1987) ed. Dorothy Berkson, 31. An outdoorsman who shared Angell’s concern discussed this and other cruelties in an 1880 illustrated article for Harper’s Weekly; see Gaston Fay, “Cruelties to Fish and Fowl,” Harper's Weekly, 13 Nov. 1880, 731-32.

and transportation cruelties its central focus. During the period 1871-1873, the MSPCA president helped to marshal support for federal legislation directed toward the prevention of inhumanities in handling and transit. In 1877, he was a central figure in the mobilization of concerned humane advocates who gathered to form the AHA, a national organization that would address the issue. More importantly, throughout the decade, Angell waged an unremitting public awareness campaign that helped to keep the matter on the national agenda.  

**Educating the Heart**

George Angell’s enthusiasm for humane education helped to make it one of the most important elements of animal protection work in the Gilded Age and Progressive era. While others before him had extolled the value of the kindness-to-animals didactic, Angell applied his entrepreneurial talent to promoting the teaching of kindness on the broadest conceivable scale. The MSPCA directed tens of thousands of dollars toward the production and distribution of humane education literature, making it the most important source of such materials in the nation.  

Humane education provided a means of spreading the word that could easily be adapted by other advocates, especially women, in whatever region or situation they might have to operate. It did not require substantial funds, and anyone able and willing to work with children in the schools or elsewhere could participate. Angell provided both the

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40 The next chapter discusses the national campaign to address animal suffering in transportation.
inspiration and the resources for such work, which contributed to the coalescence of a national animal protection movement.

In the early years of anti-cruelty work, humane education referred broadly to the instruction of both adults and children in the virtues of kindness. Many of the societies focused on teaching custodians and handlers of animals about the advantages of improved treatment and care. They appealed to the practicality and common sense of those who worked with animals, and found that fundamental ignorance about animals’ needs and characteristics was the cause of much avoidable neglect and abuse.41

Before long, however, animal protectionists began to recognize and to trumpet the advantages of early instruction in kindliness as a means of reducing adult crimes and prosecutions. Accordingly, they shifted their emphasis to the education of children as a longterm response to the spread of cruelty. Angell stood at the forefront of this approach.

Enthusiasm for humane education of children predated the anti-cruelty societies, coinciding with the emergence of the common school movement. The massive influx of immigrants in the 1830s and 1840s led some educators to envision the school as a central instrument of assimilation, guiding immigrant children away from the “backward” cultures of their parents. Horace Mann (1796-1859), universal schooling’s best known proponent, based his educational philosophy on unlimited faith in the perfectibility of human beings and their institutions. His conviction that the public school could be the answer to all of the Republic’s problems had its roots in the deepest of American

41 An exemplary publication incorporating these premises is Hannah W. Richardson, A Plea for the Dumb Creation (Phila.: PSPCA, 1869).
traditions, including Jeffersonian republicanism, Christian moralism, and Emersonian idealism. As Mann conceived the common school, it would be a guarantor of social order that reduced the destructive potential of class, political, or sectarian difference. This was not an unproblematic or unchallenged view, of course, and popular education was a subject of intense debate.\footnote{H. Warren Button and Eugene F. Provenzo, Jr., \textit{History of Education and Culture in America} (Englewood: Prentice-Hall, 1983), 94-98; and Lawrence Cremin, \textit{The Transformation of the School: Progressivism in American Education, 1876-1957} (New York: Alfred A. Knopf, 1969), 8-9. Michael Katz has argued that public schools for at least the past 125 years have been designed to reinforce the dominant social and industrial values of American culture. Nineteenth century workingman's parties, who saw education as a means to economic and social equality in an era when industrialization threatened traditional occupations and opportunities for lower middle and working class groups, pushed for reforms that would modify the established order. See \textit{The Irony of Early School Reform: Educational Innovation in Mid-Nineteenth Century Massachusetts} (Cambridge: Harvard University Press, 1968); and \textit{Class, Bureaucracy, and Schools: The Illusion of Educational Change in America} (New York: Praeger, 1971).}

By 1860, Mann's ideals had reached fruition, with public schools operating in a majority of the states. Although there were significant variations in their philosophies, all supporters of the common schools hoped to improve children's character by inculcating morality and citizenship, and to facilitate social mobility by promoting talent and hard effort. Through education, they would push all citizens toward what one reformer called the "civilized life" of order, self-discipline, civic loyalty, and respect for private property. Between 1860 and 1920, the common school movement, expanding its reach to include kindergarten, elementary, and secondary levels, became the dominant tradition in American education. During the same period, compulsory attendance requirements—rare before the Civil War—became universal, with Mississippi the one exception.\footnote{Cremin, \textit{Transformation of the School}, 17; and Robert F. Butts and Lawrence Cremin, \textit{A History of Education in American Culture} (New York: Holt, Rinehart and Winston, 1953), 415.}
A supporter of many antebellum social reforms, Mann recognized the value of early humane instruction. "The good man grows in virtue, and the bad man grows in sin," Mann wrote. "From the youthful benevolence that rejoices to see an animal happy, one grows up into a world-wide benefactor, into the healer of diseases, the restorer of sight to the blind, the giver of a tongue to the dumb, the founder of hospitals. . . . Another grows from cruelty to animals, to being a kidnapper, and enslaver, and seller of men, women, and children."  

Over time, humane values were incorporated into formal systems of education. Indeed, kindness to animals was an important element in the object teaching method associated with the doctrines of the State Normal School at Oswego, New York and its president Edward A. Sheldon (1823-1897). Oswego, while not the first, became the most important of the proliferating normal (teacher training) schools. Sheldon was influenced by the pedagogical doctrines of Swiss educator Johann Heinrich Pestalozzi (1746-1827), who placed the child at the center of all educational activity and saw the work of the school as continuous with that of the domestic environment. The Pestalozzian tradition was Romantic, viewing each child as a garden plant, to be tended, nurtured, and cultivated to his or her fullest potential. Powerfully influenced by Rousseau, Pestalozzi's approach diverged from then rigid modes of instruction relying on authoritarian control, absolute obedience, corporal punishment, and forced rote memorization. Instead, Pestalozzi's methods relied on the natural instincts of the child to generate the motivation

44 Horace Mann, Twelve Sermons Delivered at Antioch College (Boston: Ticknor and Fields, 1861), 121.
for learning. His lessons centered upon the experience and observation of things, including natural objects, rather than on books and reading. Animals and plants were among the most important items in Pestalozzi’s system for developing the child’s senses of sight, touch, and sound.

Pestalozzian education gained a foothold in antebellum America through the brief existence of New Harmony, Indiana, Robert Owen’s utopian community. Its lasting influence came through post-Civil War exponents, especially Edward Sheldon. Sheldon’s curriculum centered on lessons that introduced children to objects they might find around them at home. The emphasis was on varieties of learning experience rather than specific subjects. “The natural history of the animal creation furnishes abundant materials for instruction,” Sheldon proclaimed. “First, of a religious character; for the wisdom and goodness of the Creator are manifestly proclaimed in the wonderful construction and beautiful adaptation of animals.” More pointedly, Sheldon’s endorsement of using animals in object teaching acknowledged its influence upon moral character. By awakening interest in animals, he wrote, “kind and humane feelings are promoted, which those who have witnessed the pleasure even very young children take in tormenting creatures over which they have any power, will acknowledge to be an object of no small importance.”

After the anti-cruelty societies formed in the late 1860s, humane education became a vital objective of a burgeoning social movement specifically devoted to the

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welfare of animals. All of the major figures in animal protection invested their energies in it. Even Henry Bergh, better known for his zealous pursuit of specific cruelties, and much less optimistic about human nature than Angell, found time to endorse and encourage humane education work. Bergh’s vehicle was Our Dumb Chattels, a pamphlet the ASPCA published and made available for the use of the new societies springing up in other cities. While he was not the author, the pamphlet conveyed both Bergh’s cultivated sensitivity to animal pain and his stern convictions about punishment. Many tales in Our Dumb Chattels were of a Hogarthian character, depicting youthful protagonists forced to endure cruelties analogous to those they had inflicted upon animals. The punitive measures taken by parents in some of these tales were calculated to frighten children into upright behavior, an approach humane authors and publishers later abandoned.  

In Philadelphia, too, humane education efforts followed the founding of anti-cruelty organizations. Rebecca Willing, a board member of the Women’s Branch of the Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA), played a crucial role. In 1872, the Women’s Branch organized its first contest for essays on kindness to animals. Subsequently, Willing and other humane workers, including Mary F. Lovell and Caroline Earle White, launched a society for boys called the Young American Humane Union. They attempted to organize student groups in the city’s grammar schools, where they read selections concerning the habits and treatment of animals, and awarded badges

46 Our Dumb Chattels (New York: ASPCA, 1867); Bergh to Ferdinand Coxe, 16 Aug. 1867, and Bergh to Emily Appleton, 16 Aug. 1867, in ASPCA-NY, LBK 3: 8-11; and “Mr. Bergh at the Five Points House of Industry,” Frank Leslie’s, 23 Nov. 1867, ASPCA-NY, SBK 3: 168.
and other prizes. In the 1880s, at White's urging, the campaign expanded into the Catholic schools.\footnote{Mrs. Charles Willing, \textit{ODA} 22 (Feb. 1890), 108; "A Brief History of the Band of Mercy Work in Philadelphia," \textit{Journal of Zoophily} [hereafter \textit{JOZ}] 12 (Aug. 1903), 97; Margaret Halvey, "Humane Education in the Public Schools," \textit{JOZ} 14 (Apr. 1905), 44; and Mary F. Lovell, "Young American Humane Union," \textit{National Humane Review} 11 (Apr. 1923), 79. When Willing died in 1887, she bequeathed her home to the Women's Branch and the Young American Humane Union as a headquarters.}

For his part, George Angell, influenced by Horace Mann, stressed humane education's utility for ensuring public order, suppressing anarchy and radicalism, smoothing relations between the classes, and reducing crime. Humane education would be the solution to social unrest and revolutionary politics, he believed, and a valuable means for socializing the young, especially the offspring of the lower classes. Angell also appreciated the significance of the public school system as a forum for socialization, especially in an increasingly secular society. He told the annual meeting of the AHA in 1885 that “the public school teachers have in the first fortnight of each school year, about four times as many children, and have them more hours, than the Sunday school teachers do during the whole year.”\footnote{George T. Angell, "How Can We Humanely Educate the Hoodlums?" \textit{ODA} 38 (Mar. 1906), 146; idem, "Fire-Bugs and Humane Education," \textit{ODA} 38 (Aug. 1905), 47; and idem, "The Power of the Public Schools," \textit{ODA} 18 (Dec. 1885), 264.}

In support of his grand vision for humane education, Angell created a “missionary fund” to support the distribution of educational materials all over the country. Most of the money went to support the formation of “Bands of Mercy.” The English temperance movement's Bands of Hope, which served to rally children by means of a pledge against alcohol consumption and related evils, provided the model. Band of Mercy members
pledged themselves to “be kind to all harmless living creatures, and try to protect them from cruel usage.” Angell and Thomas Timmins, a minister who had assisted with the development of the Bands of Mercy in his native England, introduced the concept to the United States in 1882. Timmins worked to form bands while Angell strove to raise money and awareness.49

Years later, in 1889, this initiative coalesced as the American Humane Education Society (AHES), which incorporated and extended the premises of the Band of Mercy program.50 Angell saw humane education as vital to the long-term survival and acceptance of the anti-cruelty movement. The Band pledge was

simply the opening up of a door. . . . [Each] Band is thus provided with the very best material for the humane education of its members, and through them of their fathers and mothers and the communities in which they reside. Very soon acts of cruelty and kindness begin to be noticed as never before; and talked about. . . . The humane sentiment of the community is gradually uplifted—then comes a demand for the enactment and enforcement of laws—then comes the Humane Society to crown the whole.51

Such holism—a view that all parts of society could be reached, and all brought into harmony with humane values—lay behind virtually every initiative undertaken by the MSPCA and the AHES until Angell’s death in 1909.

49 See Thomas Timmins, The History of the Founding, Aims, and Growth of the American Bands of Mercy (Boston: P. H. Foster, 1883); and “Thomas Timmins,” ODA 31 (Oct. 1898), 63. Massachusetts agriculturalist Benjamin P. Ware, his collaborator in the effort to promote Band of Mercy work in Marblehead, provided a recollection of Timmins in “A Marblehead Letter,” ODA 38 (Jan. 1906), 114. On other publications’ sympathetic coverage, see “Good News,” ODA 21 (Jan. 1889), 88.


51 “What Do the Bands of Mercy Amount To?” ODA 20 (Mar. 1888), 118.
From the 1870s onward, Angell had been on the lookout for suitable reading material for guiding the young toward the values of kindness. He found his ideal vehicle in *Black Beauty*, the novel dictated by a dying British invalid, Anna Sewell, to her mother, and first published in 1878. In 1890, Angell circumvented copyright laws and brought out the first American edition under the auspices of the AHES. This was the first in a succession of AHES editions, normally incorporating appendices relevant to the work and ideas of his several societies. Some editions included a special index that guided readers to instances of cruelty and kindness in the novel. In just two years, over one million copies were in circulation, an unprecedented accomplishment in publishing. The other books in the AHES series anchored by *Black Beauty*—*Our Goldmine at Hollyhurst* (1893), *The Strike at Shane's* (1893), *Four Months in New Hampshire* (1894), and *For Pity's Sake* (1897)—would remain mainstays of humane literature well into the twentieth century. The books, along with cash awards, medallions, badges, and rewards of merit, were distributed in schools in recognition of good behavior, recitations, essays, acts of kindness, and other attainments. In addition, an energetic cadre of humane society workers and supporters purchased and sold copies to sustain their own work.

*Black Beauty* cast a long shadow over the field, and Angell, wishing to inspire a canine analogue, advertised a contest for the purpose. The winning entry was Beautiful

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Joe, by Margaret Marshall Saunders of Nova Scotia. Later, a spate of autobiographical works—authored by a host of maltreated animals—appeared, and the animal autobiography became a staple of humane literature. The movement’s celebration of such titles elevated certain authors to special status as harbingers of a humane world. Saunders herself was the best known of these, but Gene Stratton-Porter, who would later become famous as a children’s author, began her career anonymously with The Strike at Shane’s. In early adulthood, Ralph Waldo Trine (1866-1959), who went on to become a best-selling mind cure author, won an AHES contest for the best essay on humane education as a way of preventing crime. Trine later wrote Every Living Creature, advocating kindness to animals as an essential element in enlightened character.

Humane education literature reflected animal protection’s roots in the culture of sentiment that drove much of American reform in the nineteenth century. Sympathy with animals reflected the Victorian era’s privileging of the heart over the head. Humane education drew heavily on the gospel of the heart for its language and its lesson plans.

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56 Ralph Waldo Trine, Every Living Creature: or, Heart-Training Through the Animal World (New York: Thomas Y. Crowell, 1899); and “Ralph Waldo Trine,” ODA 39 (Jan. 1907), 120.
The religion of the heart appealed to both secular and evangelical animal advocates who decried the emphasis on practical knowledge at the expense of moral culture and ethical and emotional development. Education of the intellect did nothing to inculcate compassion and mercy.\(^{57}\)

Sentimental fiction, usually authored by women, was a special locus and medium for what some called “heart culture.” As literary scholar Jane Tompkins notes, a novel in this genre was “a political enterprise, halfway between sermon and social theory,” that attempted to codify and to mold the values of its time. Both *Uncle Tom’s Cabin* and *Black Beauty* were products of this culture, sentimental works with great designs and ambitions.\(^{58}\)

In the post-Civil War period, historian David Pivar has suggested, the formation of character became “a new social religion and the dynamic for social change,” especially for feminists and moral reformers. The properly instructed child could resist temptation and internalize a morality consistent with middle class ideals of social purity.\(^{59}\) Such preoccupation with youthful virtue provided humane advocates with both rationale and wider opportunities. The promotion of humane education as an antidote to depraved

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character and a panacea for numerous social ills brought animal protection into closer alignment with other reform movements of the era.

During the 1880s, George Angell attempted to further the spread of the kindness-to-animals ethic by launching a campaign to make humane education compulsory in Massachusetts. He found a key ally in Charles L. Flint, president of the Boston School Board, through whose influence Angell gained easy access to the schools. Angell gathered signatures for petitions in an effort to persuade the legislature to require that children be taught not to molest birds and other animals. Ultimately, the campaign to secure specific legislation failed, but its spirit was honored. By November 1886, Angell was publishing correspondence with the Massachusetts Board of Education that confirmed the teaching of humane precepts. The promotion of kindness to animals was "the legal and moral duty of every teacher in the Commonwealth" as part of the requirement to comply with an extant public statute requiring "the teaching of humanity, universal benevolence, etc." The Massachusetts campaign set a precedent and a standard toward which advocates in other states would work in the decades ahead.

**Prosecution versus Persuasion**

Virtually every society for the prevention of cruelty to animals had the power to make arrests under the anti-cruelty statute in its state, and many published relevant statistics in their annual reports. However, prosecution and arrest records were just one

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60 "Resolutions and Petition," ODA 18 (Apr. 1886), 302; "Our Work with the Legislature," ODA 18 (May 1886), 312; "To Massachusetts Teachers," ODA 19 (Nov. 1886), 49; and "The Honorable Charles L. Flint," ODA 21 (Apr. 1889), 127.
among many elements in any society's annual report, along with accounts of education outreach, public speaking engagements, humane inventions, endowed fountains, donor and bequest information, and other details of the work. The diverse items contained in these reports suggest that the character of such organizations is shaped more by their chosen scope of activity than by their legal authority. The ability to make arrests was not the defining characteristic of a society for the prevention of cruelty to animals. Prevention did not rest upon punishment.

Early on, many leading animal protectionists concluded that other strategies, especially public education, were of better service to the cause. Humane advocates also recognized that arrests and prosecutions were not feasible approaches for dealing with all of the cruelties that they targeted. Some SPCAs could not even afford the salary of an agent. Thus, they sought to balance prosecution with other activity.

The statistical analysis of humane society investigation records is fraught with difficulty, because reporting practices, statutory definitions, and legal authority varied from organization to organization, along with campaign priorities, personnel levels, and practical resources. Even so, such analysis permits three conclusions. First, the preponderance of cases investigated and prosecuted involved the neglect and mistreatment of horses. Second, the majority of those who mistreated these laboring animals were working class people. Third, as the years passed, the humane movement's reliance on arrest and prosecution steadily declined.

Outright brutality toward horses, like that represented in the SPCA seal, was certainly common, especially in the early years of humane work, and the organizations
were vigilant and unyielding in their efforts to suppress violent conduct. But humane society agents investigated numerous offenses that came within the category of neglect, examining horses in their community for lameness, sores, bad shoeing, glanders, and disability. In these instances, intervention generally involved the dispensation of advice or veterinary literature, a warning, or—in the case of a very sick or debilitated animal—an order for destruction.

As much any figure in early animal protection, George Angell embodied the movement’s preference for persuasion over prosecution, an inclination he and others made explicit in MSPCA publications. In 1868, an anonymous editorial in Our Dumb Animals judged Henry Bergh’s approach in New York City more “‘heroic’ than would be acceptable or most successful in New England.” In its first decade (1868-1878), the MSPCA investigated 18,389 complaints, prosecuting 1,893 (10 percent) of them. Apparently, the MSPCA officials exercised good judgment in deciding which cases to pursue, as 1,564 (83 percent) of the cases that Angell and his agents chose for prosecution resulted in convictions. By mid-1883, six percent (2,284) of a total of 36,717 cases investigated by the MSPCA had ended with convictions. Educating the public about animal care, and warnings about mistreatment, neglect, and abandonment, seemed to be making a difference, and, in 1888, Angell proudly quoted an agent’s comment that “we find it very difficult now to get cases of cruelty in Boston sufficiently aggravated to
sustain a prosecution in the courts.” In 1906, Angell cited a newspaper report that confirmed the higher reliance of the ASPCA on prosecution.61

Bergh’s ASPCA was certainly more vigorous in advocating and pursuing prosecutions. Yet, despite apparent differences in the approach taken there, the trend in New York also involved a shift away from prosecution to persuasive means. In 1892, four years after Bergh died, the ASPCA reported that in 27 years its agents had investigated 51,253 complaints and prosecuted offenders in 18,927 (37 percent) of these cases.62 Over the following six years, however, the prosecution rate fell below 3 percent, as the overall number of incidents investigated swelled. Moreover, after 1894, when the ASPCA made 1,010 arrests, the total number of annual arrests declined steadily every year.63

A declining rate of prosecution also held for the Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA), which reported in 1885 that it had

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61 “Our Work,” ODA 1 (June 1868), 1; “How Many Prosecutions Have You Commenced?” ODA 1 (Aug. 1868), 1; “A Brief History of the Work,” ODA 5 (June 1872), 209; “Tenth Annual Report,” ODA (May 1878), 93-94; American Humane Association (AHA), Ann. R. 1884, 64; “How Many Prosecutions Have You Made?” ODA 20 (Feb. 1888), 106; “The Comparative Value of Prosecutions,” ODA 38 (Dec. 1905), 100; and “The Prevention of Cruelty to Animals, Boston and New York,” ODA 38 (May 1906), 174. In Imperiled Innocents: Anthony Comstock and Family Reproduction in Victorian America (Princeton: Princeton University Press, 1997), Nicola Beisel claims that the New York anti-vice movement was more aggressive than that of Philadelphia because New York reformers were more preoccupied by the “perceived political impotence of the native born in cities increasingly dominated by immigrants.” This suggests that Bergh and his supporters might also have found greater public tolerance for a hard-hitting strategy of prosecutions and arrests in New York City than was possible in Philadelphia. On the other hand, Beisel argues that Boston anti-vice crusaders were also aggressive in their tactics because of nativist anxieties. In that city, given Angell’s suasionist approach, the correlation breaks down. Angell chose to work through public education and he was satisfied with the results of this approach.

62 ASPCA, Ann. R. 1893, 20. Through the end of 1881, approximately 7,456 (82 percent) of the 9,121 cases the ASPCA prosecuted involved cruelty to horses; ASPCA, Ann. R. 1882, 13.

investigated 19,006 complaints in 18 years of activity, and made arrests in just under 15 percent (2,764) of those cases. In Philadelphia as in Boston, humane agents seemed to have learned what it would take to establish cruelty in the court system, as 2,405 of these arrests (87 percent) resulted in convictions. In 1897, surveying 28 years of activity, the PSPCA noted that its agents had made arrests in less than three percent of the cases it investigated. Breaking this into four divisions of seven years each, the PSPCA reported that its arrest rate had declined from ten percent over the first seven years, to four percent, and then to two percent in succeeding periods. Sometime later, record keeping at the PSPCA changed, inflating the number of cases investigated. Under the new formula, the PSPCA reported in 1914 that it had prosecuted fewer than two percent (14,352) of the 770,794 cases it had investigated in 47 years of activity.

Beyond the statistical record, some societies had reputations for restraint and fairness. In 1883, noting that the Connecticut Humane Society made very few arrests, its president Rodney Dennis reminded his audience that “the highest civilization is indicated, not by the frequency and severity of punishments, but rather by the pressure of a sentiment which prevents the necessity of it.” In Philadelphia, the Women’s Pennsylvania Society for the Prevention of Cruelty to Animals (WPSPCA) sometimes reduced fines, replaced worn-out horses its agents had confiscated, and provided other forms of assistance to the indigent. In 1911, a Philadelphia teamster, speaking of a deceased WPSPCA agent, remarked that the officer “never wanted to prosecute, but

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always gave one a chance, advising the drivers and showing them how to do right by the horse that helped to make their living."  

Humane advocates also proved flexible in their attitudes toward observing the letter of the law. Occasionally, for example, they acknowledged that the penalties inflicted under anti-cruelty statutes might be too severe. This issue surfaced in Illinois, where the 1869 law assessed a fine of $50 for every act of cruelty. SPCA authorities there felt constrained from prosecuting cases where they believed that the parties might be unable to pay such a heavy fine. "To extort it in a good many cases," they judged, "would have been greater cruelty than it was designed to punish." Within a year of its passage, the law was amended to encompass a range of fines from $5 to $100, according to the severity of the offense.

There were other limits to humane enforcement practices. Although reliable statistics concerning employment are elusive, it is clear that very few humane societies had more than one salaried agent. In 1878, the PSPCA had four salaried agents on the streets. The PSPCA's Women's Branch (later to become the WPSPCA) employed two agents (both male) of its own. In 1879, the MSPCA reported that three agents were on

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the payroll, and, within two years, the society added a fourth. In 1881, the MSPCA listed 400 volunteer agents around the state.68

Even for well-funded organizations, some cruelties proved extremely difficult to police, let alone to suppress. Animal fighters, for example, developed elaborate means of staging their events in secret, outside the reach of authorities. Sometimes, too, humane societies chartered for operation within an entire state found it difficult to have their authority acknowledged outside their home counties. It was a cause of celebration when the Philadelphia-based PSPCA secured its first conviction in neighboring Montgomery County, eighteen years into the society’s work.69

The SPCAs quickly discovered that education and propaganda were the only means by which certain abuses could be halted. “A large proportion of the complaints which reach us,” Pliny Chase wrote in the PSPCA’s 1872 annual report, “are for cases against which the law provides no remedy. Some of this class, such as those which are practiced in private stables, and out of the way of witnesses, are, in their very nature, beyond the reach of any possible legal enactment.” This led humane societies to invest in


publications designed to educate citizens working with animals about their needs and behavior.\(^{70}\)

Quite apart from their prosecution policies, humane societies frequently demonstrated compassion toward offenders, especially when they were poor. SPCA leaders understood that cruelty, neglect, and mistreatment often resulted from poverty, the exigencies of survival, or inadequate knowledge of animals. They tried to take these factors into account when dealing with lower class offenders. In an 1874 review of the ASPCA’s recent prosecutions, the New York Times noted that the “willful and deliberate offender, goaded on by evil passions and an utter disregard to all humanity, is severely dealt with by the present Police Justices.” In contrast, “those who, from sheer necessity, are often compelled to work horses in an unfit state to provide themselves and families with food, are cautioned, and their animals cared for by the society.”\(^{71}\)

**Conclusion**

As a dynamic promoter of animal protection, George Angell not only inspired the formation of humane societies across America, he sometimes participated directly in their organization. In 1870, Angell spent four months in Chicago, where he helped John C. Dore and Edwin Lee Brown found the Illinois Humane Society. In 1880, he played a role in the organization of the Wisconsin Humane Society. In 1881, he helped to launch the

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\(^{70}\) PSPCA, Ann. R. 1872, 14; ASPCA, *Vices Practiced by Horses, Such as Baulking, or Inability to Proceed, Cribbing, or Gnawing Mangers and Stalls, Tearing of Their Blankets, Etc., With Some Suggestions for their Correction* (New York: 1866); and Henry Bergh, *The Horse: His Comfort, Discomfort, and Torture* (New York: 1875).

\(^{71}\) “Justice to the Dumb Race,” *N. Y. Times*, 1 Feb. 1874, 8.
Connecticut Humane Society and the Washington, DC Humane Society. Within a few years, all of these became strong and influential societies in their own right.\(^{72}\)

Angell even influenced the programs of Great Britain’s Royal Society for the Prevention of Cruelty to Animals (RSPCA), reversing the flow of ideas and tactics across the Atlantic. In the spring of 1869, after a strenuous first year of activity, he traveled to Europe for a long rest. However, it soon became a working vacation. Angell’s enthusiasm about *Our Dumb Animals* soon prompted the English society to launch its own journal, *The Animal World*. Angell also pressed the need for an organized campaign of humane education, persuading Baroness Angela Burdett-Coutts to head a committee on the subject for the RSPCA. Years later, when Angell imported the Band of Mercy concept to America, he drew on the fruits of the effort he had helped to instigate during his stay in England.\(^{73}\)

Angell embodied the humane movement’s preference for education over enforcement. His two organizations distributed hundreds of thousands of pamphlets, books, and other items. Whatever the subject, his appeals to the public reflected his faith in the better nature of his fellow citizens, and his optimism about the transformative power of the kindness ethic. Angell was at the forefront of efforts to bring the immense suffering of animals in transportation and slaughter to public attention. Turning his attention to humane education, Angell introduced a model of activism that others could emulate. He was, unquestionably, the greatest popularizer of humane education both


\(^{73}\) “George T. Angell,” *Animal World* 3 (1 June 1872), 129-30.
within and outside the humane movement. Both his suasionist approach, and his enthusiasm for the humane education of youth, would steadily gain adherents during the post-1880 phase of humane work.
CHAPTER VII

THE INDIVISIBILITY OF CRUELTY AND THE COMPLEMENTARITY OF HUMANE REFORM

[The] protection of brutes from cruelty does not prevent labor in other directions, but promotes it. The sentiment of humanity is a unit, and if drawn forth in any one direction it reaches out toward all living things. Men differ widely in their sympathies and sensitivities. The suffering of women affects some the most; of children, others. Some take special interest in the colored race, and some the Indians. One individual feels a particular interest in horses, and others in dogs. It is well to develop these sensibilities in any possible direction.

"An Objection Answered." The Animals' Friend (1874)

The effort to build a national humane movement centered on the shocking cruelties of cattle transportation during the 1870s and 1880s. But the nationalization of animal protection also rested on the social and cultural concerns that it shared with two other reforms—temperance and child protection—and its affinities with a range of other Gilded Age reforms. Its connections with these various causes accounted for much of the strength of animal protection during the last quarter of the nineteenth century.

The movements for temperance, humane treatment of animals, and child protection all reflected deep concerns about the ramifications of cruelty and violence—for individuals, the family, and the social order. Each cause addressed issues that straddled the line between private and public spheres. Humane advocates in particular acted with the urgent conviction that, if unchecked, the individual’s tendency for cruel and violent conduct could have grave consequences for the community in which he lived.

The nexus between animal protection and child protection did not rest merely upon shared affinities. It was also the basis for incorporation of the American Humane
Association (AHA), whose leaders sought to form a national organization through which they could effectively promulgate common concerns for the helpless and the dependent. For a time, the AHA presided over a proliferation of societies that combined child and animal protection work; in many smaller communities, this seemed the best way to advance both causes.

In addition to temperance and child rescue, animal protection complemented numerous other philanthropies of the Gilded Age, especially those focused on the defense and relief of the vulnerable and the indigent. Humane advocates made this complementarity evident in their charitable work and their final bequests, which included many human-centered causes. Such demonstrations of support signaled their commitment to a broader spirit of charity that encompassed both humans and animals. Humane advocates did not diverge from the era’s major philanthropic impulses; rather, they sought to extend them into a new arena, that of non-human life.

**Individual Demoralization and Social Degeneration**

From the seventeenth century onward, the demoralizing impact of cruelty upon its perpetrators has served as a rationale for animal protection. Today, the links between animal abuse and the socially maladapted personality have been convincingly established in psychological and social scientific studies.\(^1\) During the Gilded Age and the Progressive era, such links were assumed, if not empirically substantiated, and humane

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advocates frequently cited anecdotal evidence of the relationship between cruelty to animals and violence against humans. There was good reason for paying attention to individuals who displayed violent tendencies toward animals. When John Fields was hanged at Williamsport, Pennsylvania, for killing his brother-in-law, one newspaper reported that Fields had a history of abusing animals. Moreover, according to Caroline Earle White and Mary F. Lovell, there were at least three cases in Philadelphia where people arrested for cruelty to animals later gained public infamy as murderers.²

Humane advocates did not perceive cruelty simply as a personal vice in need of correction. It was a moral problem for the whole society, as concern about the effects of cruelty upon individuals necessarily focused discussion on the larger social world in which they lived. Middle-class supporters of animal protection believed that if cruelty went unchecked it had the potential to spread and corrupt the entire social body. Animal protectionists thus became “culture builders,” promoting notions of the good and proper throughout their society. Caring for animals was certainly thought to make people better human beings. By extension, though, all benevolent efforts directed toward animal welfare would make society better, and mark its civilized status.³

In time, this broader contention became a cornerstone of humane rhetoric and ideology, and underpinned animal protectionists’ attempts to promulgate humane values


³ I rely upon the definitions and insights Jonas Fryman and Orvar Löfgren present in Culture Builders: A Historical Anthropology of Middle-Class Life (New Brunswick: Rutgers University Press, 1987).
within the wider social sphere. Early humane leaders were confident about the civilizing effects of their efforts. Just two years into the existence of the American Society for the Prevention of Cruelty to Animals (ASPCA), Board secretary N. P. Hosack proudly proclaimed the dramatic improvement its work had wrought in New York City. "Nor is the brute the only gainer by this reform," Hosack noted, for "the advantage is on the part of the master, who is thus taught self-control, and society at large are also gainers by this subjugation of the demons of passion and violence in its midst." 4

If to be cruel was to be less than human, then to tolerate cruelty jeopardized a society's claim to civilization. Therefore, it was incumbent upon those who recognized the importance of benevolent demeanor to instruct and influence others who did not. It was their further responsibility to socialize the entire public sphere in accordance with humane sensitivities. The elimination of cruelty as a visible phenomenon was an essential element in this undertaking. In 1868, importuning Mayor John T. Hoffman to abate the violence of the dog roundup, Henry Bergh quoted a moralist's comment that "nothing tends more to demoralize the public mind and develop the instincts of cruelty in children, than the spectacle of that faithful friend and companion of man being murdered or tortured in the public streets." 5 The same observation could have been made about the social implications of mistreating or killing other animals in a variety of conspicuously visible public contexts. Humane advocates viewed the end of dog roundups, the mitigation of cruelty to animals en route to slaughter, and the abolition of frivolous abuse

5 Ibid., 53.
or killing of animals occasioned by sport or fashion as tangible improvements that would redound to the greater social benefit.

Justice Charles Shea underscored this principle of uplift in *Christie v. Bergh* (1874), in which a horse car driver challenged the ASPCA agents' power to arrest. Shea denied that anti-cruelty legislation was an unreasonable attempt to regulate the rights of property. To the contrary, he insisted, it "truly has its origin in the intent to save a just standard of humane feeling from being debased by pernicious feelings of bad example--the human heart from being hardened by public and frequent exhibitions of cruelty to dumb creatures."

Such considerations motivated the effort to nationalize humane work. In 1872, Bergh wrote to the governors of all the states that had not yet chartered anti-cruelty societies or enacted modern animal protection statutes, encouraging them to do so. Bergh, George Angell, and (to a lesser extent) Caroline Earle White were already assisting individuals all over the country who wished to form anti-cruelty organizations in their own communities. Both Bergh and Angell undertook promotional tours, trying to spark the formation of anti-cruelty societies elsewhere. In one late 1873 junket, Bergh visited Buffalo, Cleveland, Toledo, Chicago, St. Louis, Louisville, Cincinnati, and Columbus, lecturing to large public audiences and participating in newspaper interviews. Such tours laid the groundwork for the development of a national animal protection

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6 ASPCA, Ann. R. 1874, 27.
movement, helping to propagate the humane ideal in smaller communities away from the eastern seaboard.  

The representational strategy that Bergh adopted for the ASPCA exhibit at the Centennial Exposition in 1876 affirmed this mission of national social transformation. The display at Philadelphia confronted visitors with a shocking collection of spurs, goads, mallets, spears, whips, chains, and other instruments confiscated during the first ten years of the ASPCA’s existence. It also included a stuffed bulldog and two stuffed fighting cocks from the New York animal pits, and illustrations of pigeon shooting and the monument to Louis Bonard. When several New York newspapers attacked the exhibit as unsuitable for a fair devoted to “the development of American industry” and “the influence of republican institutions,” Bergh responded that “the evidence of the achievements of these Societies on the side of humanity, remain legitimate proof of national progress.” Conceding that the display was not aesthetically pleasing, Bergh pointed out that it nevertheless served to remind visitors to the exposition that “the moral element has not been neglected,” placing on display the very objects whose use had once affronted humane sensibility in the public sphere.

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Animal Protection as a Woman's Reform

The humane movement's extraordinary growth during the decade after the first SPCAs formed depended heavily upon the support of women. Animal protection shared some of the characteristics of such manifestations of social feminism as the club movement and the Women's Christian Temperance Union (WCTU). To a great extent, these reforms allowed women to extend their influence into public life without explicit rejection of prevailing doctrines concerning their proper place. If anything, animal protection benefited from essentialized views of women as the guardians of private and public morality, naturally gentle and tender. In most instances, too, humane work provided critical space for female institution-building activity.  

Several authors have remarked upon the extraordinarily high percentage of women who participated in humane work, although scholarly interpretation and quantitative analysis have mainly concentrated on the female constituency of anti-vivisection and not the broader field of animal protection. However, a review of 479 individuals who included the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) and its sister organization, the American Humane Education Society (AHES), in their wills corroborates the claim that women were stronger supporters of organized animal protection than men were. Between 1871 and 1915, women left more

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than two out of every three (68 percent) bequests to the two organizations. Women also predominated among those who left bequests to the Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA) between 1869 and 1915. Of 118 individual testators whose gender could be identified (eight donors’ gender could not), 58 percent (68) were women.10

The conspicuous participation of women in post-Civil War anti-cruelty work rested in part upon their earlier engagement with the kindness-to-animals ethic as an element of domestic education ideology. In the antebellum era, many mothers tried to inculcate the values of benevolence, mercy, and kindness in their children, on the assumption that the moral sensibility they encouraged would in turn ensure the ethical progress of society. In the postbellum setting, some women strove to project these same values into the public sphere, promoting humane education outreach, supporting legal restraints against cruelty, endowing horse fountains, and participating in animal rescue and relief. The organization of humane societies in the 1860s formalized a set of ideals that women had worked for decades to disseminate within American culture through the kindness-to-animals didactic.

Many observers and participants believed women's particular qualities as gentle, loving, and sympathetic persons made them the ideal bearers of the humane ethic to the wider world. In 1871, at the second annual meeting of the Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA), Mayor Daniel Fox of Philadelphia remarked that "there was no power in the country like that of good women for the production of good works. In their hands, a society can be made eminently useful in the softening influence which they have the power to assert." A few years later, Pennsylvania State Senator A. D. Harlan proclaimed that if "he had the power he would put all humane and charitable work in the hands of women, believing that through their noble nature they were better fitted to do humane work than men." Henry Merwin, author of numerous books and articles on the humane treatment of the horse, expressed similar optimism.\textsuperscript{11}

Such widely held views about the innate sensitivities of women did not lay the groundwork for their rise to formal leadership in the movement, however. During their first years of operation, the major societies for the prevention of cruelty to animals excluded women from their boards of directors. Initially, at least, the men who founded the ASPCA, the PSPCA, and the Massachusetts Society for the Prevention of Cruelty to Animals [MSPCA] all shared in the conventional view that women ought not to play too visible a role in the public affairs of reform organizations. In a letter to George Angell about the policy of excluding females from the MSPCA's board, Henry Bergh noted that "the irresistible power of woman lies in the mighty influence of her gentle and melodious

voice—guiding, counseling, and controlling the affairs of this world. She mars the beauty, and lessens the sway of her actions whenever she attempts to do that which pertains to the attributes of the sterner sex.”

Like Morris Waln in Philadelphia, however, Angell apparently concluded that women were essential to the success of the work. By 1872, Emily Appleton and another woman were on the MSPCA board; by the next year, the number of female board members had increased to five. Moreover, in 1877, Angell explicitly recommended the addition of women as board members to Illinois Humane Society officials, and he underscored the vital practical support of women on numerous occasions.

Bergh, on the other hand, held to his opinions, and women did not serve on the ASPCA board until many decades after his death. Indeed, some humane workers believed that he had not done enough to draw women into active service. Moreover, some of Bergh’s successors, especially John P. Haines, had ambivalent interactions with women working independently on animal welfare issues in New York.

Even as men headed many of the major organizations of the 1860s and 1870s, women provided crucial momentum to anti-cruelty work. Caroline Earle White was a central figure. Emily Appleton provided critical financial backing for some of the movement’s most important projects. Numerous other women, while less prominent, also carried the work forward. In Bergh’s own New York City, Elbridge Gerry told an

12 Bergh to Angell, 24 Apr. 1868, ASPCA-NY. LBK 3: 397-98.


audience that “whenever Mr. Bergh was censured by one man he was endorsed by fifty ladies.” Without the support of women, Gerry averred, “the society would never have made such rapid progress.”

Women demonstrated a special commitment to the humane education of children. Angell reported that women comprised the majority of those who participated in Band of Mercy work, and of those who contacted him about the subject. It was one of these women, Georgiana Kendall, who brought Black Beauty to Angell’s attention, and, as producers of didactic literature incorporating the humane ethic, women consistently outnumbered men, codifying the kindness-to-animals theme in numerous works. All but one of the AHES Gold Mine Series authors were female, and women penned most of the era’s animal autobiographies.

Women served the cause in many other ways as well. They endowed fountains, founded animal rest havens, ran watering stations and veterinary dispensaries, organized fairs and other events, and underwrote the publication and distribution of important books and tracts. They were the pioneers of animal rescue work in virtually every community, launching both formal and informal roundup and animal control operations. They supervised anti-cruelty agents, testified as witnesses in cruelty prosecutions, and, on

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16 George T. Angell, “Female Suffrage,” ODA 23 (July 1890), 18; and “Miss Kendall of New York City,” ODA 30 (Nov. 1897), 68.
occasion, challenged public cruelty in the streets. In a few instances, women even
instigated arrests or physically intervened against the abuse of animals.  

The fact that the majority of individuals arrested for cruelty to animals were men
provided another, more fundamental, reason for some women’s interest. Many came to
believe that the problem of cruelty to animals arose directly from male propensities
toward violence. For Lydia Maria Child, such cruelty foretold the mistreatment of
women by the men in their lives. “Wherever I have seen men gentle, patient, and
considerate toward animals I have always observed that such men were good sons,
husbands, and fathers,” Child wrote. “A woman had better beware how she marries a
man that kicks his dog, beats his oxen, and stands talking while his horse is left
unblanketed in the cold wind, or in summertime tied fast, helplessly in the power of
tORMENTING flies.”

Such a gendered rationale for women’s participation in animal protection led
inexorably to the proverbial cruelty of boys. In the minds of humane reformers, there had
to be a connection between poor socialization of boys and the unvarnished cruelty of
men. Indeed, by the 1860s, when organized animal protection work began, the
conviction had already crystallized that the proper education of boys should be at the
heart of the movement’s preventive strategy. Although some early didactic material

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17 Bergh to Sarah Norton, 10 June 1868, ASPCA-NY. LBK 3: 462; “A Woman’s Interference,”
ODA 9 (Feb. 1877), 67; “Horsewhipped by a Woman,” New York Star, 27 Aug. 1879, ASPCA-NY. SBK
8: 86; “A Young Lady Prosecutes Two Men Who Cruelly Beat a Horse,” N. Y. Herald, 12 Mar. 1884, repr.
in ODA 16 (Apr. 1884), 59; “A Society Woman In a Police Court,” JOZ 2 (May 1893), 75; “A Boston
Woman and Two Brave Acts,” ODA 29 (June 1896), 4; and ASPCA, Ann. R. 1898, 41. Angell thought it
necessary to encourage women to testify; see “To the Ladies,” and “A True Woman,” ODA 1 (Jan. 1869),
58.

featured girls behaving cruelly, humane authors and activists alike held to a consistent representation of the problem as a boyish vice. These advocates simply assumed that boys were predisposed toward unthinking cruelty to animals in a way that girls were not. While girls in humane literature served as voices for compassionate treatment, boys dominated the genre's reprobates, tying objects to dogs' tails, torturing insects, robbing or smashing birds' nests, and drowning and stoning birds, cats, and small mammals.  

Female proponents of humane education believed that proper mothering was the most important avenue of socialization. In one line, Harriet Beecher Stowe captured the essence of the moral mother's responsibility to instill gentleness in a boy's character. "A boy has in him a sort of wild, uncultured love of domination and sense of power," Stowe wrote, "which are no sins, but may be made the foundations of great virtue, if he be early taught that his strength and power of control are given him for the protection of weakness, and not for the oppression of it."  

In the era of organized humane work, animal advocates' deepening belief that childhood socialization was the key to their movement's success helped to fuel the ever-greater emphasis they came to place on the humane education of children in the public schools. In the minds of humane advocates, instruction in kindness was essential to the ultimate elimination of cruelty. The properly educated child would have due regard for animals, avoid the temptations of vice, and grow up as a well-socialized individual who treated his dependents--women, children, and animals--with kindness and loving regard.


In addition to the lesson of kind regard for one’s dependents, teaching strategies emphasized the utility of birds and animals, on the assumption that thoughtless cruelty might be stemmed by a greater appreciation for animal life and its practical value.21

Stories about animals aided in the inculcation and reinforcement of appropriate domestic relations as well, and female authors frequently employed such narratives as part of an effort to foster ideal models of middle-class masculinity. Lydia Maria Child’s use of animals as symbolic exemplars of moral conduct for men exemplified this approach. In “My Swallow Family,” Child described a male bird who doted upon his offspring and helped his mate to fashion their nest: “It was evident that the bird had formed correct opinions on ‘the woman question,’ for, during the process of incubation, he volunteered to perform his share of household duty.”22

Animal protectionists trumpeted humane education as an instrument to prevent delinquency and turpitude and to foster good citizenship, and were able to draw upon the common belief that cruelty had a contagious aspect. An editorial in the Cincinnati Post advocated the teaching of kindness to animals in the interest of larger goals, especially social order: “Brutality and crime--crime of all sorts and conditions--are brothers. The boy who grows up brutal will seldom develop into a good citizen. . . . He will belong to that great class of undesirables which force cities to maintain large police forces.” The

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writer underscored his conviction that "brutality, even of the kind that kills inoffensive birds with pebbles in a slingshot, grows on one. It feeds on its own activity."^{23}

**Temperance**

Its alignment with temperance further elucidates the gendered character of humane reform. The two movements were congenial complements, linked by bourgeois assumptions and common tactics. Each depended on female constituencies concerned with reshaping the behavior of men. Like temperance, kindness to animals was easily cast as an emblem of individual virtue and domestic harmony. Both reforms proceeded on the assumption that children were tractable subjects who could be led to genteel patterns of conduct (even if their parents could not). The two causes also shared what temperance historian Jack Blocker has termed "the theme of self-control that lay at the core of middle-class identity in the nineteenth century."^{24}

Most SPCAs had handled cases in which drunkenness played a part in cruelty or neglect. Humane advocates understood that the suffering of animals, especially horses, often resulted from vicious beatings by intoxicated drivers and caretakers. Sometimes, moreover, a groggery might be the venue of a dogfight. On other occasions, agents might find a badly neglected animal outside a saloon with its dissolute owner inside on a binge. Caroline Earle White believed that a great portion of the cruelty that the humane movement confronted was the result of intoxication. "By it," she said, "men are changed

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^{23} "Teach Humanity in Schools," *ODA* 44 (Dec. 1911), 98.

into demons, and, losing all self-control and consciousness of what they are doing, beat
and maim or kill anything that comes in contact with them.” Temperance was entirely
compatible with animal protectionists’ goal of moderating the emotional anger and
unrestrained recklessness that often led to cruelty. Given this understanding, White
conjectured, humanitarians might do well to add their efforts to the temperance crusade.25

Humane work greatly benefited when the WCTU embraced kindness to animals
as a platform during its “Do Everything” phase under Frances Willard. After its
formation in 1874, the WCTU rapidly became the largest and most influential women’s
organization in the country. Focused on the goals of promoting standards of respectable
behavior and not on acquisition of the vote, the WCTU significantly expanded the base of
women’s social activity. With its broad and growing constituency, the WCTU brought
the anti-cruelty cause to a far greater audience than the humane movement could have
reached on its own.

Humane education, as a preventive reform, especially appealed to temperance
advocates, who, like animal protectionists, targeted their efforts at the socialization of
boys. Temperance also provided useful strategic examples; the English movement’s
Bands of Hope, in which children pledged themselves to purity of thought and action,
served as models for the American Bands of Mercy. George Angell made extensive use
of the WCTU networks to promote and distribute humane literature. Some WCTU

25 Minutes of Nov. 16, 1871, PSPCA Minute Book 1, PSPCA-PA, 114-15; Women’s Branch,
PSPCA, Ann. R 1878, 8-9; “Henry Bergh and Mrs. Van Cott,” N. Y. Times, 1 Apr. 1878, 8; “A
Downtown Nuisance,” Phila. Times, 29 July 1878, PSPCA-PA, SBK 1880-1902; “Cruelty and
Drunkeness,” ODA 12 (Mar. 1880), 79; Women’s Branch, PSPCA, Ann. R. 1885, 6; “Cruelty to
Animals,” Public Ledger, 6 December 1905, PSPCA-PA, SBK 1905-Feb. 1909; and Mary F. Lovell,
History of the Women’s SPCA From its Foundation April 14, 1869 to January 1908 (Phila.: 1908), 18.
propagandists employed humane publications in their work, and it was in large measure due to such support that, by 1893, \textit{Black Beauty} had been translated into numerous languages and shipped all over the world.\textsuperscript{26} There was a clear relationship in this and other works between the values of humaneness and the temperance habit. The villains in \textit{Black Beauty}, \textit{Beautiful Joe}, and other anti-cruelty novels were drunkards, while their protagonists were pious, gentle, and abstemious. In \textit{Pussy Meow}, a feline autobiography, one humane household displayed a photograph of Frances Willard on its fireplace mantel. Such characterizations gave these novels “cross-over” appeal and reinforced the link between the two movements.\textsuperscript{27}

Mary F. Lovell (1843-1932), Caroline Earle White’s close associate in Pennsylvania humane work, played the critical role in linking temperance and humane organizations. In 1891, with Willard’s blessing, Lovell established and led the WCTU’s Department of Mercy, authoring numerous leaflets and articles under its banner. The \textit{Union Signal} commonly highlighted anti-cruelty work, Department of Mercy reports, humane issue alerts, book reviews, fiction, photography, artwork, and advertisements.

\textsuperscript{26} See “The Woman’s Christian Temperance Union,” \textit{ODA} 24 (Nov. 1891), 65; and “Our Translations of Black Beauty,” \textit{ODA} 26 (Sept. 1893), 41. Angel often cited the supportive remarks Willard offered when she enrolled as a member of the MSPCA. The WCTU distributed a special address Angell wrote for its November 1887 convention, repr. in \textit{ODA} 20 (December 1887), 79-84. For Willard’s April 28, 1887 letter, see “Good News,” \textit{ODA} 20 (June 1887), 4.

Frances Willard’s cat, Toots, was the subject of occasional features in the *Signal* and for a time a photograph of the two circulated to admiring supporters.  

In addition to Lovell, numerous other women combined temperance and humane instruction in their outreach to local schools. Such workers were able to build on the momentum and precedent of the drive for compulsory scientific temperance instruction in the schools of every state, waged successfully between 1878 and 1901. In October 1908, Lovell urged the national convention of the WCTU to campaign for kindness-to-animals instruction, and many WCTU members participated in the compulsory humane education movement between 1900 and 1920.

The two causes shared a number of prominent adherents. Sarah Knowles Bolton (1841–1916), educated at the Hartford Female Seminary, began writing in the 1860s and eventually gained fame as an author of juvenile biographies. In 1874, she and her husband Charles became deeply involved in the Women’s Crusade in Ohio. Bolton joined the WCTU and served for a few years as its assistant corresponding secretary. She

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wrote several books and tracts concerning alcohol, and, in one novel, *The Present Problem* (1874), she invoked the increasingly familiar links between cruelty to animals, child and spousal abuse, and intemperance. Bolton also wrote several titles devoted to the welfare of animals.30

Ella Wheeler Wilcox (1850-1919), one of the late nineteenth century's most popular authors, also supported both movements. Wilcox came from a family of Good Templars, and temperance was a theme in many of her works.31 Like so many advocates, Wilcox was often called upon to justify her concern for animals. "Many times I am asked why the suffering of animals should call forth more sympathy from me than the suffering of human beings, why I work in this direction of charitable work more than toward any other," Wilcox wrote. "My answer is that because I believe that this work includes all the education and lines of reform which are needed to make a perfect circle of peace and good will about the earth." Wilcox was the author of numerous appeals for non-human animals, and her poem "Voice of the Voiceless" quickly assumed the status of an anthem for humane advocates after it appeared in 1913.32


A third notable supporter of both causes was the writer and feminist Elizabeth Stuart Phelps Ward. Ward was an active temperance worker whose writing also touched on alcohol's evils. After embracing the anti-vivisection cause in the 1890s, Ward employed the theme in several novels and assumed a prominent role as a public critic of animal experimentation. During the first decade of the twentieth century, she was a fixture at annual committee hearings concerning vivisection in the Massachusetts legislature.  

Similar affinities were evident among male supporters of humane work. Abraham Firth, station master at Clappville, Massachusetts, and later superintendent of the Boston and Worcester Railroad, served as Secretary of the AHA, compiled a humane education reader, and helped to edit Our Dumb Animals. As part of his commitment to the temperance cause, Firth helped to establish coffeehouses that served as alternatives to bars and saloons. Anderson Wimbush, a pro-Union southerner who moved to Minneapolis, participated in both temperance work and the early campaigns of the Minnesota SPCA. Alcohol, Wimbush wrote, "causes more cruelty to helpless women and children and dumb animals than all other causes combined." J. Howard Moore, socialist, vegetarian, and animal rights advocate, also wrote on the temperance question.

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The erection of public fountains represented another point of confluence between animal protection and temperance. Water had important symbolic and practical meanings within the ideology of temperance, and in its many forms and uses it was a frequent subject of instruction for youth. For WCTU members, sponsorship of fountains was a significant act of civic concern, since the availability of safe drinking water in public places gave thirsty people an alternative to alcoholic beverages. Humane advocates also felt confident, as one ASPCA annual report noted, that "a large proportion of the human beings who thus slaked their thirst, were deterred from taking into their mouths an enemy, to steal away their senses." In addition, easy access to drinking water for horses reduced the appeal of watering troughs set up outside saloons and drinking establishments to lure customers. Two separate manufacturers routinely advertised "Drinking Fountains for Man and Beast" in the Union Signal, and, like animal protectionists, temperance supporters also paid for memorial fountains dedicated to their cause and its champions.

Child Protection

In some ways, animal protection's relationship to child protection was even more straightforward than its links to temperance, for the so-called "child rescue" movement


emerged directly from SPCA work. However, the association with child protection did not rest upon precisely the same constellation of social and cultural premises as the connection with temperance, in spite of the fact that, in the broadest sense, all three causes were concerned with cruelty and violence. The correlation between animal protection and child protection had more to do with organizational form and the underdeveloped administrative capacities of the local, state, and national governments in the arena of child welfare. Child protection adopted the organizational models and some of the statutory precedents of animal protection, and, in some communities, humane societies actually incorporated the protection of children into their missions.\textsuperscript{37}

Moreover, the child rescue movement does not fit tidily within the rubric of social feminism. Certainly, women cared about the domestic violence that child protection societies uncovered and confronted. In many cases, too, child protection societies enjoyed solid support from women. However, men dominated most societies for the prevention of cruelty to children and, as some scholars have suggested, these organizations sometimes pursued goals and policies that undercut women's interests. Ultimately, women and feminists gave their energy and support to other child welfare initiatives, some of which were at variance with the philosophy of the child protection societies. Organized child protection seems to have been driven more by class than by gender concerns.\textsuperscript{38}

\textsuperscript{37} On the stunted character of the administrative state, see Stephen Skowronek, Building a New American State: The Expansion of National Administrative Capacities 1877-1920 (Cambridge: Cambridge University Press, 1982).

\textsuperscript{38} Many of the individuals the child protection societies investigated and prosecuted were lower class women, who in their mistreatment and abuse of innocent children had fallen below all acceptable
Importantly, substantial organizational links between the two movements lasted for a few critical decades only, during the last quarter of the nineteenth century and the early years of the twentieth. The lack of government will or capacity to address problems of child welfare created both demand and opportunity for anti-cruelty societies to take it on as part of their activity. Especially in smaller communities, humane societies began to handle both child and animal welfare concerns. However, this was a temporary and transitional association. It ended rather quickly as the professionalization of social work, the Progressive era’s expanded focus on the child, and the emergence of the welfare state crowded out the particular model of private action represented by the humane societies. Under these circumstances, the child protection function of many humane societies atrophied or altogether ceased by the World War I era.\(^{39}\)

From the earliest years of the nineteenth century, there had been a lengthy tradition of “child saving,” which centered on poor, orphaned, runaway, and abandoned children who were considered dependents of the community. These children were placed in apprenticeships and asylum homes, and, later in the century, with “boarding mothers.”\(^{40}\) In the years leading up to and following the Civil War, a number of philanthropic societies, including the Children’s Aid Society (1853) in New York, tried to address the misfortune of abandoned and homeless children. On occasion, police might


\(^{40}\) Gordon, Heroes of Their Own Lives, 55.
make an arrest in a case of severe neglect, and the press condemned many other forms of cruelty to children. However, direct intervention in the lives and intrusion into the homes of poor families that were otherwise intact were not common.41

In the immediate post-war years, the phenomenon of cruelty to children, encompassing both abuse and neglect, began to capture broad public notice. Attention focused increasingly on the absence of effective public or philanthropic agencies ready to confront and handle their exploitation and mistreatment. Law enforcement authorities, preoccupied with more serious offenses, were not inclined to investigate and prosecute parents or guardians who could plausibly claim the right to discipline children over whom they had authority. At the same time, existing charities devoted to the care of children were in a position to assume control over their lives only after gaining legal custody.42

Early in their histories, societies for the prevention of cruelty to animals began to receive complaints about cruelty to children in both private and public contexts. George Angell tried to discourage the Boston citizenry from bringing such pleas for intervention to the MSPCA. "Our hands are quite full of the work we have undertaken, and we cannot consistently open the door to other reforms," Angell wrote. "At the same time, we believe if our theories for the humane treatment of animals could prevail, cruel treatment


of children would constantly decrease, so that our work indirectly accomplishes what is sought by those who ask our aid in special cases.”

Within a year of the ASPCA’s formation, both Harper’s Weekly and the New York Tribune called for the establishment of a similar organization devoted to the children of New York. Whenever people approached Bergh to intervene in such cases, he declined on the ground that the mistreatment of children was outside the ASPCA’s domain. In several instances, the newspapers specifically chided him for this restraint. In fact, the reproaches Bergh suffered for excessive devotion to the interests of animals gave rise to a steady association in the popular press between cruelty to animals and cruelty to children. This phenomenon was not limited to New York, as newspapers in other cities dwelled on the same theme.

In June 1871, Bergh and Gerry did intercede in the case of Emily Thompson, an exploited and abused child who lived in the vicinity of the ASPCA headquarters with a woman who had become her guardian under now unknown circumstances. The precise legal ploy the two men utilized is lost to history, but its implications are not. “Mr. Bergh has taken a very important step,” the Brooklyn Eagle commented. “He has recognized the human race as animals.” Another editorial suggested that “interference in such cases

43 “Cruelty to Children,” ODA 6 (Jan. 1874), 75.

is rarely ever sanctioned by public opinion.” Such an instance required “just such a
determined and fearless man as Mr. Bergh to take up the cause of oppressed and abused
children, and prove that the parental relationship no more authorizes or justifies a father’s
brutality to his child than ownership justifies cruelty to his horse.”

Bergh and Gerry were ideally suited to challenge the barriers of family and
guardianship in the case of cruelty to dependent minors. They were conservative,
privileged members of New York City’s upper stratum who, while anxious to introduce
what Elizabeth Pleck calls “a more humanitarian definition of child cruelty,” did not
dispute the right of parents to properly discipline their children. There were important
distinctions between the animal protection movement’s legal authority to intervene to
stop public cruelty even against the claims of property, and the assertion of legal power to
reach private conduct toward children in the domestic sphere. But both involved the
imposition of social authority beyond traditionally accepted, and nearly sacrosanct, lines
of demarcation. While they had clear doubts about whether they, their organization, or
anyone else had the legal authority to remove a child from the custody of a guardian, and
wanted to proceed cautiously, Bergh and Gerry were not the sort of men to cow before
such hurdles once motivated to act.

45 Editorial, *Brooklyn Eagle*, 20 June 1871, ASPCA-NY, SBK 4: 26; and “Cruelty to Children,”
Unsourced article, ASPCA-NY, SBK 4: 1. Gerry and Bergh may have invoked an old English
writ, *de homine replegando*, which allowed magistrates to remove a person from someone else’s custody.
Elizabeth Pleck holds that this was the legal ploy the two men used to secure Mary Ellen’s removal in
1874. See Pleck, *Domestic Tyranny*, 71.

46 Pleck, *Domestic Tyranny*, 76.

47 Elizabeth Pleck suggests that humanitarian sentiment about the mistreatment of children rose
steadily in the immediate post-Civil War years, making it possible for reformers to overcome objections
that the removal of children was a violation of the privacy of the family. Pleck, *Domestic Tyranny*, 74-78.
Judge Shandley of the Court of Special Sessions found the child's guardian guilty of assault but suspended judgment. Despite his finding in the case, he did not remove the girl from the woman's custody. Only after Emily's 80-year old grandmother, hearing of the case at her home in New Jersey, hastened to Bergh's headquarters in search of her granddaughter did Judge Barnard grant Gerry's appeal for a writ of habeas corpus to remove Emily. The little girl returned to Cape May to live with her grandmother.  

The pressure to take consistent action when such cases surfaced had further intensified by early 1874, when Bergh and Gerry chose to intervene in a situation that had fateful consequences for the course of the humane movement. One day, Etta Wheeler, a social worker from St. Luke's Methodist Mission, came to see Bergh at the ASPCA office, where she related a tale of extreme child abuse. Several of the people Wheeler visited for her work had spoken of a young girl, Mary Ellen, who was frequently beaten and imprisoned in her home. Wheeler confirmed the story through an ailing woman who routinely heard the abuse through the thin walls of the tenement in which all the parties lived. The social worker's plea moved Bergh and Gerry, and they decided to investigate further. Bergh's trusted agent Alonzo Evans gained entry into the child's home by passing himself off as a census worker. In time, the sensational details of the case captured public attention.  


49 On the case, see Etta Angell Wheeler, "The Case of Mary Ellen," NHR 1 (Aug. 1913), 182-83; "Death of Mary Ellen's Rescuer," NHR 10 (Jan. 1922), 20; Eric Shelman and Stephen Lazoritz, Out of the
As Bergh later recalled, the fact that Wheeler had already approached the Children's Aid Society, without satisfaction, greatly influenced his decision to intervene. After humane agent Evans confirmed the circumstances, Bergh and Gerry conferred. Bergh elected to petition the court for Mary Ellen's removal in his capacity as a private citizen, and not on behalf of the ASPCA, and Gerry then determined to secure a writ of habeas corpus in the Court of Special Sessions.

The identity of Mary Ellen’s real parents, and the path by which she had entered the system of child placement administered by the Commissioner of Charities, remained obscure even as the case unfolded. As Bergh and Gerry learned, the Department of Charities had granted custody of Mary Ellen to Francis and Mary Connolly under an indenture, although the implication that she was the illegitimate child of Mrs. Connolly's first husband, now deceased, hung over the matter as well. After Bergh and Gerry petitioned Judge Abraham Lawrence, presenting him with the evidence they had collected, the judge issued a special warrant under the Habeas Corpus Act, permitting officers of the ASPCA to take Mary Ellen into custody. Once in court, the little girl told

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of her own dire circumstances, and displayed the welts and cuts that Mrs. Connolly's whip and scissors had caused.\(^5\)

Several witnesses described the abject conditions in which Mary Ellen lived. Among those who testified were Alonzo Evans, ASPCA agent; Etta Wheeler, social worker; and Margaret Bingham, the Connollys' landlord. The most dramatic testimony came from Mary Smith, the sick neighbor who with her husband inhabited rooms adjoining those of the Connollys. From her sickbed, Smith, who first informed Wheeler of the child's suffering, testified that Mrs. Connolly beat the girl daily with a horsewhip.\(^5\)

Mary Connolly, Mary Ellen's stepmother, took the stand to defend herself, specifically denying that she had struck the child with her scissors. Later in the course of the proceedings concerning Mary Ellen's fate, the District Attorney secured a grand jury indictment against Connolly, and she was arrested and held over at the Tombs. Several weeks later, Connolly stood trial before Recorder Hackett and a jury. The jury found her guilty of felonious assault, while acquitting her of the charges of assault and battery, assault with intent to do bodily harm, assault with intent to kill, and assault with intent to

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\(^5\) "The Mission of Humanity," N. Y. Times, 11 Apr. 1874, 2; and "Mary Ellen Wilson--Further Testimony as to the Child's Ill-Treatment by her Guardians," N. Y. Times, 12 Apr. 1874, 12.
The woman who had so cruelly harmed the child received a one-year prison sentence.\textsuperscript{53}

Although Gerry produced evidence that Mary Ellen was the granddaughter of a London couple who lived in good circumstances and might be able to take her into their care, Judge Lawrence designated himself as Mary Ellen's guardian, and placed her in the temporary custody of a police matron. Ultimately, the judge assigned the girl to the Sheltering Arms, a home that trained children for domestic service. Etta Wheeler thought this an unsatisfactory resolution to the case, and eventually persuaded Judge Lawrence to place Mary Ellen in her care. Wheeler took Mary Ellen to Rochester, where she grew up under the guardianship of relatives in Wheeler's own family.\textsuperscript{54}

The case of Mary Ellen proved catalytic because it underscored the degree to which children were "falling through the cracks" of a patchwork system of child welfare. The proceeding left many New Yorkers with the lingering misgiving that Mary Ellen's experience was not an isolated one. The failure of government to enforce existing statutes and the absence of an efficient public administrative and bureaucratic apparatus to manage child placement and related responsibilities were obvious. The Department of Charities barely monitored the conditions under which children in its charge lived (and worked). Hundreds of dependent minors passed through the Department of Charities


\textsuperscript{54} "Mr. Bergh's Case," \textit{N. Y. Tribune}, 1 May 1874, 2; "Little Mary Ellen," \textit{N. Y. Sun}, 1 May 1874, 3; and Watkins, "The Mary Ellen Myth," 502. Mary Ellen grew up, married, and raised daughters of her own; see Stephen Lazovitz, "Whatever Happened to Mary Ellen?" In later years, Mary Ellen Schutt appeared at a convention of the American Humane Association [AHA] as a living symbol of the child rescue movement's value. See AHA, \textit{Ann. R.} 1913, 47.
every year and authorities made very little effort to ensure that the children were not ill-treated or exploited. Its reliance on foster homes was also under challenge from reformers who preferred the manageable environment of state-run institutions.  

After the case concluded, Gerry, Bergh, and Quaker merchant John D. Wright incorporated a separate organization, the New York Society for the Prevention of Cruelty to Children (NYSPCC), to focus on child protection. Wright assumed the presidency, but Gerry secured the enabling legislation and handled all other formalities. Speaking to the audience at its first public meeting, Gerry predicted that “as soon as the habitual abusers of children learn that there is a law to reach them, there will be very few cases like that of Mary Ellen.” From that point on, child welfare became the central focus of his life, and, after Wright died, Gerry took over the presidency, serving in that capacity from 1876-1901 and, after 1879, devoting himself more or less full-time to its management. Bergh served on the NYSPCC’s board of managers until his death in 1888, and occasionally played a role in specific cases.  

While some critics attacked the interventionist ideology and sectarian bias of the NYSPCC, others expressed strong approval of its efforts to ensure compliance with relevant statutes and to punish violators through prosecution. “There are in this city

55 “Waifs and Strays,” N. Y. Times, 11 Apr. 1874, 4; Editorial, N. Y. Times, 14 Apr. 1874, 4; and “Our City Charities Versus the Case of Mary Ellen,” N. Y. Times, 16 Apr. 1874, 4.

today eight or ten excellent institutions for the benefit of friendless children, but they have power only over those legally entrusted to their care," the New York Post noted. "The laws passed by the New York legislature for the protection of little children and the prevention of cruelty to them are ample in scope, but hitherto it has been nobody's business to enforce them." The state deputized the NYSPCC to represent the public interest in court proceedings relating to crime, abuse, and misconduct involving children. The NYSPCC sought to identify situations in which children were being cruelly treated, to secure their removal from such situations, and to prosecute, convict, and punish those responsible for such mistreatment.57

What happened next offered a stunning parallel to the SPCA phenomenon less than a decade earlier. The developments in New York sparked a nationwide proliferation of like-minded societies committed to the passage and enforcement of statutes protecting children. At first, they concentrated on cases of physical abuse, but, over time, the SPCCs became active in the disposition of a range of cases.58

During the last quarter of the nineteenth century, the SPCCs steadily gained importance, concomitant to the revolution in jurisprudence that Michael Grossberg has called "judicial patriarchy"—nineteenth-century judges' increasing appropriation of family law power, including authority over child placement. Through judicial agency, the state came to play a primary role in constructing and carrying out the principles and


policies of family law. The use of child welfare and child-rearing standards assumed ever-greater importance in judges' determination of appropriate parental and filial relations, and the courts became the keystone of an institutional complex legitimating state intervention in family life.\textsuperscript{59}

Many of the new societies elsewhere modeled themselves after the NYSPCC. In Boston, New York, Philadelphia, and San Francisco, concerned citizens formed separate anti-cruelty organizations devoted entirely to children. In many smaller communities and states away from the East Coast corridor, however, another organizational form emerged, that of the dual-purpose humane society. Some of these were SPCAs responding to both public and private appeals to become active in the protection of children. Where appropriate or necessary, they modified their charters to incorporate the additional function of child protection. Occasionally, as in the case of the Albany-based Mohawk and Hudson River Humane Society, animal protection was added to the responsibilities of an established child protection organization. The Connecticut Humane Society represented still another model, addressing itself to cruelty to animals, child rescue, and the abandonment and neglect of the elderly. A fourth variation was that of the state-sponsored agency or bureau, which straddled the boundary between government agency and private philanthropy.\textsuperscript{60}


\textsuperscript{60} A little over a year after the Mary Ellen case, the Washington Society for the Prevention of Cruelty to Animals removed a child from an acrobatic performance at a variety theater; it would change its charter and name some years later. See "An Unfortunate Child Rescued," \textit{N. Y. Times}, 15 Nov. 1875, 1. As late as 1909, the Arkansas Humane Society, organized for the protection of animals, was reincorporated as an agency with jurisdiction over the treatment of children. On the Connecticut model, see "Report," Connecticut Humane Society, \textit{Ann. R.} 1880-81, 11-13.
In Chicago, this consolidation of purposes proved very eventful. In May 1877, Illinois passed its first legislation prohibiting cruelty to children. Only two months later, the Illinois SPCA took steps to change its name to the Illinois Humane Society and to incorporate children into its sphere of concern. The organization had contemplated such a name change for several years prior to the addition of child protection work, because, as its president John L. Shortall explained some years later, the term “humane” encompassed a general commitment to the identification, relief, and prevention of suffering wherever it lay. The Illinois society became the first animal protective organization to carry the designation “humane” in its title, thereby helping to solidify its use as a descriptive for the larger movement. Numerous societies subsequently adopted it for themselves.61

The desire of reformers in many communities to combine child and animal protection work fatefully altered the development of the AHA. When the original AHA delegates assembled in 1877, there was no public discussion of child protection. However, at its conference in Buffalo the following year, a debate ensued over the incorporation of child protection into its mission. Bergh, White, and Angell, while supportive of the goals of child protection, all believed it problematic to join the two concerns in one society. Bergh noted that there were numerous private and state-subsidized institutions for the protection of children but none for the protection of

animals. White expressed her view that "if the subjects were united, very soon after all
the efforts would be for the children and the animals would not be thought of." The
majority of delegates present disagreed, however. Elbridge Gerry, by now an
enthusiastic child rescue advocate, moved the proposition to revise the charter, and it
carried.62

Consequently, quite a number of the AHA constituent organizations evolved as
dual- and sometimes triple-function societies. Over the years, the AHA annual meetings
were bifurcated, with child and animal protection each taking up separate days of the
conference. The multifunctional humane society was an important organization in those
communities where no relevant government agencies existed, as well in those areas
where such agencies were relatively undeveloped. The stated purposes of the Kansas
City Humane Society, for example, included the humane destruction of worn-out
animals, the policing of overloaded vehicles, the protection of children from drunken or
abusive parents, the return of lost children to their homes, and the placement of infants
and children taken from unsuitable situations.63 On occasion, the objectives and
functions of the child and animal protection societies directly converged in individual
cases. In 1880, the Pennsylvania Society to Protect Children from Cruelty (PSPCC)
sought custody of two children whose father made a living

buying up worthless dogs, killing them and extracting the 'fat' for sale as a cure for rheumatism. The slaughtering and rendering of the oil are done in the shanty, which is the sole abode of the family. It would be impossible to describe the filthy condition. . . . The two children were in a neglected condition, with scarcely any clothing; the father spending his earnings chiefly for rum.


Like animal protectionists and temperance advocates, SPCC advocates frequently noted a strong tie between the cruelties they targeted and parental drunkenness.\footnote{64} George Angell, a life member of the Massachusetts Society for the Prevention of Cruelty to Children (MSPCC), cautioned against the dual-function society in all but the smallest communities, citing its lack of effectiveness. Among other points, he insisted that “A much more careful management is required in dealing with cases relating to children than in cases relating to animals.” Angell consistently maintained that there were already a hundred societies devoted to human welfare for every one focused on animals. He also cited the issue of risk. There were many citizens, Angell noted, who, “while willing to risk the chance of lawsuits against a Society which can involve only the value of a very poor horse, are not willing to risk lawsuits founded on the misconduct or collusion of agents, which by separating a mother and child, may . . . result in a verdict or verdicts of five thousand dollars.”\footnote{65} Nor did the division of labor prevent occasional friction between the SPCAs and the SPCCs. In 1887, while expressing his strong sympathy with its objects, Angell chided the MSPCC for basing an appeal for funds and support on the claim that one difference between animals and children was that “the abuse of animals is seen.”\footnote{66}


\footnote{66} ODA 20 (June 1887), 7.
William Stillman and the Incorporation of the AHA

By the early years of the twentieth century, new approaches to social work began to weaken the relationship between animal and child protection. Nevertheless, those societies that encompassed both concerns within their scope of activity gained a strong champion in William Olin Stillman (1856-1924), an Albany, New York doctor who served as president of the AHA between 1904 and 1924. Stillman remained stubbornly loyal to the dual-purpose society and to the approach to child rescue that Gerry and the NYSPCC championed. Moreover, Stillman invigorated the AHA as no executive before him had been able to do, giving it a true claim to national influence during his tenure.

Although the members of many humane societies recognized the importance of concerted national effort, it would prove an elusive goal in the years that followed the AHA’s formation in 1877. Organizational jealousies, absence of funds, and the lack of a central headquarters all impeded the development of a truly national organization that could harness the diverse energies of its constituent societies. In 1887, George Angell frankly appraised the AHA’s fragility, noting its precarious finances, its grant of voting power on an equal basis to all member organizations, large and small--regardless of their contributions--and the problematic character of its commitment to dual-function societies. Angell thought formal incorporation of the AHA as a national society inadvisable, and found it particularly improbable that the organization could ever “take charge of every form of cruelty to both humans and animals over a whole continent.”

Other humanitarians also lamented the weakness of the AHA, which had no permanent headquarters or regular staff, and, with the exception of a few dedicated officers, was not much alive save at its annual meetings. The lack of systematic and continuous work even led some of the AHA's strong supporters to wonder whether it had accomplished anything of definite and permanent value. Writing sympathetically, Mary Lovell stressed that too few member organizations recognized "that keeping the national society under extreme limitations is one way of prolonging the difficulties of their own work and retarding its success." There were many cruelties that could best be combated by sustained effort of a national nature. Some AHA members thought the organization should be a vehicle for supporting the spread of humane ideas and programs into regions where very little work had been done. Occasionally, enough funds were accumulated to employ an advocate for such work, but efforts did not progress very far. 68

The fortunes of the AHA began to shift in 1892, when the Mohawk and Hudson River Humane Society (Mohawk and Hudson), in northeastern New York State, elected Stillman its president. Under Stillman's leadership, the Mohawk and Hudson became one of the most impressive organizations in the field. A well-connected and apparently tireless worker, Stillman persuaded a local developer to part with an old hospital building for use as a shelter for unfortunate children in the Albany vicinity. The large building in downtown Albany became the headquarters of the Mohawk and Hudson, and a functioning shelter for children. The Mohawk and Hudson gradually came to include branches in twelve different New York counties. Income and staff grew at an impressive

rate. Stillman built the society into a regional power and a model of efficient management and drew attention to himself as an up-and-coming humane advocate. In the mid-1890s, Stillman became a vice president of the AHA, and in 1904 he assumed its presidency. During the next two decades, he transformed the AHA, securing its headquarters, building its endowment, and giving it a serious claim to national leadership as an umbrella organization of American humane societies.  

Just prior to Stillman’s ascent to leadership, during the period 1899-1902, a few key actors within the AHA attempted to make national incorporation of the organization a priority. Matters came to a head at the 1902 annual meeting held in Albany, Stillman’s hometown. When members of the Committee on Organization met the day before the conference, they found that the New York State Convention of Humane Societies, comprising some twenty child and animal protection entities, was planning to subvert the incorporation scheme. At a separate meeting of the convention, antagonism to the proposal continued to build. Some advocates asserted that the plan called for managing the AHA as an organization to combat all forms of social cruelty, no longer limited to just children and animals. Others objected to the idea that a national society might enjoy superordinate enforcement authority over their own groups. Stillman failed in his efforts to mediate the issue before the AHA plenary sessions convened. When debate began there, Elbridge Gerry spoke out sternly against national incorporation, and Caroline Earle White forcefully answered his criticisms. When Gerry disparaged the historical accomplishments of the AHA, White corrected his portrait of an ineffectual union of  

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interests. Gerry’s public disparagement of the plan rested mainly on the claim that it was improbable Congress would grant police power to any organization for operating in all of the states, although proponents quickly denied that such authority would be a goal of their application. The proposal’s supporters were more interested in the moral authority that national incorporation would confer, especially for spreading the work throughout the country, and in setting the AHA up for the direct receipt of bequests and larger donations. Some concluded that the SPCAs and SPCCs of New York State, and especially the ASPCA, opposed the plan because of their fears that a national group might siphon off money that would otherwise be directed to their own treasuries. A national rival, it seemed, posed too great a threat to some of the well-heeled societies. The ASPCA, which had played no active role in AHA affairs for several decades, was especially derisive of the plan, and would subsequently undertake active political intervention against the AHA’s incorporation.\(^\text{70}\)

The ASPCA eventually objected that the plan to formalize a national society combining animal and child protection could do justice to neither cause, a position consistent with its own policy and its historical relationship with the NYSPCC during a quarter century of activity. Later, when Representative John F. Shafroth of Colorado, mindful of the nine states and territories where no organized entity for such work existed, introduced a bill calling for the creation of a government board devoted to child and animal protection, rumors of active opposition by the New York groups began to

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circulate. A New York colleague assured the congressman that the ASPCA and the NYSPCC would attack the bill, fearful, as one observer put it, “that their prestige as the self-styled heads of humane work in this country will suffer, and consequently, their revenues shrink.”

When the smoke cleared after Albany, the principal advocates of national incorporation were Stillman, Francis Rowley, Caroline Earle White, James Brown, Crammond Kennedy, and John L. Shortall. They quickly abandoned plans to seek a national charter of incorporation from the Congress, instead securing normal incorporation under the laws of the District of Columbia in November 1903. Elbridge Gerry and the New York State Convention of Humane Societies withdrew from the AHA. Although his home society, the Mohawk and Hudson, went along with this decision, Stillman chose to support the AHA and its incorporation in his individual capacity. It was a critical moment in the history of the humane movement, for the AHA was now a legal entity empowered to hold, invest, and distribute funds received by either gift or bequest.

These developments also set the stage for Stillman’s rise to the AHA’s presidency. He had been serving as a vice president for some years already, but, in 1904, when Albert Leffingwell resigned as president to take up a diplomatic appointment at Warsaw, Stillman’s fellow directors chose him to fill out the term. Now Stillman applied his considerable energies to the goal of establishing the AHA as the central agency of a

71 “ASPCA Circular,” JOZ 11 (Nov. 1902), 125; and E. K. Whitehead, Letter to the Editor, JOZ 13 (May 1904), 52-53.

national network of child and animal protection societies, and he made quick and substantial progress toward this goal. Under his leadership, the organization gained a modest endowment, its own building (at Albany), a small full-time staff, a monthly magazine (the *National Humane Review*), and permanent stability. Stillman was reelected as the AHA’s president annually for twenty consecutive years, until his death in 1924.73

**The Complementarity of Humane Reform**

In *Reckoning with the Beast*, James Turner speculates that concern for animals served a displacement function, allowing Victorians to transfer “their charitable impulses from the forbidden ground of the working-class slums to a more acceptable object of benevolence.”74 Turner implies that either ideology or self-interest prevented those who supported animal protection from addressing the harsh conditions that industrialism imposed on the working classes. The guilty feelings they could not comfortably or consciously express or act upon in respect to the hovel or the factory, Turner theorizes, were shunted into the more acceptable impulse of kindness to animals. Animal protection provided a surrogate channel for humanitarian impulses until certain human-


centered causes became socially acceptable. Turner goes even further in suggesting that "the status of animals under industrial capitalism provided a safe outlet for some mild carping at an economic system otherwise warmly embraced by its grateful beneficiaries."  

The theory of displacement rests on both depreciation and mischaracterization of humane reform, reducing concern for animals to a metaphor for other social anxieties. Above all, this psycho-historical conjecture marginalizes the possibility that some people in the nineteenth century felt drawn to action and philanthropy purely for the betterment of animals. For those endowed with imaginative sympathy toward animals and their suffering, humane work became an intrinsically absorbing pursuit.

The displacement hypothesis also overlooks the evidence that animal advocates themselves provided in their recorded words and deeds. The sight and knowledge of animal abuse, then as now, struck at the most basic emotions and sympathies. Many animal protectionists confirmed that such experience motivated their interest and activism, and some dated their awareness to their earliest years. Angell, Bergh, White, Lovell, Elizabeth Morris, Muckle, Dore and others asserted that their childhood instincts favoring kindness toward animals helped draw them to the cause. It seems more

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75 Turner, Reckoning with the Beast, 54, 56, 123, 139, quote on 56. Turner's hypothesis is essentially non-falsifiable, but it should certainly be noted that the evidence he tenders in its support, that of the coincidence between the rhetoric of animal protection and that used to describe the relationship between laborers and employers, or between masters and slaves, is very thin for such a sweeping psycho-historical judgment. Many pre-Victorian discussions of kindness to animals employed the analogy of servitude in discussing the human-animal relationship.

76 Despite his assessments of their motives, Turner is nevertheless content to call humane advocates "animal lovers," an inappropriate description that is unmindful of the considerable variation in views of those who comprised the movement. This usage becomes more suspect through analogy. It would be misleading—to say the very least—for any historian of the abolition or civil rights movements to designate adherents as "Negro lovers." See Turner, Reckoning with the Beast, 135.
reasonable to look for the source of their concern in predisposition, childhood socialization, or emotional growth rather than to attribute it to displacement, which would have been an extraordinarily precocious manifestation of adolescent class consciousness under the circumstances!77

The paucity of charitable investment in the prevention of animal suffering in comparison to human-centered philanthropy animated humane advocates as well. S. Morris Waln, Quaker benefactor of the PSPCA and a supporter of diverse philanthropies, addressed the point, noting that "there is every provision the world over for the unfortunate of our race, but little for the patient, speechless servants who devote their lives to us." George Angell also argued that support for other causes dwarfed animal protection, admitting that this conviction was partly responsible for his decision to form the MSPCA. In 1873, Angell answered a friendly query about whether it was not more "important to form societies for the protection of men than of animals?" In reply, he noted that Boston at that time had no less than "134 organizations, supported by private benevolence, for the protection of men," compared to just one for animals.78


Such intentionality on the part of advocates is noteworthy because animal protection did not always prove to be a “safe” or a popular cause. Even supposed allies found occasion to admonish animal protectionists that “humans were far more worthy subjects for labor than all the curs that ever yelped.” On occasion, journalists, lawyers, and others publicly questioned the sanity of those who left money to the cause. Indeed, all too often the wills of those who left money for animals were challenged on the grounds of mental incompetence.\(^{79}\)

From the earliest, SPCA workers had to fend off the charge that human-centered philanthropy ought to have priority over charity toward animals. Henry Bergh was a frequent subject of cartoons and satirical pieces highlighting the wrong-headedness of concentrating on animals. Caroline Earle White cast such accusations as the favorite resort of “cavillers,” arguing that “the same persons who find fault with us for working for animals will demand of societies laboring in behalf of humans why they don’t help some other human beings. Thus the antislavery agitators were constantly asked why they did not give their attention to the miseries of their white brethren at the north.”\(^{80}\)

In most cases, humane advocates maintained their preferred commitment to animal protection even after certain human-centered causes became more socially acceptable. Not one key figure in humane work for animals abandoned that course to undertake now-sanctioned efforts on behalf of downtrodden or disadvantaged human

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\(^{80}\) Women's Branch, PSPCA, Annual R. 1871, 9-10.
beings. In fact, all of the major humane leaders, once associated with the cause, pursued animal protection as a lifelong labor. It was the issue that commanded their passion.

The displacement theory badly underestimates the strength of post-Civil War philanthropies in general. Americans in this era expressed their concern for fellow citizens through a range of eleemosynary institutions that formed either before or contemporaneously with the SPCAs, and animal protection complemented a variety of other Gilded Age causes. These included penal reform leagues, moral purity organizations, poor relief charities, widows' and sailors' groups, immigrant assistance fraternities, provident and benevolent associations, farm schools, asylums, and children's aid societies. Most of these reform movements were based on notions of moral guidance. In its totality, this complex of interests amounted to a new abolitionism, in which the cruel person, the drunkard, the abusive husband or father, the saloonkeeper, and the brothel owner replaced slaveholders as the rogues and reprobates of the postbellum world. The abused child, the needy freedman, the unwed mother, the "white slave," the beaten helpmate, the immiserated prisoner, the neglected mental patient, and the suffering horse were all acceptable outlets for middle-class humanitarianism.\(^{81}\)

Recent historical scholarship testifies to the strength of post-Civil War social reform. The first decade of SPCA work coincided with the rise of women's rights as an independent reform movement, and several authors have emphasized the vitality of social feminism during the post-Civil War years. Reconstruction, the struggle of former slaves

and other freedmen to secure liberty, equality, and justice, was an even stronger locus of reformist energies. In the decade and a half that followed the war’s end, many Americans actively participated in benevolent and public-minded initiatives in support of African-American citizenship, education, opportunity, and welfare. For some, as Eric Foner has suggested, “the Reconstruction experience became a springboard to lifetimes of social reform.”

Nor was concern for the poor and disadvantaged classes stunted in this era.

During the immediate postwar period, a growing number of middle-class reformers began to address the mistreatment and exploitation of free laborers in an industrial economy. By 1873, for instance, legislation to restrict the employment of children in factories had passed in Connecticut, Massachusetts, and Rhode Island, and was under serious consideration in New York. In the mid-1870s, pioneering social gospelers like Washington Gladden were already attempting to focus public concern on the impact of laissez-faire economic competition upon work conditions, urban life, and the nation’s social and religious character. Throughout the 1880s and 1890s, the middle-class

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women of the WCTU transcended class interest by showing support for workers at a time when the struggle between labor and capital was being waged in earnest. Eventually, even Socialism found a hearing within the WCTU and certain other middle-class circles, especially after the publication of Edward Bellamy’s *Looking Backward* in 1888.

Humane advocates frequently integrated concern over the mistreatment of human beings into their animal protection work. As part of her campaign against the cruelties of the streetcar trade, Caroline Earle White implored legislators to address the situation of drivers who in winter suffered and sometimes died from exposure to the elements. In 1897, agents of the Women’s Pennsylvania Society for the Prevention of Cruelty to Animals (WPSPCA) arrested the job bosses, not the workers, who kept and employed mules and horses under abysmal circumstances at a canal construction site south of the city. Reviewing the situation, the *Journal of Zoophily* underscored the dual exploitation of animals and African-Americans who performed the work: “If the condition of the horses and mules used in the work at League Island was deplorable, not less so was that of the unfortunate laborers employed there. Low wages, wretched fare and lodging, and hard work, standing mostly in water the while, are among the miseries they have had to endure.”

Animal advocates, of course, generally conceived of their work as directly beneficial and even essential to human well-being. In their minds, there was no tension between human and animal interests. They believed that they were honoring both concerns in their campaigns against the mistreatment of animals used for meat and milk.

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and their efforts to call attention to the attending health risks of such products. They worked to promote rational municipal animal control solutions and orderly procedures for horse-drawn transportation on the same grounds.

In the same vein, as historian Susan Lederer has pointed out, many of those who campaigned against animal vivisection did so in part because of their concern that such experiments would lead to unethical procedures on vulnerable human beings, an anxiety that was borne out in several notorious instances. Fear that the cold-hearted vivisector might replace the caring doctor at the bedside drove opposition not only to live animal experiments but to classroom dissection.86

Above all, animal advocates were convinced that the inculcation of kindness was an inestimable boon to humankind. “Is not everything which tends to elevate man in the moral scale, a benefit to him?” asked Caroline Earle White. Animal protectionists believed their cause a vital one for the education of the heart over the head. “Whatever humane societies have done for animals,” Francis Rowley declared, “they have done vastly more for mankind, to enlarge its vision, to quicken its sympathies, and to ennoble its spirit. Unless we reach the deep springs of life out of which flow the deeds of men,

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our education merely of the intellect may but make it all the more effective to work social and industrial evil.”

Some of the animal protection movement’s most prominent figures also supported a range of charitable institutions serving human needs in their home communities. Bergh’s work with Gerry in forming the NYSPCC, and Angell’s tacit support for child rescue work in Massachusetts have been discussed. White’s crucial role in the formation of the PSPCC in 1876 is less known, perhaps because, once Philadelphia’s child protection organization was firmly and fairly established, with men and women on an equal footing in its management, White resigned from its executive board. In doing so, she reasoned that such a popular cause would have no trouble recruiting other board members, and acknowledged that animal protection was the cause she personally preferred to advance. Nevertheless, White remained an active supporter of child protection work in Philadelphia, and served on the board of managers of the St. Vincent’s Aid Association, which provided nurses, clothing, and other necessities for the benefit of destitute mothers and their infants. In addition, the Women’s Branch let the PSPCC use its rooms during the fledgling organization’s first months of activity.

The philanthropic interests of other prominent humane advocates further bear out the complementarity of animal protection as a social reform, and the sympathy and

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88 “Protection of Animals,” N. Y. Herald, 15 Nov. 1878, ASPCA-NY, SBK 8: 1; Jane H. Campbell, “Mrs. Caroline Earle White, The Friend of the Animal Creation,” Woman’s Progress 1 (June 1893), 118-19; Elisabeth Somers, “History of Society to Prevent Cruelty to Animals,” JOZ 14 (Dec. 1905), 134-35; and Women’s Branch, PSPCA, Minutes of Sept. 27, 1876, WHS.
support its adherents showed for other causes. During the 1870s, Colonel Alfred Wagstaff, who championed many of Henry Bergh’s proposals in the New York Assembly, also sponsored legislation to restrict the use of children in factory work.\(^{89}\) White’s brother George Earle progressed from anti-slavery work to campaigns for the improved treatment of livestock in transit to municipal reform in the city of Philadelphia.\(^{90}\) Albany’s William O. Stillman founded a school for nurses, led the child protection society in his home county, and only then gravitated toward animal protection. John C. Dore, a pivotal figure in the formation of the Illinois Humane Society, was the president of a Newsboys’ and Bootblacks’ Home. Rodney Dennis, founder of the Connecticut Humane Society, served as a trustee of an industrial school, an insane asylum, and the Hartford YMCA.\(^{91}\)

Elizabeth Stuart Phelps (she added the name Ward after her marriage in 1888) provides an even more striking example of varied yet related reform concerns. Phelps was active in women’s rights work for decades before coming to the cause of antivivisection. She was, moreover, one of the first American authors to take up the theme of industrialization and its social evils, examining the issue just as she came to national attention with publication of *The Gates Ajar*. Phelps first targeted the harsh impacts of industrial capitalism upon the laboring poor in “The Tenth of January,” a story published

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\(^{90}\) “George H. Earle,” *JOZ* 16 (July 1907), 77.

in the Atlantic Monthly in 1868. Several years later, she dealt with the subject in The Silent Partner, a novel that depicted the dehumanizing circumstances of mill labor and the factory system.\(^{92}\)

The obituaries and bequests of less well-known supporters of animal protection also illustrate its position within the network of middle-class movements. From the 1860s through the 1920s, animal advocates supported or participated in an array of diverse philanthropies. Their obituaries reveal a characteristic set of leanings toward temperance, child protection, hospital care, refuges for “fallen unfortunates” like the Florence Crittenden Homes, asylums, sanitaria for the incurably ill, and other charities aimed at the poor and the disadvantaged. The pattern holds for members of all three of the pioneering SPCAs.\(^{93}\)

For instance, in addition to supporting Bergh’s ASPCA, Louise King, an Augusta, Georgia heiress, established both a widows’ home and several Georgia anti-cruelty organizations. Another supporter of Bergh’s organization, Benjamin Merriam, left money for the YMCA, the Tract Society, and several orphans’ institutions as well. In 1884, the German émigré Ottilia Assing, acknowledging their reform work, made Bergh and Frederick Douglass the dual recipients of her testamentary largesse. Ellen Gifford, a significant benefactor of both the ASPCA and MSPCA, left money to hospitals and to


assorted charities devoted to widows, children, African-Americans, the aged, the blind, the incurably ill, and discharged convicts. Elizabeth T. Hicks provided equal bequests of $25,000 to the ASPCA, the NYSPCC, and Swarthmore College, and additional money for the support of a colored orphans' asylum. Charles Da Costa favored a similar set of charities in his 1890 bequest.94

The women who worked with Caroline Earle White exemplified the same broad spirit of charity. Sarah E. Morris, a vice president of the WPSPCA, was an active WCTU member who had worked with the Sanitary Commission during the Civil War. Helen Parker, a WPSPCA board member, was a strong supporter of the Home for Incurables in West Philadelphia. Another WPSPCA board member, Sarah K. Davidson, spent over fifty years as president of the Foster Home of Philadelphia. Davidson's sister, Annie Lowry, whose $25,000 helped to endow a veterinary dispensary for the WPSPCA, actually left four times that much to the American Sunday School Union. When Annie Waln Ryerss bequeathed money for the formation of a rest haven for horses, her will insisted that no medical or surgical experiments were to be carried out on the horses. In the event that such a thing occurred, the charter would be forfeited and the property of the

organization turned over to the Society of Friends for use in the instruction of Native Americans.95

George Angell's associates displayed comparable philanthropic inclinations, manifest both in their lives and in their testamentary provisions. William Baldwin, longtime MSPCA board member, abandoned his business career to lead the Boston Young Men's Christian Union the same year that Angell founded the MSPCA. Edward H. Clement, editor of the Boston Transcript and a highly active member of both the MSPCA and the NEAVS, went south during Reconstruction in order to participate in efforts to educate and empower the freedmen. Jane Sever left bequests to the MSPCA, the Boston Seaman's Aid Society, and homes for children, inebriates, and the poor. Eliza Powers's bequests were of a similar character, although hospitals and infirmaries were her favorite human charities. Arioch Wentworth, the Boston merchant, provided legacies to a New Hampshire home for the aged, a hospital, the YMCA, the Massachusetts Institute of Technology, and Bates College, in addition to the MSPCA.96

The philanthropic career of Margaret Olivia Sage (1828-1918) is also illuminating. In 1907, railroad magnate Russell Sage's widow created a foundation in his name to support analysis and action for "the improvement of social and living conditions in the United States of America." Although the foundation she set up operated according

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to the most modern, Progressive era principles of social philanthropy, Mrs. Sage was the product of another epoch. The broad scope of her interests was more characteristic of nineteenth-century evangelical sentiment, and before establishing the foundation she generally funded religious work, hospitals, and colleges. While the Russell Sage Foundation did not provide financial support to animal protection, Mrs. Sage herself was one of the anti-cruelty movement’s strongest financial backers in the early years of the twentieth century. She was a significant donor to the AHA, the ASPCA, and the New York Women’s League for Animals. Among other things, she provided funds to support an animal hospital, the fountains and watering stations maintained by the New York groups, and an animal ambulance. She also gave money for the creation of a wildlife sanctuary in Louisiana.97

Conclusion

The growth and evolution of animal protection during the last quarter of the nineteenth century drew heavily upon its relationships with temperance and child protection. All three movements focused on the social implications of individual cruelty. In addition, temperance and child protection helped to sustain an organizational infrastructure for the spread of humane values. Animal protectionists made use of

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temperance's networks of activism to advance their own cause. Child protection, on the other hand, actually emerged from and developed alongside animal protection work, as organizations in numerous communities embraced the challenges of both reforms. Humane societies played a crucial role in the transition to state-sponsored child welfare bureaucracies. In addition, many dual-function societies became constituent organizations of the AHA, the first group to unite humane workers from diverse regions and communities under one umbrella.

Beyond its relationships with both temperance and child protection, the philanthropic proclivities of adherents affirm that concern for animals was neither a trivial nor a peripheral cause of the Gilded Age. It reflected many of the premises of late nineteenth-century moral reform ideology. It also complemented numerous charitable initiatives directed at vulnerable and dependent humans, many of which animal protectionists themselves supported during their lives and through their testamentary provisions. Advocates were confident that their work on behalf of animals did result in significant benefits to humankind, both direct and indirect. Their philanthropic affinities show that organized concern for animals was part of a larger "social religion," an aggregate of wide-ranging but coincident reforms that aimed to assist the helpless, the vulnerable, and the disadvantaged. These affinities help to explain the steady growth and evolution of the humane movement during this period.
CHAPTER VIII

"NO DISTINCTION": CLASS, CONSCIENCE, AND PRIVILEGED CRUELTIES

It is a curious and interesting fact that each person regards Mr. Bergh's proceedings with the utmost complacency—indeed, every one is inclined to encourage his self-sacrificing devotion to the comfort of the brute creation—until his own profit or amusement is interfered with.

"The Vagaries of Mr. Bergh," New York Post, 26 January 1872

The far-reaching implications of the kindness-to-animals ethic were reflected in the humane movement's determination to challenge the abuse of animals whenever and wherever it flourished. Campaigns against working class recreation that involved cruelty, such as dog fighting, ratting, and animal baiting, and campaigns to eliminate the common cruelties of working class occupations that involved contact with animals were undeniably important in SPCA work. However, citizens from other social strata and an array of corporate and institutional interests routinely offended humane principles too, and American animal protectionists did not hesitate to condemn or to prosecute these parties. Their determination to eliminate the mistreatment and neglect of animals frequently moved humane advocates to action both across and within the boundaries of class. They challenged cruelty regardless of its perpetrators' social or professional standing, because the humane ethic compelled it.  

1 All of the following works convey the implication that animal protection was primarily about social control of the lower classes, and some do worse by altogether neglecting other dimensions of humane reform. Most do not discuss humanitarian efforts to challenge the cruelty of privileged or corporate actors. The weight some authors give to the British context accounts for their failure to perceive
Bergh, for example, never failed to underscore the inaccuracy and injustice of the charge that the ASPCA maintained a different set of standards for the wealthy and the powerful. In 1867, when the New York Citizen chastised him for inordinate attention to animal fighting while the corporate abuse of streetcar and omnibus horses flourished, Bergh responded that he was working hard in pursuit of the wealthy who committed crimes against animals too. Other newspapers came to his defense, perhaps more cognizant of the restriction that courts and magistrates had placed on Bergh’s efforts to arraign executive officers of the railway companies for the cruelty practiced daily upon their lines. Few who knew him doubted that Bergh would gladly have prosecuted the heads of streetcar companies if only the law and/or the court system had made it possible.

After several years of watching the horsecar campaign, the Herald noted that Bergh had “done a good deal to humanize the class of men who own horses used for working purposes, whether they belong to individuals or corporations.” An editorial in the Post went further, applauding Bergh’s consistency: “Mr. Bergh makes no distinction between a poor cartman and a wealthy corporation. He compels the latter to treat its animals with kindness, and after two or three of these overloaded cars have been stopped peremptorily

by his order, we see four horses used on every car, whenever the tracks are in bad conditions, during the remainder of the season."2

Bergh and his associates hastened to point out that the ASPCA enjoyed the support of many of New York City's poorer citizens, some of whom, he once wrote to Angell, made small donations to further its work. In 1874, the New York Times addressing the charge of Bergh's biases, described incidents in which Bergh took one impoverished offender home for a good meal, while the man's horse was being cared for in a private stable. Other stories of Bergh's kindness and sympathy, even toward those he challenged or arrested for cruelty to animals, also circulated.3

In fact, although Bergh was more than willing to extend his vigilance and his prosecutions beyond the working men and women of New York to both corporations and his social peers, time and time again he encountered determined opposition to his efforts to do so. In an 1878 interview, Bergh told the Tribune that he did "not think that the poor and uncultured classes are our most formidable antagonists or are the most cruelly disposed." On the contrary, he continued, "it is the rich and intelligent who oppose me


3 For Bergh's letter to Angell, see Mass. Ploughman 27 (21 Mar. 1868), 1. ASPCA Board Secretary William Waddell made a similar claim in ASPCA, Ann. R. 1867, 1. Beyond anecdotal testimony, however, there is little evidence of substantial or active working class support for the ASPCA. On Bergh's kindness to the poor, see "Justice to the Dumb Race," N. Y. Times, 1 Feb. 1874, 8; "Gossip," Harper's Weekly, 21 Feb. 1874; and C. C. Buel, "Henry Bergh and his Work," Scribner's 17 (Apr. 1879), 883. A few other instances are described in Steele, Angel in Top Hat (New York: Harper and Bros.), 256. While possibly apocryphal, these accounts still reflected perceptions of Bergh's clemency.
most bitterly with their fox hunts, bull fights, racing, pigeon matches, and like sport. . . .

All we have to dread among the lower classes are curses, and a fight perhaps. But the rich meet us with well-bred insolence, and are the hardest to influence."4

Apart from being hard to influence, the privileged classes were often the source of anti-ASPCA invective. Just several years after the ASPCA’s formation, the Times noted that “it has sometimes been the fashion in more respectable quarters to cry down the good work of this Society, and to magnify only its mistakes.”5 As Bergh would discover, criticism from such quarters was not always something he could shake off, as it sometimes led his own board members to counsel or to insist upon restraint.

Whatever their personal inclinations, humane leaders like Bergh found that class and corporate power did sometimes determine how much progress they could make in dealing with a particular issue. For instance, Bergh was highly successful in his campaign to suppress the use of dogs for carting by garbage, swill, and rag collectors, occupations generally pursued by the poorest of immigrant peoples, principally German and Irish. In June 1866, Bergh made an initial complaint to the Board of Health, which denied having jurisdiction in the matter. By the next spring, however, the ASPCA president had secured a state law that prohibited the unlicensed use of dogs for such purposes in New York’s cities and incorporated villages. Arrests for failure to procure a license or failure to muzzle dogs in hot weather began that summer.6

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5 “Mr. Bergh and His Work,” N. Y. Times, 8 Aug. 1869, 4.

Unlike rag pickers, streetcar company executives, pigeon shooters, and medical experimenters had the political and social power to withstand Bergh’s challenges. They found it much easier to thwart humanitarian objectives by securing exemptions from anti-cruelty statutes, litigating their concerns in court, and restraining humane society leaders by means of pressure applied upon and through their board members. In such situations, class did serve to limit the extent and impact of humane initiative. Yet this was not so much because leaders like Bergh, Caroline Earle White, and George Angell were themselves bound by class attitudes, but because the social, political, economic, and cultural networks in which they had to operate constrained them from going as far as they wanted.

While Bergh normally took advantage of every opportunity to prosecute wealthy and elite citizens, the ASPCA made special efforts in cases that involved individual acts of sadism or intentional cruelty. In 1866, a veterinarian was convicted of cruelty for having bashed in a horse’s head with an iron bar, and, in 1870, a judge reprimanded a veterinary surgeon who had been arraigned for fatally mutilating another horse. In June 1871, in a widely publicized incident, Bergh attempted to prosecute a doctor named James Comins for extreme cruelty. Comins had set an elaborate trap in his backyard into which he lured cats whose wailing disturbed him. His actions in trapping the cats and knocking them dead distressed Comins’s neighbors, some of whose pets the doctor caught and killed. Several newspapers took Comins’s side, claiming that he had acted to protect his elaborate flower garden. Although Justice Bixby ordered Comins held over for trial, the Court of Special Sessions eventually discharged the case, siding with the
doctor. This setback did not deter Bergh, and he continued to prosecute the wealthy whenever he and his agents believed that they could provide sufficient evidence. 7

**Sport**

Of all the privileged cruelties he challenged, none took up more of Bergh’s time and energy than pigeon shoots. In these contests, birds whose wings had been clipped were expelled from spring-loaded boxes to flutter a few feet above the ground as competing shooters rained bullets down upon them. In April 1869, Bergh stopped a pigeon shoot scheduled to take place in New York City. The action caused consternation on the part of several of the ASPCA’s members, including A. K. Gardiner. Bergh also faced the opposition of Theodore Roosevelt’s uncle, Robert B. Roosevelt, politician, outdoorsman, and editor of the *Citizen and Round Table*. Roosevelt condemned the ASPCA’s interference and threatened to test the law directly by staging a shoot. While approving Bergh’s robust reply, Elbridge Gerry and other ASPCA board members intervened to block his further pursuit of the matter, assuring him, Bergh wrote Roosevelt, “that in their opinion the humane cause for which we labor would be better consulted by a suspension of its interference for the present.” Eventually, however, Bergh issued a warning that the ASPCA would arrest and prosecute offenders who

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violated the statute by shooting at domestic fowl for sport, amusement, or financial stake.⁸

The caution of Bergh's advisors was not unwarranted, given the social and political context in which the ASPCA had to function. At least one of the judges before whom its cruelty cases frequently came was an enthusiastic participant in the shoots. Reluctantly, Bergh himself came to appreciate that "to have pursued the pigeon men would have been to injure the cause generally."⁹ Despite such considerations, however, Bergh continued to employ other methods to interfere with the shoots. He became a strong promoter of alternatives like the "gyro-pigeon" and the glass ball. Bergh also exploited the fact that rumors of his agents' determination to shut down the matches usually lessened attendance and gate receipts.¹⁰

Bergh sometimes took his case to the court of public opinion, stopping short of prosecution. In December 1871, he publicly admonished James Gordon Bennett, Jr., for his participation in such events. "That there should be found a man in a Christian land capable of deriving pleasure from the mutilation and agony of one of the tamest and most gentle of all the feathered race . . . may be cited as a bad omen for civilization," Bergh charged. After this skirmish, and a public statement in defense of pigeon shooting by the

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⁸ Steele, Angel in Top Hat, 220; and ASPCA, Ann. R. 1870, 15-19.


Blooming Grove Park Association, a New York Post editorialist came to Bergh’s defense: “The pigeon-slaughterers are quite willing that Mr. Bergh should stop a dog-fight. But when he interferes with the ‘primary school of shooting practice’ his act is an insolent ‘vagary,’ for which he must be laughed at and reviled.”

On January 5, 1872, after ASPCA agents and several police officers armed with a warrant broke up a shoot at Fleetwood Park, Ira Paine, one of the participants with a stake in the gate-money, sued him for $1,000. The pigeon shooting issue proved the end of Bergh’s friendly relationship with A. Oakey Hall, who as District Attorney during 1866 had proved so helpful to the ASPCA. Now, as Mayor, Hall determined to settle the question of whether the police had authority to prohibit pigeon shooting. Hall directed the police board to seek a legal opinion about whether its officers could interfere with pigeon shoots, making it clear that he did not think they had the right to do so.

In early 1874, Judge McAdams of the Marine Court dismissed Paine’s complaint against Bergh, ruling that “the shooting of the birds was a needless mutilating and killing within the [anti-cruelty] statute.” The court did not accept the claim of the plaintiff, who had also worked as an entertainer doing blackface minstrelsy, that he was a “professor” engaged in the occupation of teaching gentlemen how to shoot. Gerry’s argument that the men had not been shooting animals for food but as part of an illegal wager, and Horace Claflin’s testimony about the horrible sight of dying and wounded birds on the

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12 “Mr. Bergh’s Perplexities,” N. Y. Sun, 10 Jan. 1872, 3; and “Minor Topics,” N. Y. Times, 6 Feb. 1872, 4.
grounds of his nearby country home also influenced the decision. This was a decisive victory for Bergh. Soon after, both Paine and Bogardus, another one of the region’s most accomplished shooters, began to use glass balls instead of pigeons.13

When a police officer stopped a Jerome Park shoot involving James Gordon Bennett, Carroll Livingston, and several other members of the Sparrow Club, the shooters had had enough. In 1875, working through political contacts in Albany, they attached a rider to the anti-cruelty bill that the ASPCA was promoting in the legislature. The rider specified that “nothing in this act shall be construed as prohibiting the shooting of birds for the purpose of human food.” It was a clause that might be construed to protect their shoots if necessary. The issue never came to a test, however, for on April 13, 1875, the pigeon shooters’ supporters secured a majority for another bill that placed their merriment entirely outside the orbit of the anti-cruelty statute. This bill passed when Bergh conceded a compromise, so that a bill granting the ASPCA the power to confiscate paraphernalia used for dog and cock fighting would not be challenged. This bartering was yet another reminder that political influence would determine the fate of many humane initiatives once they came into the legislative arena.14


As it happened, the slaughter of pigeons in New York State would continue for another quarter century. Subsequent legislative efforts during the 1880s to prohibit the pastime went nowhere, much to the frustration of Bergh and supportive citizens like Thurlow Weed. By that time, however, pigeon shooting had begun to draw steady criticism from newspapers in New York and other communities. Even so, the pigeon shooters’ exemption held up through the 1890s. Only in the early years of the twentieth century did the ASPCA gather sufficient political support for a bill to ban the shoots in New York State. By then, pigeon shoots had fallen out of favor with upper class sportsmen in North America, just as they had in Great Britain.15

Humanitarians in Massachusetts and Pennsylvania also launched serious challenges to the cruel pastimes of the privileged classes. Throughout the 1870s, watching Bergh’s campaigns, Massachusetts advocates expressed their disapproval of pigeon shooting in their own state. In 1874, the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) attempted its first prosecution, singling out a member of the Tremont Shooting Club in Boston, which willingly permitted humane agents to make a test case of one bird’s shooting, in the interests of clarifying the scope of the anti-cruelty statute. Chagrined at having received the first case of this kind, the judge ruled against the MSPCA, mainly on the grounds that the shooter had intended to kill, not to

mutilate or inflict suffering upon, the bird. The judge expressed his doubt that the
shooting of pigeons would ever come within the spirit or scope of the Massachusetts anti-
cruelty statute, and encouraged the MSPCA to seek specific legislation. In 1879, George
Angell took dead aim at the pigeon shoots, launching a legislative campaign to prohibit
them altogether. His initiative gained the support of some 400 Protestant clergymen in
Massachusetts, and the proposed law passed by a margin of two to one.16

In Pennsylvania, the shoots proved more difficult to abolish. In 1870, animal
protectionists there saw their bill to prohibit pigeon shooting go down to defeat in the
state legislature. In 1871, the PSPCA declared its interest in prosecuting a pigeon
shooting case, but officials did not believe a conviction could be secured in Philadelphia
courts, despite the fact that the city’s newspapers applauded Bergh’s attempts to
prosecute participants in New York State. In 1884, state legislators killed another bill to
prohibit shoots. Finally, in the late 1880s, Caroline White and the Women’s
Pennsylvania Society for the Prevention of Cruelty to Animals (WPSPCA) mounted a
vigorous attempt to indict pigeon shooting under the state’s anti-cruelty statute. On
December 14, 1887, agents arrested an attorney and several other men for killing birds
before a “fashionable assemblage” at the Philadelphia Gun Club. The participants were
found guilty and fined $20 each. Two years later, after an appeal, Judge Yerkes of the
Bucks County Court of Common Pleas ruled that the activity was a violation of the
state’s 1869 anti-cruelty statute making it a misdemeanor to “wantonly or cruelly ill-treat,

16 “Our First Pigeon-Shooting Case,” ODA 7 (Dec. 1874), 52; and George T. Angell,
Autobiographical Sketches and Personal Recollections (Boston: American Humane Education Society, n.
d.), 62-64.
overload, beat or otherwise abuse any animal.” Unfortunately, the Pennsylvania Supreme Court did not sustain the lower court convictions. The Chief Justice emphasized that, while cruelty could occur at pigeon shoots, the evidence in that particular case did not appear to warrant such a charge. A shooter who had only wounded a pigeon, but who immediately killed it afterward, was not guilty of “wantonly or cruelly ill-treating or abusing” it. This was a setback, and one from which the campaign did not recover. In 1903, 1905, 1911, 1915, and 1925, supportive politicians introduced bills in the Pennsylvania legislature to criminalize pigeon shooting as a misdemeanor. All failed.

The MSPCA and WPSPCA sought to abolish other forms of elite cruelty in their states as well. One of the most objectionable was fox hunting. In 1888, the Supreme Judicial Court of Massachusetts ruled in the MSPCA’s favor in Commonwealth v. Turner, holding that the hunting of a captive fox did constitute cruelty under the state statute. The case emerged from the MSPCA’s 1887 prosecution of a man for conducting a foxhunt after he had received specific warnings that he would be arrested if he did so.


19 Commonwealth vs. Turner, 145 Mass. 296. The MSPCA celebrated the case as having thrown “the protection of the law around every wild beast in Massachusetts, whether in menagerie or roaming the woods and fields. They may be killed, but they cannot be torment.” See “Most Important Decision on Fox-Hunting and the Protection of All Other Wild Animals,” ODA 20 (Dec. 1887), 77.
Following suit, the WPSPCA publicly challenged fox hunting in southeastern Pennsylvania. In 1890, Caroline Earle White’s son, an attorney, helped to prosecute two employees of a hunt club that let its hounds chase and kill a tame fox “with unwarrantable cruelty.” The court fined the two men $20 each, plus costs. “I have been thinking of this prosecution for three years,” White revealed, “and waited until I could do so no longer. I cannot fail to discern the inconsistency of allowing rich men to worry tame foxes unmolested and to arrest a poor man for working a lame or galled horse that may be the sole support of himself and his family.” In 1901, White’s attempt to secure prohibitive legislation in the state failed.  

Science

There was another category of privileged cruelty that rankled humane advocates and drew their steady criticism—the use of animals in physiological research and classroom demonstrations. A deep antipathy toward vivisection was, with few exceptions, characteristic of the founding generation of animal protectionists. Experimentation upon animals was a relatively new phenomenon practiced on a very small scale when the American anti-cruelty societies began their work. Yet, for humanitarians, it was a distinctive cruelty, one that stemmed not from the ignorance, neglect, or casual expediency so characteristic of common instances of animal abuse, but from the deliberate design of learned and rational men. For many animal advocates, who

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could remember a time when virtually no acts of cruelty were punishable by law, the achievement of humane standards that all must obey was epochal. Vivisection seemed retrogressive and especially objectionable.

In his first address on animal cruelty, at New York’s Clinton Hall on February 8, 1866, Henry Bergh excoriated vivisectionists. By September, Bergh was embroiled in public debate over animal experiments with John C. Dalton, Professor of Physiology at the College of Physicians and Surgeons. During the winter of 1867, as Bergh attempted to secure the enactment of a revised statewide anti-cruelty statute, incorporating provisions suggested by the ASPCA’s first year of activity, he encountered opposition from experimental scientists determined to gain exemption from its reach. The ASPCA president denounced vivisection in a speech before the New York Assembly on February 1, 1867, and traded charges with Dalton about the utility of animal experimentation and the reliability of Bergh’s evidence concerning its cruelties.21

After April 12, 1867, however, when the new anti-cruelty act passed, words were Bergh’s only recourse, for Section 10 stated that none of its provisions would “be construed to prohibit or interfere with any properly conducted scientific experiments or investigations . . . performed . . . under the authority of the Faculty of some regularly incorporated Medical College or University in the State of New York.” Although in later years others would interpret the clause in ways that might permit some prosecutions, Bergh believed it to have effectively prohibited him from any interference, at least with

the city’s major medical and scientific institutions. Nevertheless, he continued to have agents attend lectures and gather intelligence from students and others, and his passion about the issue remained intense. In his office Bergh hung a lithograph portrait of the experimenter Magendie, writing underneath it, “A French physiologist, otherwise known as the ‘Prince of Torturers,’ who dissected, alive, 40,000 dumb animals, and ere he died confessed that vivisection was a failure!”

Bergh’s principal local opponents in the controversy were Dalton and Dr. Austin Flint, Jr. of Bellevue Hospital. Although some scholars have suggested that antivivisection arguments evolved from a narrow focus on cruelty to include claims of the uselessness of animal experiments, Bergh was an early advocate of the latter charge, and the utility of vivisection was certainly at issue in his first exchanges with Dalton. The two skirmished intermittently during the 1870s, as the debate over restriction in the United Kingdom spilled over into the American press. Bergh believed Dalton responsible for the failure of the ASPCA’s legislative campaigns against vivisection in both 1867 and 1874.

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During 1879-80, Bergh launched one final if unrealistic offensive in the legislature. This time he sought support for a bill that would make it a misdemeanor to conduct any animal experiments. He also attempted, without success, to stop the city’s sale of pound animals to Bellevue Hospital experimenters. These gambits prompted Dalton and others to undertake a sustained public defense of experimentation. Dalton challenged Bergh’s veracity in a series of published letters that explored the sources for his claims and the nature of his alleged misrepresentations. Dalton and his colleagues asserted that painful vivisection was an exceptional occurrence, most procedures then being performed under the influence of ether. As it turned out, opposition to Bergh’s legislation was so thorough that the vote against it was unanimous in committees of both houses. Bergh gained little more than an opportunity to deliver a speech in its support to a joint committee of the Assembly in February 1880.24

After the 1880 campaign, Bergh concluded that legislation to curb vivisection was a futile objective. Moreover, he explicitly rejected the suggestion that he “ask for a modification of the system of vivisection, rather than its unqualified abolition.” It was not a practice with which he was inclined to compromise, and anything less than

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abolition was unacceptable. Instead Bergh focused his energy on public criticism of experimentation.\textsuperscript{25}

After Bergh's death in 1888, the ASPCA backed away from the issue of animal experimentation, citing the New York anti-cruelty statute to explain its inability to intervene. ASPCA president John Haines stated his regret at the organization's "want of legal authority to officially prevent such cruelties," and suggested that it would act swiftly to prosecute any case where it believed it could "reach the perpetrator."\textsuperscript{26} The ASPCA remained aloof from the issue until a series of regulationist bills surfaced in the New York Assembly beginning in 1908.

In Philadelphia, Caroline Earle White and her colleagues confronted the vivisection issue from the earliest stage of their work in municipal animal control. In their care, the pound had become a safe, redemptive space, and a means for dealing with the cruelty and public anxiety that surrounded the stray dog problem. But the matter did not end with their entry into the public debate over animal control and rabies. Within weeks of the takeover of the pound by the Women's Branch of the Pennsylvania SPCA (WPSPCA\textsuperscript{27}), a serious challenge to the women's authority and values emerged, when medical experimenters led by S. Weir Mitchell made a request to procure dogs from the shelter. In the ensuing confrontation, White and her backers would pit their will against


\textsuperscript{26} "Dr. Phelps's Experiment," N. Y. Times, 26 Nov. 1890, 9; and "Society News," JOZ 5 (Mar. 1896), 39.

\textsuperscript{27} Although it would be some years before the Women's Branch of the Pennsylvania Society for the Prevention of Cruelty to Animals incorporated itself as the Women's Pennsylvania Society for the Prevention of Cruelty to Animals (WPSPCA), I use one acronym throughout this chapter for clarity.
the doctors' professional authority. The animal rescue work that the Philadelphia women originated was not, as one author has posited for their French counterparts, "an escape from a dangerous and masculine scientific world." To the contrary, animal rescue brought them face to face with that world, a world in which doctors and scientists were actively seeking to establish their own social and political influence.28

Before the WPSPCA took over animal control responsibilities, Philadelphia vivisectors had been able to acquire dogs from municipal employees at the pound, who were happy to part with a few for either convenience or remuneration. This supply of animals abruptly ended once the transfer of responsibility to the WPSPCA took place. In early November 1870, Mitchell wrote White asking for an "order enabling me to select from the dogs before they are killed by your agents, as such are needed for my studies."

White replied,

The term "studies" being rather indefinite, I beg to state that, if you wish dead dogs for dissection, I shall be happy to give you an order for as many as you may desire; but if your studies require the cutting up or torture of live animals, as I am led to believe from reports of them which have reached me, I must decline to aid you in any way—the object of the organization over which I preside being the prevention of cruelty to animals.29

Mitchell probably precipitated the exchange as a dramaturgical engagement, and the general character of his reply suggests that the request for access was itself the principal experiment in his mind. Responding to White's charge that the term "studies" was

28 Kathleen Kete, The Beast in the Boudoir: Petkeeping in Nineteenth-Century France (Berkeley: University of California Press, 1994), 17. The doctors' actions were part of a larger struggle for professional status and cultural authority. The medical profession did not yet enjoy the commanding social or political power that it would enjoy only a few years later. Paul Starr, The Social Transformation of American Medicine (New York: Basic Books, 1982).

indefinite, Mitchell countered, “I wanted the dogs to use them in testing the power of a new medicine, and I needed others to enable me to ‘study’ through experiments, certain obscure phenomena of diseased nerves.” Mitchell’s colleague Dr. Horatio Wood had gone to the WPSPCA headquarters some days earlier to make the very same request, although, as Mitchell later conceded, scientists had the wherewithal to procure animals elsewhere if they chose.30

For her part, White was well aware of vivisection as it was being practiced in the city at that time, knowing a good deal more about the subject than she averred. Treating Mitchell’s request as a deliberate artifice, she responded with authority. On November 9, 1870, she called a special meeting of the WPSPCA board to explain the circumstances under which the controversy had arisen. The vivisectors had procured a signed order from Mayor Fox authorizing the surrender of animals, but the shelter manager had refused to comply. White and Adele Biddle then visited the mayor, who claimed that he had given the doctors his authorization without “due consideration.” He then ceded the matter to the women to resolve as they wished.31

At a second meeting of the WPSPCA board, two days later, White’s colleagues adopted a resolution “approving the action of our President in refusing to allow any of the dogs under the charge of the Society to be taken from the shelter for purposes of


31 White to Bergh, Mar. 9, 1867, in Buffet Manuscript. “Bergh’s War on Vested Cruelty,” vol. 8; and Minutes of Special Meeting, Nov. 9, 1870, Women’s Branch, PSPCA, Women’s Humane Society [WHS], Bensalem, PA.
vivisection.” They further resolved that “whether vivisection be justified or not, under any circumstances, it would be the height of inconsistency that such an organization as ours should lend its assistance in any way, shape or form.”

After his first undated missive, Mitchell sent letters on November 7 and 11 that pressed White to divulge whether her decision had the full sanction of her board or “its governing body,” a less than subtle reference to the male-controlled board of the Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA), the WPSPCA’s parent organization. Not content with her November 13 assurance that the WPSPCA board supported her decision unanimously, Mitchell wrote directly to its Executive Committee two days later. Now he took issue with White’s implications concerning cruelty in science, claiming that her letters, in toto, constituted a charge of cruelty against him personally. On December 20, after a month’s delay, the Executive Committee responded with a disquisition on the humane society’s accountability to the public trust and its responsibility to private donors who supported its mission.

Morris Waln, the PSPCA’s esteemed president, endorsed White’s actions from his deathbed, precluding any appeals to the men’s society. “I hope your branch will remain firm as a rock, and not yield an inch,” Waln wrote her. “According to my ideas, the dogs and the Pound are in your possession for the time being, and no one has any right to interfere with you.” The experimenters’ subsequent effort to have the WPSPCA board’s

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32 The resolution was included in White to Mitchell, Nov. 13, 1870, in Appendix, Women’s Branch, PSPCA, Ann. R. 1871, 13.

decision overruled by the City Council was unsuccessful. The doctors lacked sufficient professional stature and cultural éclat to overcome the political and moral authority of influential citizens who disliked vivisection and were skeptical of its value. In March 1871, the Philadelphia City Council formalized the control of White and her coworkers by passing an ordinance authorizing the mayor to contract with the WPSPCA “for the taking up, killing, and removing of dogs found running at large in the City.” Dogs fitted with a wire muzzle to prevent their biting, and properly collared with their owners’ names inscribed, were exempted from this roundup.34

With some exceptions, the press supported the shelter management. Noting that the women had set out to address the problems stemming from the dog roundup and the fears of hydrophobia, one editorialist asked, “Will it be credited that these ladies, in an organization of this sort, have been asked to become purveyors for the vivisectionists? Will it surprise anyone that they refused? It is as if, in the old times, Mrs. Lucretia Mott and the Abolition Society had been asked to capture and return fugitive slaves.”35

The local medical press was not so sympathetic. The Medical Times minced no words, noting wryly that “some years ago a number of gentlemen formed in this city an association to prevent cruelty to animals; and this body has since done a large amount of good and honest work.” The experiment went wrong when “a number of women


conceived the idea that a female branch was desirable, although why they could not have joined the men it is hard to see, except that they wanted a little more chance for sentimentality. . . . The amount of sentimentalism . . . in connection with this whole matter tempts us to say certain unpleasing truths. 36

In the wake of the confrontation, the WPSPCA moved quickly to republish some of the extant English-language literature critical of experiments, most notably veterinarian George Fleming’s essay, *Vivisection*, originally produced by the Royal Society for the Prevention of Cruelty to Animals (RSPCA). White shared Henry Bergh’s strong convictions concerning vivisection but proved to be a more rational and enterprising critic over the long span of her life. In 1876, inspired by the agitation over the Cruelty to Animals Act in England, she and her colleagues got a bill to prohibit vivisection in classroom demonstrations introduced in the Pennsylvania legislature, where it quickly drew the opposition of Philadelphia medical institutions. Although the

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36 “Sentiment vs. Science,” Medical Times, 1 Aug. 1871, in WPSPCA SBK, WPSPCA Papers, HSP. An editorial in the Philadelphia Bulletin, 6 Feb. 1871, also offered withering criticism. In the years that followed such stigmatization of women’s humane concerns and work as “sentimental” became the characteristic approach of medical experimenters. At first, they merely ridiculed the women’s knowledge and intentions. Over time, however, the medical community’s response increasingly consisted of outright dismissals of woman’s sentiment as neurotic and disturbed. Ultimately, defenders of experimentation went so far as to classify concern for animals as a form of mental illness with its own diagnosis. The misogyny and condescension of experimental physiologists thus equated criticism of animal research with hysteria. See “Love Animals? Hate Animals? You Have a Disease!” New York American, 23 Mar. 1913. Lee Papers, Vivisection SBK 5; and Craig Buettinger, “Anti-Vivisection and the Charge of Zoophil-Psychosis in the Early Twentieth Century,” The Historian 55 (Winter 1993), 277-88. Medical writer James Peter Warbasse advanced the theory of zoophil-psychosis in *The Conquest of Disease Through Animal Experimentation* (New York: D. Appleton and Co., 1910), 158-61.
bill failed, White stayed with the issue, and in 1883 she founded America’s first anti-
vivisection society at a meeting held in the offices of the PSPCA.\textsuperscript{37}

Initially, the American Anti-Vivisection Society (AAVS) sought legal restriction
with the hope of cooperation from the medical fraternity. When after four years its
leaders found no support among medical scientists for this policy of compromise, they
abandoned it in favor of total abolition.\textsuperscript{38} In contrast to dogmatic leaders like Bergh and
the English anti-vivisectionist Frances Power Cobbe, whom she nevertheless admired,
White remained reflective, flexible, and pragmatic in her activism. Over the next three
decades, the AAVS supported approaches ranging from modest regulation to total
prohibition. In 1893, a Journal of Zoophily editorial affirmed that the AAVS was not
against all experiments upon animals. It opposed “only experiments that are painful. For
example, when an animal is put beyond suffering by the local or general effect of an
anesthetic, or by a narcotic . . . and while in this state of insensibility to pain is
experimented upon, and then put to death before regaining consciousness, we do not
greatly object.” Charged with inconsistency in regard to pending legislation, White
maintained that “although we should be very glad to stop vivisection entirely, we
proposed nothing in that Bill but to prevent it for class demonstration or illustration and

\textsuperscript{37} George Fleming, Vivisection: A Prize Essay Published Originally by the Royal Society for the
Prevention of Cruelty to Animals (Philadelphia: Women’s Branch, PSPCA, 1871; Minutes of 27 Jan. 1875,
4 Feb. 1875, 25 Apr. 1876, Women’s Branch, PSPCA, WHS; Women’s Branch, PSPCA, Ann. R. 1876, 8-

\textsuperscript{38} An excellent account of this decision appears in the obituary of Thomas Morton, M. D., the first
president of the AAVS, in JOZ 12 (June 1903), 69. See also Caroline Earle White, “The History of the
Antivivisection Movement,” Proceedings of the International Anti-Vivisection and Animal Protection
Congress (New York: Tudor Press, 1914), 28-31; Albert Leffingwell, An Ethical Problem (New Haven: C.
P. Farrell, 1914), 216-17; and Susan Lederer, Subjected to Science: Human Experimentation Before the
Second World War (Baltimore: Johns Hopkins University Press, 1995), 33-34.
in addition to prevent by any one person who might be alone, the repetition of any experiment that had already been performed and its results ascertained.\textsuperscript{39}

White demonstrated greater leadership and initiative on the vivisection issue than either Bergh or Angell. In 1892, she and her colleagues launched the \textit{Journal of Zoophily}, which devoted more space to vivisection than any other publication. White also began to engage defenders of experimentation in periodical pieces for which she drew upon medical literature to make her case.\textsuperscript{40} White caused a stir on two separate occasions when her humane agents arrested animal experimenters for cruelty and neglect. In 1890, the WPSPCA attempted to prosecute Dr. Benjamin Shimwell of the Medico-Chirurgical College, after an eyewitness claimed that a dog had howled in pain both during and after an extremely cruel procedure in the medical scientist’s laboratory. Although the evidence introduced at trial did not lead to conviction, White discounted charges that the WPSPCA had acted irresponsibly in its pursuit of the matter.\textsuperscript{41}

Several months later, WPSPCA agents arrested Professor William E. Ashton for the neglect and mistreatment of dogs upon whom he had experimented at his “vivisection hospital” at Eighth and Spruce Streets. The WPSPCA charged him with a misdemeanor

\textsuperscript{39} “Editorial Department,” \textit{JOZ} 2 (Jan. 1893), 9; and “Comments and Reflections,” \textit{JOZ} 3 (Feb. 1894), 17-18.

\textsuperscript{40} White’s letter to Pennsylvania legislators, correcting W. W. Keen’s claims about the recovery rate of those who underwent brain surgery, provides a typical example; “Society News,” \textit{JOZ} 2 (June 1893), 83. For White’s use of medical literature, see “The Practice of Vivisection,” \textit{Forum} (Mar. 1890), 106-16.

under the Pennsylvania anti-cruelty statute. Ashton was conducting experiments visible to his neighbors in a boarding house, a situation that created some personal resentment as well as public offense, and the Board of Health, like the humane society, had initiated action against him. Eyewitnesses reported that Ashton had failed to provide any food, water, or care to the dogs after performing experiments on the surgical treatment of wounds to the stomach and intestine. On the advice of colleagues, Ashton requested a jury trial in order to vindicate the legal status of vivisection in the state. But the showdown never occurred, for the WPSPCA declined to prosecute when the medical fraternity of the city expressed its determination to line up in defense of the doctor.42

White defended the WPSPCA's several attempts to prosecute vivisectors by pointing to the lack of legislation on the subject, and to the positive outcome of the RSPCA's 1874 prosecution of Eugene Magnan in Norwich, England. While this prosecution also failed, White noted, it led directly to a law for the restriction of vivisection, the 1876 Cruelty to Animals Act. Something else too was at stake, White asserted, pointing out that an animal experimenter guilty of cruelty ought to be handled in the same manner as a privileged fox hunter had been some months before. No one's pet practice, she argued, should be exempt from humane scrutiny.43


It was rare for the horses of the well-to-do to experience overloading or excessive use of the whip. But they did endure such questionable procedures as docking and clipping, and suffered under the restraint of the checkrein and the bit burr. Bergh, Angell, White, and other animal protectionists attacked these painful practices and procedures inflicted upon horses by upper class citizens and their hired help. Here, too, they found determined opposition and considerable hostility to their efforts—much of it coming from their communities' most affluent residents.

In winter 1875, for example, Bergh antagonized wealthy New Yorkers when he arrested the coachman of a prominent publisher's wife outside of A. T. Stewart's retail store for failing to blanket the clipped (shorn) horses drawing her carriage. Bergh's ongoing campaign against clipping carried an implicit condemnation of those who tolerated or encouraged cruelty toward the animals they owned. Although Bergh attributed the practice to the indolence of groomsmen, he believed their employers guilty of "selfish unconcern" in failing to address this cruelty. The ASPCA president cited numerous veterinary authorities in support of his claim that the practice was unhealthy and inhumane.

One of the devices that most disturbed animal protectionists was the checkrein, the use of which Bergh called "one of the most conspicuous acts of cruelty for which the upper or wealthy classes are distinguished." The checkrein harnessed a horse's head to

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his body in an unnatural position, preventing him from throwing his weight into his collar. Animal advocates believed that it was strictly a prejudice of fashion without any utility. They thought it was tolerated by horse owners, drivers, and teamsters alike on the assumption that people liked to see a horse with his head up high. Humane societies in the United States marshaled expert opinion from veterinarians in opposition to the device, and participated in debates about humane alternatives. The checkrein could frustrate a horse, diminish his strength, injure his mouth, spoil his disposition, and ruin his health. The major SPCAs circulated literature on the question right into the first decade of the twentieth century.45

The fashionable practice of docking—the amputation of a horse’s tail—was the source of consternation for humane advocates as well, and led to the arrest and prosecution of wealthy citizens, or their veterinarians and employees, on a number of occasions. This painful operation involved cutting the tail—composed of bones, muscles, nerves, and blood vessels—and applying a red-hot iron to stop the bleeding. Docking was even crueler in its effects. After amputation, humanitarians pointed out, docked horses could no longer defend against the pain and suffering inflicted by horse flies. Their misery only worsened as the animals moved downward in the equine economy, into

situations where they could not receive the attention and care that docked horses
needed.  

In June 1878, Bergh launched an initiative against the Polo Club, prosecuting
James Fraser, the man who cared for its ponies, for docking one animal’s tail the month
before. In a case that generated remarkable public interest, Bergh squared off in the
courtroom against A. Oakey Hall, the defendant’s counsel, and August Belmont, Jr.,
counsel for the Polo Club. A veterinary surgeon testified against the practice, along with
a disgruntled coachman, since fired, who had witnessed the surgery. Hall, however, stole
the show, making light of the proceedings and parading the horse—once owned by
General Custer—outside the courthouse during the trial. Bergh’s prosecution was a “put
up job,” the former mayor gibed, targeting “the rich men of the Polo Club who did not
invite him to their dinners.” Bergh, Hall continued, “had only one hobby—the prevention
of cruelty to animals—and like all men with a single hobby he had ridden it to death, and
become fanatical in spite of himself.” Hall produced a number of witnesses, including
veterinary surgeons, who testified that docking was both common and harmless. This
testimony carried the day, and, after several hours’ deliberation, the jury stood at eight for
acquittal to four for conviction, and returned a verdict of not guilty.  

In the 1890s, the PSPCA moved aggressively against docking in Philadelphia. In
1891, its agents arrested the coachmen of two prominent citizens for docking the tails of

1895), 32-33. On the arrest of a department store magnate’s son for docking, see “Society News,” Joz 6
(May 1897), 51. Grooms trying to avoid the labor of caring for the tail were strong advocates of the
practice.

47 “The Polo Club in Court,” N. Y. Times, 19 June 1878, 8; and “The Polo Club’s Triumph,” N. Y.
Times, 20 June 1878, 8.
the horses under their care. The following year, the organization launched an unsuccessful prosecution of Dr. William Zuill, a professor of surgical pathology at the University of Pennsylvania School of Veterinary Medicine, for docking the tail of another leading citizen's horse. Zuill had actually helped the PSPCA in a prior case brought against tail docking, and had cooperated with the organization in several other endeavors.48

Zuill's inconsistency exemplified the trouble humane advocates had in getting the veterinary community to take ethical positions concerning the surgical mutilation of animals. Despite the American Veterinary Medical Association's passage of a resolution that condemned docking, and the occasional public denunciation by forthright practitioners, it thrived so long as wealthy clients preferred to have their horses docked. Individual veterinarians performed the operation frequently, even in those localities where it was unlawful to do so. This was one reason that the anti-cruelty societies found it difficult to suppress.49

When someone reproached the Women's Branch of the PSPCA for making an arrest in one tail docking case, Mary Lovell made the Branch's position plain. "We are unable to see any difference in cruelty done by an affluent or educated person and that done by a poor or ignorant one," she wrote, "except that the superior advantages of the


former leave him without a shadow of excuse.” Angell too was a staunch critic of tail docking, frequently deriding what he called “the bobtail aristocracy,” and even offering a prize for satiric verse that ridiculed the practice and its supporters. During the first decade of the twentieth century, the MSPCA prosecuted several of Boston’s wealthiest and most prominent polo players for cruelty to horses resulting from tail docking and the use of spurs that drew blood. In 1907, the latter offense prompted the PSPCA to prosecute one of Philadelphia’s celebrated polo players.50

Although few other humane leaders followed suit, Bergh went so far as to watch the goings-on at the race track, whose assorted cruelties he thought paralleled those of the bullfight arena. Bergh condemned the suffering that horses experienced from the whip and spur, harness galls, excess heat, and track accidents. Bergh’s complaints to the American Jockey Club’s August Belmont, onetime supporter of the ASPCA, went unanswered, although he did draw the ire of sportsman Robert Bonner, editor of the New York Ledger. Two prominent members of the Jockey Club escaped conviction after roughing up an ASPCA agent and expelling him from the course.51

50 “A Timely Warning.” ODA 17 (Feb. 1885), 174; “The Game of Polo,” and “It is a Mean Game.” ODA 28 (Oct. 1895), 50; “That Polo Cruelty We Prosecuted,” “That Polo Prosecution,” and “The Judge’s Polo Decision.” ODA 41 (Nov. 1908), 92; “John B. Moran, Our Late Boston and Suffolk County District Attorney,” and “The Word No.” ODA 41 (Mar. 1909), 152, 156. On the PSPCA’s prosecution of Albert Kennedy, see “Polo Player Not Done with SPCA.” North American, 13 July 1907, PSPCA-SA, SBK 1904-Feb. 1909. Other anti-cruelty societies prosecuted the wealthy for tail docking, although even laws against the practice were flagrantly flouted by the wealthy, their groomsmen, and their veterinarians; see AHA, Ann. R. 1991, 5-6; and Hugo Krause, “Why Docking is Tolerated.” National Humane Journal 41 (Sept. 1911), 131-32.

51 “Cruelty in Horse-Racing at Jerome Park.” N. Y. Times, 24 June 1868, 8; and Steele, Angel in Top Hat, 86-91. Several major humane societies attempted to prosecute acts of cruelty associated with the steeplechase, too. Despite their efforts on this issue, however, they did not achieve the same level of success as they did in campaigns against docking, clipping, and the check rein. See “Steeplechasing.” Harper’s Weekly, 25 Apr. 1874, 366-67; “Stopped,” Brooklyn Eagle, 27 Sept. 1879, ASPCA-NY, SBK 8: 90; “Henry Bergh on Steeplechasing.” National Humane Journal 14 (July 1886), 102; and “Cruelty to
"he was on the right side": The Fall of Henry Bergh, Jr.

During two decades of campaigning, Henry Bergh condemned virtually every upper class recreation involving cruelty to animals, thinking such activity to be in violation of the 1867 statutory language prohibiting the "needless mutilation or killing of living creatures." However, the associations and hobbies of Bergh's board members sometimes impeded his ability to address these cruelties. Of fox hunting, an ASPCA writer, probably Bergh or his nephew, noted wryly, "This pastime of the indolent imitators of foreign do-nothings seems to enjoy a quasi-success, if killing time, killing a terrified fox, and occasionally breaking a leg of the wrong animal engaged in the jumping of fences, may be regarded as such." Nevertheless, Bergh was reluctant to campaign against it because two ASPCA board members, Royal Phelps and N. M. Beckwith, were enthusiasts.52

The tension surrounding prosecution of prominent citizens for their preferred cruelties surfaced more powerfully after Bergh's death in 1888. Despite advances in public opinion, Bergh's nephew and namesake Henry Bergh, Jr., who succeeded him as president of the ASPCA, quickly ran into trouble with the sporting crowd. In fact, Bergh, Jr. ran so afoul of them that it cost him his office, which he enjoyed for a little less than one year. In the fall of 1888, August Belmont, Jr. and other wealthy members of the Hempstead Coursing Club adopted the practice of baiting captive rabbits for dog coursing on Long Island. Bergh, Jr. placed the legal authority of the ASPCA behind a campaign to


suppress the practice. At about the same time, he also demonstrated his independence by attempting to prosecute a young banker for docking and cauterizing the tails of horses at a Long Island stock farm. In these several matters, young Bergh affronted some ASPCA board members who belonged to the same social networks as the targeted cruelists. What they would tolerate from the founder, it seemed, they would not tolerate from his namesake. By the time of the ASPCA annual meeting on March 12, 1889, the anniversary of his uncle's death, Bergh, Jr. was in serious trouble. Once the meeting began, he and Elbridge Gerry traded charges, some of which focused on Bergh's dismissal of Superintendent Charles Hankinson for alleged drinking on the job.

However, at least one person in attendance believed that Gerry's ambition to control both the NYSPCC and the ASPCA lay at the heart of the row. Thirteen board members under Gerry's leadership proposed an amendment to the by-laws that would have rendered Bergh subject to the authority of the Executive Committee in all matters. A large number of rank and file members--mostly women but including his uncle's erstwhile but always reverent antagonist, P. T. Barnum--came to Bergh's rescue and defeated these proposals. Nevertheless, preferring to spare the organization any further conflict, the younger Bergh tendered his resignation at a subsequent meeting of the Board of Managers, and it was accepted. His brother, Edwin, the founder's other nephew, also resigned from the Board at this time. Many close observers thought this the definitive moment in the ASPCA's turn toward cautious toleration of many societal cruelties. The true details of the fight would remain obscure, "but one thing is certain," the Tribune observed. "When young
Mr. Bergh fought rabbit-coursing and the docking of horses’ tails he was on the right side.\textsuperscript{53}

Conclusion

The SPCAs challenged individual and institutionalized animal abuse wherever they found it, and their commitment to the prevention of cruelty led humane advocates to act within an expansive field of concerns. Without question, working class cruelty to animals often drew their attention. However, animal protectionists made earnest attempts to prosecute wealthy “sports,” fancy ladies, animal experimenters, and other members of the middle and upper classes. In pursuit of humane objectives, they called medical institutions, railway companies, slaughtering firms, and other corporate entities to account. Convinced that humans had a responsibility to treat animals kindly, humane advocates were not timid about asserting this principle consistently across class boundaries or in opposition to corporate or institutional power.

Organized animal protection was a movement focused broadly on the well being of animals. Its supporters viewed the modification of human behavior—regardless of

\textsuperscript{53} “Henry Bergh’s Nephew,” New York Star, 24 Mar. 1888, ASPCA-NY, SBK 10: 63; “In Mr. Bergh’s Place,” N. Y. Times, 24 Mar. 1888, 8; American Field, 8 Dec. 1888; and N. Y. Tribune, 13 Mar. 1889, “Henry Bergh Not Forced Out,” N. Y. Tribune, 14 Mar. 1889, “Opponents of Mr. Bergh: Elbridge T. Gerry Led the Fight Against the Young Man,” N. Y. Tribune, 14 Mar. 1889, “Rabbits Lose a Friend: Henry Bergh Deposed from the Presidency of the SPCA,” N. Y. World, 14 Mar. 1889, and Untitled Article, N. Y. Tribune, 15 Mar. 1889, ASPCA-NY, SBK 13: 15. Henry Bergh, Jr. returned to the ASPCA as a board member in 1908. By that time, however, the organization was completely inactive on certain fronts, most notably in challenging upper class sporting pursuits that involved animals. Pigeon shooting, which it did target, had by then lost its social éclat. Its president, Colonel Alfred Wagstaff, Jr., was a gunner and fly fisherman who had assisted Bergh during the early years of the ASPCA’s existence while serving in the state assembly. Wagstaff presented the bill to suppress pigeon shooting in the 1873 legislature. The ASPCA certainly did not initiate any campaigns against blood or field sports during his term as president (1906-1921). “There is no cruelty in fishing,” Wagstaff commented. “The trout has not the slightest sensation of pain when he is hooked. That has been proved beyond a doubt. . . . I don’t believe in shaking things up or in hasty and sweeping reforms.”
class—as a necessary element in securing their goals. The unifying motivation behind humane advocates' efforts remained the pain and suffering animals experienced at the hands of the thoughtless, the unknowing, and the unconcerned. Animal protectionists followed a consistent strategy of confronting cruelty wherever it arose. Humaneness was a dynamic principle and the SPCA a *sui generis* institution.
CHAPTER IX
EMOTIONAL BONDS, RELIGIOUS MORALITY, AND EVOLUTIONARY KINSHIP

Until recently, scholarly commentary concerning animal protection has generally emphasized the primary importance of Darwinism's assertion of human and animal kinship to the emergence of organized animal protection in both England and North America. In fact, personal experience with animals and religious values, not reflections or anxieties occasioned by the theory of biological kinship between humans and animals, were the decisive influences on humane thought and conduct during the first decades of activism in the United States, as in other nations. Darwinian ideas about the continuity between human and animal life did not motivate the individuals who launched the American humane movement, and evolutionary doctrine did not surface as an explicit argument for animal protection until the 1890s.

Instead, early humane leaders in the United States built their arguments upon older views of the relationship between humans and animals. In making the case that animals deserved better treatment, humane advocates relied upon a popular knowledge of animals that emphasized their individuality, consciousness, and mental capacities, and acknowledged them as beings with whom people could form emotional bonds. Animal

protectionists also drew upon longstanding religious views concerning human
stewardship, animal souls, and the practice of such Christian virtues as kindness and
mercy.

The Bonds of Emotion

Elizabeth Stuart Phelps began her account of a visit to Harriet Beecher Stowe's
home by describing the profusion of flowers and the cheerful presence of children.
Phelps went on to remark that "there were always dogs, big and little, curly and straight,
but in some form, dog life with its gracious reaction on the gentleness and kindness of
family life abounded." Phelps's observation attests not only to the salience of pet
keeping in Victorian life, but also signals the degree to which animals became central to
the social construction of the nineteenth-century home environment.2

The diverse practices of Victorian era pet keeping, as Katherine Grier notes, were
"motivated variously by heartfelt emotion, middle-class identity, popular aesthetics, and
intellectual curiosity." The presence of animal companions was closely connected to the
ideology of domesticity, the middle-class cultural ideal that cast the home as a safe and
stable environment, overseen by women, in which children could be properly trained in
the values appropriate for their transition to adult life. Domesticity encouraged interest in
animals, concern for their well-being, and attention to their emotional lives. More
importantly, it drew them into the moral sphere of the middle-class home.3

2 Elizabeth Stuart Phelps, Chapters From a Life (Boston: Houghton, Mifflin and Co., 1896), 134.

3 See Katherine C. Grier, "Animal House: Pet Keeping in Urban and Suburban Households in the
Northeast, 1850-1900," in Peter Benes, ed., New England's Creatures: 1400-1900 (Boston: Boston
University Press, 1995), 109-29; idem, "Material Culture as Rhetoric: 'Animal Artifacts' as a Case Study,"
in Ann Smart Martin and J. Ritchie Garrison, American Material Culture: The Shape of the Field
In the Victorian household, the animal was recognized as an individual. Stowe told her young readers, "Every animal has his own character, as marked and distinct as a human being," and Mary Lovell recollected that in her childhood home "the family cat was a personage, not a nonentity." Through a range of reciprocal interactions, children and adults alike encountered animals as playmates, dependents, defenders, and members of the family. They formed psychological attachments, and saw animals both pampered and mistreated. They experienced loss and sorrow at animals' death or disappearance, and mourned them accordingly.

Given their special status as cohabitants of the same living space with humans, companion animals were critical to the rise of the humane movement. The sentimentalization of individual animals as intimate companions allowed people to exercise their social abilities, explore their potential to empathize, and enjoy emotional closeness and devotion. At the same time, such subjective experience of animals led to greater recognition of their moral significance, and accounted for much of the support accorded to animal protection. From an early stage of the movement, the fundamental lessons of kindness, fairness, and humane treatment were conveyed through household animals. In addition, regular interaction with them inspired and sustained a rich tradition


While this tradition of anecdotal wisdom and experience predated the formation of the humane movement in the United States, animal protectionists embraced it. In time, the use of such anecdotes became central to the claim that animals deserved moral consideration. Once established, humane publications served as important registers of popular interest in the emotional lives of animals, presenting a steady flow of stories and articles reflecting upon the nobility, love, altruism, and devotion that non-human animals showed toward humans and other animal species. Such lore encouraged the attribution of personality, character, and feeling to animals. This discourse comprised both avowedly fictional and professedly genuine accounts of such experiences. Yet their authenticity mattered less than the fact of their broad circulation, and such narratives were not confined to animal protection journals. They enjoyed an increasingly wide dispersion in the nineteenth-century popular press.\footnote{“A Dog,” The New York Reader 3 (1819), 26; “The Dog of Cognio,” The Man, 28 Feb. 1834; “Canine ‘Fraternity,’” and “Anecdote of a Cat,” Water-Cure Journal and Herald of Reform 7 (1849), 58-59; F. O. Morris, “Dogs and Their Doings,” Harper’s Weekly, 29 Apr. 1871, 398-99, and 17 June 1871, 564-65; “A Shrewd Dog,” Phila. Transcript, 6 July 1873, PSPCA-PA, SBK 1866-1877; “Some New Stories About Animals,” N. Y. Times, 2 Jan. 1874, 2; and “A Cat to be Cared For,” N. Y. Times, 27 Apr. 1874, 5. One humane reformer devoted an entire book to anecdotes of canine fidelity, heroism, intelligence, love, and devotion. See Sarah Bolton, Our Devoted Friend, The Dog (Boston: L. C. Page and Co., 1902).}
One scholar writing of nineteenth-century France has characterized the keeping of animals and the prevalence of certain kinds of narratives about animals as means for coping with the socially disorienting impacts of modernity. In the alienating, cold, and unfeeling context of modern life, Kathleen Kete asserts, animals—and especially dogs—served both symbolic and practical needs for comfort, solace, sympathy, sentiment, loyalty, and intimacy. For its part, the anecdotal tradition identified and highlighted (supposed) animal traits that human beings found commendable in one another.\(^7\)

However, animal protectionists' usage of such narratives suggests that they resonated not so much as symbols of something lost or lamented, but rather as the markers of a culture working to reproduce and reinforce its most cherished values through a continuous didactic. The anecdotal tradition was not the reflexive discourse, self-conscious or unconscious, of an emotionally troubled middle-class constituency; it was a dynamic one that acknowledged and celebrated animals as central participants in the social life of the Victorian household.

Anecdotes of animal fidelity resounded powerfully within nineteenth-century humane thought, even as they helped to shape the cultural context in which animal protection flourished. Humane advocates relied on such accounts to make the case that the consciousness, intelligence, and emotion of animals entitled them to greater consideration. For example, in an 1870 defense of the ASPCA, Lydia Maria Child contrasted the sterling service of horses and dogs with their gross mistreatment. “A multitude of authentic anecdotes,” Child wrote, “prove intelligence and faithful affection

in dogs and horses, far surpassing the manifestation of those qualities in some human beings; yet dogs and horses are the animals that suffer most at the hands of man."

The dog was the most frequently featured animal in such narratives, and heroism was the most important trope in the canine devotional literature. The rescue of lost humans by the dogs of the St. Bernard Pass was a particularly beloved story. The recovery of drowning persons was another favorite of the genre, and such accounts often went into print alongside a Landseerian illustration that featured a dog keeping guard over a still senseless boy he had just saved from drowning. There were other forms of rescue as well.

The fealty of dogs extended to vigilant protection and unstinting service. They provided safety from criminal attack and burglary, and assisted the police with law enforcement. Sometimes the animal guardian rousted sleeping humans endangered by fire or other imminent threat. Canine devotion went so far as to include diligence in

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8 Lydia Maria Child. "The Relation of Man to Animals." Independent, 3 Mar. 1870, 3. Caroline Earle White made canine fidelity the centerpiece of her 1871 annual address; see Women's Branch, PSPCA, Ann. R. 1872, 10-12.


10 "A Dog," The New York Reader 3 (1819), 39; "Was It Not Providen"ce?" ODA 17 (Nov. 1884), 146; and "A Good Life Ended," ODA 17 (Apr. 1885), 193.
defending the bodies of the dead. Animals even sacrificed their own lives to save humans. At the pinnacle of dutiful dogdom stood the Red Cross Dog.

Canine loyalty was an ancient motif animating several legends featuring dogs whose altruism humans had betrayed. The most prominent concerned the greyhound Gelert/Guinefort. In various retellings of the legend, a prince returns home from the hunt to find his dog, mouth dripping with blood, at the threshold. Dashing inside, he discovers his infant son’s cradle upended and the child’s clothing stained with red nearby. In a rage and assuming the worst, the prince slays the dog with a sword, only to hear the infant’s cry from underneath the overturned cradle. Beside the child lies a dead wolf whose attack upon the child the devoted greyhound had thwarted. Overcome with remorse, the prince assumes a self-imposed expiation. In the French context, Guinefort’s martyrdom inspired a healing cult that venerated the slain dog as a saint and savior of children.

At one level, the Gelert/Guinefort narrative celebrates canine nobility while underscoring human shortcomings. However, it also legitimizes human guilt and remorse over the death and loss of non-human companions. All of the emotional stages associated with the death of a loved one—anger, guilt, grief, and healing—are present.

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12 "A True Hero," ODA 18 (July 1885), 219.


The animal’s tragic end reveals his virtue, selflessness, courage, forgiving nature, and ultimately redemptive power. For Victorians emotionally attached to their companion animals, the Gelert/Guinefort legend was a highly usable one.¹⁵

The pious dog who mourns a dead master was another significant icon of the genre. A lithograph of Landseer’s “Old Shepherd’s Chief Mourner” (1837) graced the final page of the ASPCA’s 1889 Annual Report honoring the deceased Henry Bergh, and regularly appeared in humane publications. Victorian culture produced its own worldwide exemplar of such consecration, Greyfriars Bobby, the Scottie who visited his late master’s grave every day until his own death put an end to the ritual.¹⁶

The canine pilgrim who yearned for reunion with a beloved and still-living human companion sometimes displayed extraordinary devotion too. The most popular form of this narrative depicted the long journey home by an animal separated from his master by unfortunate circumstances. Yet separation could do more than cause pain. Humane anecdotes often sounded the theme of an animal grieving to death over a lost, traveling, or distant master. Perhaps the most famous instance involved Emile Zola and the dog who died of grief during his absence. For some humanitarians, this experience hit even

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closer to home. By his own account, Francis Rowley (George Angell’s successor at the MSPCA) joined the humane movement “owing to the death of a valuable and much loved dog, that died during my vacation this summer, of simply a broken heart.”

Interest in animal sagacity, too, was an ancient theme, and humane advocates often invoked the mental characteristics of animals as part of their case for improved treatment. This strategy seemed to gather momentum in the latter part of the nineteenth century, particularly during the brief vogue of educated animals such as Clever Hans and Jim Key, who received ample coverage in humanitarian publications. Jim Key, the counting and spelling horse, participated in a number of benefit performances for the humane movement, once sharing the stage with the social gospeler Washington Gladden.

Such attainments seemed to vindicate the popular belief that animals were capable of further evolution in intelligence and capacity. To some observers, these cases


represented convincing proof of the “vast possibilities of animal education.” They also provided a compelling rationale for humane training methods, which were said to have underpinned the instruction of the most famous sagacious animals. Animal protectionists were quick to capitalize on this link to their own work.20

The public taste for stories of mutual devotion between humans and animals also ran high. Accounts of the famous and their animal companions were a staple of humane periodicals and also appeared in the wider press. Mascots like Old Abe, the Eagle, and Owney the Post Office Dog could inspire, amuse, and comfort human companions in a variety of settings. Mutual devotion took on a poignant turn in the numerous accounts of war heroes and their horses.21

Humanitarians had an especially strong predilection for anecdotes of altruism in which animals protected one another, mourned their dead, or showed their consideration and devotion by providing medical care. Such Gilded Age depictions of animals as psychological beings, human-like in their behavior and capacities, prefigured the portraits

20 “The Perfectibility of Animals,” ODA 19 (Dec. 1886), 67; and Jastrow, “Fact and Fable,” 139. Humane advocates were not alone in their estimates of animal intelligence. A University of Pennsylvania veterinarian suggested that a murder suspect’s horse be released near the crime scene to see whether he would find his way to the site. See “Evidence of a Horse in a Murder Case,” ODA 17 (June 1884), 111.

created by Charles Roberts, William Long, and other early twentieth century writers whom John Burroughs and Theodore Roosevelt scorned as “nature fakers.”

Animal protectionists also pointed to animals as moral exemplars from whom humans could learn something about “returning good for evil.” As a rhetorical strategy, this emphasis hearkened back to anti-slavery narratives, like Uncle Tom’s Cabin, that represented slaves as moral and compassionate persons who surpassed their oppressors in all of the most cherished human qualities. Zoophilic anecdotes often drew a stark contrast between what animals gave to humans and what they got in return. In humane narratives, animals showed themselves capable of reciprocating the affections of even the most degraded of humans. Frequently, these relationships were cast as having redemptive character, as in Frances Power Cobbe’s story of a French convict who was reformed by a rat.

Animals’ ability to show love to humans was not the only kind of affection that such narratives underscored. Mother love was one of the crowning themes in the celebration of animal capacities; the cat and the cow were consistent emblems of motherly tenderness. Animals’ apparent willingness to adopt and care for creatures not their own, and sometimes not of their own species, also drew notice. In their indictment

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of specific cruelties, humane advocates sometimes underscored the similarity between human and non-human maternal affection. “The lioness, robbed of her whelps,” Henry Bergh told one audience, “causes the wilderness to ring with the proclamation of her wrongs; and the little bird, whose household has been stolen, saddens the grove with melodies of deepest pathos.”24 More pointedly, writer Henry Merwin remarked that animals’ capacity “to love, not only man, but one another, is the most significant, the most deserving to be pondered, the most important in respect to their place in the universe, of all the facts that can be learned about them. Compared with it how trivial is anything that the zoologist or biologist or the physiologist can tell us about the nature of the lower animals.”25

Humane advocates found such capacity for love crucial to the case for human accountability; the affection animals demonstrated could motivate activism on their behalf. As another animal protectionist wrote, “Not a small count in work for animals is their answering gratitude and love. Who that can appreciate and that has had the friendship of a good animal would have missed it?” In her compendious volume of late nineteenth-century canis mirabilis, Sarah Bolton advanced this point too, asserting that the “affection of dogs is one of the strongest reasons why they should receive every kindness from man, rather than death at his hands, because homeless or unlicensed.”26


25 Merwin, Dogs and Men, 8-9.

26 Unsigned Editorial, JOZ 1 (May 1892), 66; and Bolton, Our Devoted Friend, 13.
The view that animals had many admirable qualities that both humanized them and entitled them to just treatment was a principal element of the numerous animal autobiographies that proliferated in the years following the hugely successful American distribution of *Black Beauty*. In these fictional works, animals exhibited both subjectivity and agency. These books were species-specific catalogues of abuse and suffering, in which animals described the wrongdoing they experienced, celebrated those who loved and defended them, expressed their hope for a better future, and rescued themselves and/or their human friends from danger and misfortune.\(^{27}\)

The dog dominated the genre of fictive autobiography, and the trope of canine devotion took on a special poignancy in narratives linked to the issue of vivisection, for in these stories its counterpart was always human perfidy. The anti-vivisection narrative starkly contrasted the selflessness of animals with the selfishness of humans. Mark Twain produced the exemplary work in this canon of canine fidelity compromised by human betrayal, *A Dog’s Tale*. The story centers on a dog who saves the life of her master’s child, only to see her own puppy vivisected in the master’s laboratory. Twain, a member of the Connecticut Humane Society, was highly sympathetic to animal protection, making his support clear in both his fiction and his public statements.\(^{28}\)


The animals' cry for fair play was a common element of zoophilic literature, and, Black Beauty notwithstanding, it was Longfellow's equine hero in "The Bell of Atri" (1870) who issued the most celebrated summons to justice. Longfellow's poem reinvigorated the ancient legend of the faithful horse who, abandoned by a heartless knight, rings the Bell of Justice to summon the populace to right this wrong. In 1885, Angell made a six by ten-foot poster of the story the centerpiece of a humane display at a New Orleans exposition. In 1920, Angell's successors at the MSPCA brought the legend to the screen in the first film ever produced for use in humane education outreach.29

The subjectivity and agency of animals were important representational elements in the images and advertising humanitarians employed. Humane advocates frequently made use of the works of Landseer and like artists who conveyed both the individuality and the dignity of their animal subjects. The Illinois Anti-Vivisection Society used the image of a life-saving dog for its emblem. On a 1906 billboard, the American Anti-Vivisection Society juxtaposed illustrations of a St. Bernard dog saving a child's life in the high mountains and a little dog pleading for mercy from the vivisector.30

Such projections of emotions and conduct upon animals, past and present, have frequently been dismissed as anthropomorphism, the attribution of exclusively human

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30 "Billboard Crusade Against Vivisection," JOZ 16 (Feb. 1907), 19. For a cartoon presenting a similar contrast, see "His Reward," Life, 20 Apr. 1911. Vivisection SBK 3, Lee Papers.
characteristics to animals. However, in his analysis of Romantic authors' writings on animals and nature, Onno Dag Oerlemans renders a different verdict. Oerlemans asserts that Romantic art and poetry exhibited a deep interest in animals that was not a cultural construction rooted in human need but rather a genuine awareness of non-human life. Despite their occasional representational excesses, humane advocates shared this view of non-human animals as individuals capable of a range of emotions and behaviors usually considered exclusive to human beings. "Why should we imagine that there is such a wide distance between us and animals that they have no claim upon our sympathy?" Lydia Maria Child wrote in 1870. "Have we not many needs and many instincts in common with them? . . . Perhaps St. Francis uttered a greater truth than he knew when he called all creatures brothers and sisters. All things of the universe are interlinked, and doubtless act upon one another in many ways that science has not yet begun to conjecture." Child's statement anticipated the bold argument that Charles Darwin would make only a year later in *The Descent of Man*. More pointedly, however, it

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31 Beginning in the late nineteenth century, radical behaviorists in the psychological and biological sciences stigmatized anthropomorphism as the cardinal sin of animal behavior research. Today, while there are few investigators who would support the claim that subjective mental experience is exclusive to one species or even to a few large-brained species, anthropomorphism remains a contentious topic. See Randall Lockwood, "Anthropomorphism is Not a Four-Letter Word," in Robert J. Hoage, ed., *Perceptions of Animals in American Culture* (Washington, DC: Smithsonian Institution Press, 1989), 41-56; D. R. Crocker, "Anthropomorphism: Bad Practice, Honest Prejudice?" in Georgina Ferry, ed., *The Understanding of Animals* (Basil Blackwell, 1984), 304-13; and Robert W. Mitchell, Nicholas S. Thompson, and H. Lyn Miles, eds., *Anthropomorphism, Anecdotes, and Animals* (Albany: State University of New York Press, 1997). At least one work on the history of pet keeping, Kathleen Kete's *Beast in the Boudoir*, seems to rest upon the conviction that all views of non-human animals as profoundly psychological beings are based on the human need to see them that way, and that all interpretations of animal behavior are socially constructed products of deep-seated human desire.


33 Child, "The Relation of Man to Animals," *op cit.*
reflected her assumptions about the importance of individual relationships with animals in her readers’ lives. Few contemporaries with any experience of animals would have contradicted her.

Religiosity, Humaneness, and Animal Immortality

In addition to personal experience and belief regarding the cognitive and emotional capacities of animals, religious beliefs about the human-animal relationship animated many of those who formed and sustained the humane movement in its early decades. The religious conviction that humans had moral responsibility for God’s non-human creation, and the popular belief that animals like humans had immortal souls were arguments favored by virtually all campaigners until the early twentieth century, when Fabian and Debsian socialist thinkers like Henry Salt and J. Howard Moore began to popularize the Darwinian secularist philosophy of universal kinship.

The kindness-to-animals ethic did find its way into the teachings of a handful of American churches during the nineteenth century. More importantly, however, many adherents of animal protection employed an explicitly Christian discourse in advancing their cause. On occasion, too, they could draw upon supportive expressions of faith from prominent religionists in the United States and England. Organized animal protection had important religious roots, and, at times, it evinced a strongly evangelical tenor, like the majority of the early to mid-nineteenth century’s philanthropic endeavors.34

34 Besides the discussion in Chapter I, see Gerald E. Jones, “Concern for Animals as Manifest in Five American Churches: Bible Christian, Shaker, Latter-Day Saints, Christian Scientist and Seventh Day Adventist,” (Ph.D. diss., Brigham Young University, 1972); and idem, “The Place of Animals in Three American Churches: Church of Christ-Scientist, Seventh-Day Adventist, and The Church of Jesus Christ of Latter-Day Saints,” Between the Species 2 (Fall 1986): 178-83. On the religious character of English animal protection, see Dix Harwood, Love for Animals and How It Developed in Great Britain.
Of course, belief in the God-given right of men to use animals was centuries old, and it remained very strong during the nineteenth century. Animal protectionists did not normally attempt to challenge this view; they generally tried to harness and reshape it for their own purposes. Besides, biblical admonitions requiring the rest, care, and succor of animals offered powerful arguments for the qualification of human privilege. As one commentator noted, human dominion involved "our positive duty ... to treat those animals associated with us in domestic relations of life with care and kindness. There is a fearful responsibility upon us in that respect, which is recognized by that All-seeing Eye that watches the falling of a sparrow.... We are to be the protectors and not tyrants over dependent animals brought into subjection to our wills."  

Indeed, many animal advocates saw their cause as an avowedly evangelical enterprise. "It is a religious work," one PSPCA officer proclaimed in 1869. "When the rights of dumb animals shall be protected, the rights of human beings will be safe." Only a year later, PSPCA secretary Pliny Chase cast kindness to animals as a redemptive force. "[Can] we believe," he asked, "that the all merciful Father, Who looks with so much tenderness upon the animals He has created ... will regard with approval souls stained with the horrid sin of cruelty? Then are we not working for our fellow creatures when striving to make them acceptable to Him?" Harriet Beecher Stowe agreed. In 1881, writing to a representative of the Connecticut Humane Society, Stowe noted that "the

care of the defenseless animal creation is to be an evidence of the complete triumph of Christianity.”

While humanitarians remained perpetually hopeful about the response of the church, they were generally dissatisfied with the level of concern that members of the clergy evinced toward animals. Henry Bergh was never reluctant to chide ministers about their lack of enthusiasm for the cause, and his comments about the paucity of religious support caused a stir at the second annual meeting of the American Humane Association (AHA). There were important exceptions, however, and Bergh himself enjoyed a degree of success in reaching out to religionists. He made presentations before several denominational committees, including the Evangelical Alliance, and convinced the Episcopal Convention to adopt a canon recommending that ministers preach a sermon concerning cruelty and mercy at least once a year.

While Bergh commonly employed pragmatic arguments, he preferred to present his work “in more of a sentimental than practical manner; for the subject of cruelty to the inferior animals seemed to require elevating to the realms of refined thought and feeling, in order to procure for it a hearing.” He was not a member of any church, but he found the language and morality of religious admonitions against cruelty useful to his purposes.


Bergh frequently embellished his own written correspondence and public speeches with the well-known quote from Proverbs, "The righteous man regardeth the life of his beast," or a pithy paraphrase, "The merciful man is merciful to his beast." He may have taken to using the biblical maxim after reading Herman Daggett's 1791 sermon on cruelty, in which it featured prominently. In 1870, Bergh appropriated large sections of the Daggett sermon for an ASPCA annual address. In one sense, this act underscored Bergh's talent for action as opposed to original thought. Yet it also affirms the influence of the late eighteenth-century humane consensus upon nineteenth-century campaigners. The arguments Bergh took from Daggett reflected the previous century's emphasis on God-given natural rights, Lockean environmentalism, the capacity of animals to suffer, the responsibility of benevolent stewardship, and divine sanctions for meat eating and the destruction of animals whose interests threatened those of humankind.

Several of New York's most prominent ministers endorsed Bergh's work. Henry Ward Beecher credited the ASPCA president with having opened many eyes to the religious dimension of concern for animals. Beecher also publicly lamented the decidedly inhumane education of his own youth. T. DeWitt Talmage preached in favor of the ethical treatment of animals. Several of New York's most prominent ministers endorsed Bergh's work. Henry Ward Beecher credited the ASPCA president with having opened many eyes to the religious dimension of concern for animals. Beecher also publicly lamented the decidedly inhumane education of his own youth. T. DeWitt Talmage preached in favor of the ethical treatment of animals.

39 For Bergh's remark, see ASPCA, Ann. R. 1871, 1. For his use of the maxim from Proverbs, or a variant, see Bergh to George Angell, 17 Apr. 1868, ASPCA-NY, LBK 3: 390; and Bergh ALS, 18 June 1869, Private Collection of Bob Cecere, Scarsdale, NY.

40 ASPCA, Ann. R. 1870, 2-6. Bergh used Daggett's words almost verbatim but jumbled the sequence of paragraphs. On Daggett and his sermon, see Chapter I. It is not known who brought the sermon to Bergh's attention, but it may have been Angelo Ames, the Albany lawyer who made him aware of The Spirit of Humanity, another work the ASPCA reprinted.

41 As it happens, this was the late eighteenth century's theological "holding position" on cruelty to animals and its moral implications. See Andreas Holger-Maehle, "Cruelty and Kindness to the 'Brute Creation': Stability and Change in the Ethics of the Man-Animal Relationship, 1600-1850," in Aubrey Manning and James Serpell, eds., Animals and Human Society: Changing Perspectives (New York: Routledge, 1994), 83-85.
of the cause from time to time, once condemning the plumage trade. Talmage penned a charming "tribute" to Bergh from an aging horse, and, upon Bergh's death in 1888, noted his legacy during a Good Friday service. Talmage also employed the nativity theme in a notable sermon. "Have you ever thought that Christ came, among other things, to alleviate the sufferings of the animal creation?" Talmage asked his listeners. "Was it not appropriate that He should, during the first few days and nights of His life on earth, be surrounded by the dumb beasts whose moans and plaint have for ages been a prayer to God for the arresting of their tortures and the righting of their wrongs?" 

Bergh needed no help from the ministerium to find the proper scriptural framework for his public campaigns, however, as he showed in late 1871, when he circulated "A Friendly Appeal to Butchers," a plea for greater kindness in slaughter. The missive touched on the suffering of animals en route to their deaths and the degraded quality of the meat derived from them, and appealed directly to religious conscience. While acknowledging God-given sanctions for meat consumption, the appeal also laid out the biblical injunctions against cruelty. "God sees! God hears! God cares!" Bergh

reminded his readers. "The eye that marks the sparrow's fall from Heaven, is quick to note the cruel blow that many may think of little consequence."  

The religious character of humane reform was still more evident in the case of George Angell. Angell, who had a deeper faith than Bergh, worked hard to bring the issue before religious audiences. In 1874, the Reverends James Freeman Clarke and Samuel Bellows supported Angell's resolution in favor of humane education in Sunday Schools at the Biennial National Unitarian Conference, and in 1878 Dwight L. Moody opened a Baltimore pulpit to Angell so that he could address the Maryland Sunday School Convention. In addition, Angell cast many of the early events of his career as providential. When he founded the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA), he and its first secretary prayed together for success, and, in 1882, when Angell and Thomas Timmins met to launch the Band of Mercy movement, they too knelt in prayer to ask the blessing of God upon their unequivocally evangelical enterprise. In the minds of its founders, the Band would build up "the Christian life, in being kind from thoughtfulness and principle, and in devout gratitude to God for his goodness in creating the lower creatures." The organization operated largely within established church networks before its penetration of the public schools, employing hymns for recruitment, and circulating pamphlets that reviewed biblical lessons about animals. The Band of Mercy badge featured the words "Glory to God" and a star that symbolized "the

43 "President Bergh's Appeal to Butchers," ODA 4 (Dec. 1871), 157, 159.

rising of another star of Bethlehem to shed healing light on the nations, and on all God's
dumb creatures as well."

Angell helped to recruit one of the most prominent clerical supporters of humane
work in the Midwest, the Reverend David Swing of Chicago. Swing attended Angell's
1876 lecture at the Chicago Athenaeum and joined the Illinois Humane Society that very
evening. In 1879, Swing preached a sermon, eventually distributed in pamphlet form,
expressing satisfaction at the growing concern over such issues as cruelty to livestock in
transit and the slaughter of birds for the adornment of ladies' bonnets. Nevertheless, he
warned his audience that appeals based on religion might not prove fruitful. "It was the
awful mistake of the past Church that it limited the tender care of God and did not
envelop in that divine sunshine slaves and Indians," Swing observed. "It will perhaps be
difficult for a religion which has suffered such painful limitations in bygone years, and
which so reluctantly opens up to admit a negro, to widen out until it shall deal kindly and
justly with even the speechless brutes."

Religious discussions of animals' status frequently focused on the question of
their immortality, a compelling issue both inside and outside of humane circles. It was a
natural concern for devout persons who longed for the possibility of heavenly reunion

45 Thomas Timmins, The History of the Founding, Aims and Growth of the American Bands of
Mercy (Boston: P. H. Foster, 1883), 32-33; Angell, Autobiographical Sketches, 12, 106-8; and "Our Band
of Mercy Badge," ODA 17 (June 1884), 107. One AHA president, the Reverend George Gordon, criticized
the sectarian religious character of Angell's materials, and recommended the production of two versions,
including a more secular one better suited for non-religious contexts. See "Humane Convention," St. Louis
Globe-Democrat, 19 Nov. 1885, PSPCA-PA, SBK 1880-1902.

1888, ASPCA-NY, SBK 10, 71; "Professor David Swing of Chicago," ODA 27 (Nov. 1894), 67;
"Comments and Reflections," JOZ 4 (Jan. 1895), 1; and David Swing, A Sermon Preached before the
Central Church, Chicago, Illinois (Boston: Wright and Potter, 1879), 7-8. A dozen years later Swing
remained active, participating in the dedication of a statue honoring Henry Bergh in Milwaukee.
with those animals, especially dogs and cats, who had been important sources of comfort and companionship during life. Humanitarian publications regularly carried items on the subject, and both Bergh and Angell raised it from time to time.47

In fact, one of Bergh’s preferred devices for his public talks was to describe a dream in which he passed into an animal heaven. There, a parade of animal spirits bemoaned their earthly mistreatment while debating whether to admit humans into their eternal paradise. Unlike most contemporaries, however, Bergh widened the circle of animals enjoying immortality beyond the conventional categories of companion animals like dogs and cats. Bergh’s heaven included all of the animals whose plights he was attempting to address on the earthly plane.48

From the late 1850s onward, animal immortality surfaced as a topic in periodical articles and sermons. James Freeman Clarke and T. DeWitt Talmage were among those who published essays on the topic. But a more substantial literature also emerged. The minister naturalist J. G. Wood’s Animals and Man, Here and Hereafter (1875) was a best-


selling title in both his native England and the United States. By the early twentieth century, a number of American authors had also taken up the subject.\(^{49}\)

The futurity of animals was an important fictional theme as well. In *The Gates Ajar* (1869), Elizabeth Stuart Phelps’s popular novel dealing with the afterlife, the central characters discuss the possibility of animal immortality in a sequence that revealed Phelps’s keen attention to historical and contemporary perspectives on the question. In a subsequent work, *Beyond the Gates* (1883), animals grace the celestial home that Phelps depicted. Marshall Saunders treated the subject in *Beautiful Joe’s Paradise* (1902).\(^{50}\)

To the nineteenth-century mind, the question of their immortality was directly relevant to the general debate over how animals ought to be treated. The claim that the had no souls commonly provided a rationale for animals’ exploitation, and a pretext for dismissing the need for genuine concern about their well-being. Addressing the clergy’s relative lack of engagement, Bergh once volunteered that he did not want to assume that “this apathy arises from a belief that this vast portion of God’s creation is soulless and hence beyond the sphere of their recognition.” Another advocate declared himself certain that “most of the cruelties that are perpetrated on the animals are due to the habit of

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considering them as mere machines without susceptibilities, without reason, and without the capacities of the future.”

For some humanitarians, the claim that death spelled the end of all life for animals provided a powerful rationale for treating them well during their earthly existence. If all the life they had was to be lived on the earthly plane, the argument went, humans had a greater obligation to show animals tender regard in the one life allotted to them. For others, the belief in continued existence of animals after death was itself a forceful motive for improved treatment. “It will be a very serious business,” Henry Ward Beecher remarked, “if men have to settle their conduct toward the animal kingdom hereafter.” As another writer put it, “Shall I dare to ill-treat, or to ignore the requirements of one whom my own Father has not only made and is watching over, but with whom I expect to stand face to face on the other side of the narrow stream of death?” On at least one occasion, Bergh pushed this debate in yet another direction. There were persons, he reminded a reporter, “who entertain certain religious beliefs, and frequently believe that the soul of the man when he dies is transmigrated into that of some animal, hence to maltreat a dumb animal is, in their opinion, maltreating a human being.”

For some, the notion of an animal afterlife was simply a matter of reward for constancy and loyalty. The Reverend Beecher thought it a proper and theologically plausible compensation for devotion and service, and had one of the characters in his

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novel Norwood proclaim the immortality of horses. Still others saw it as a matter of the comforting presence that companion animals would provide in the hereafter. Writing of a dog whose owner had predeceased him, an Our Dumb Animals correspondent wondered whether, in the event of reunion in the hereafter, “will not that owner be far happier in the society of his faithful dog than in that of some unfaithful human friends.”

In his study of Gilded Age spirituality, Paul Carter implies that Darwinism introduced the dilemma of whether animals experienced immortality. In fact, the question had been on the minds of humane advocates and others for a long time already. A number of thinkers grappled with it from the seventeenth century onwards, and some, including John Wesley, the founder of Methodism, had concluded in the animals’ favor. Evolution certainly raised the stakes in such debate, however, for, as Keith Thomas famously put it, “if men had evolved from animals then either animals also had immortal souls or men did not.” On occasion, animal advocates brought this question into play for their work. Speaking at the international humane conference in Chicago in October 1893, Mary Lovell invoked Darwin in reply to Pasteur’s alleged justification of vivisection on the ground that animals had no souls. If the theory of evolution was

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correct, and we were “merely a step farther in the evolution of things,” she asked, “how do we know whether or not animals have souls?”

Just as individual experience with animals had done, spiritual values provided a crucial frame of reference for humane advocates seeking to make their case. Their movement was, at times, a highly religious one, and, in identifying its concerns and developing its responses, it needed no help from Darwin. By the 1890s, however, the implications of Darwinism had set in among animal protectionists and other Americans. Humane advocates would attempt to extend the meaning of evolutionary doctrine in their efforts to promote the cause as well.

**Animals, Evolution, and Ethics**

Scholarly treatments of the humane movement often cast organized concern for animals as an important register of the social and cultural anxiety caused by Darwin’s contention that humans and animals had a common biological heritage. Nervous about their own animality, humans determined to become less animal-like in their own behavior, by treating animals with greater kindness. In England, America, and elsewhere, the doctrine of evolution almost certainly exerted an influence on general attitudes toward animals in the years after its articulation. Among other things, it exploded claims about the biological uniqueness of Homo sapiens, sparked scientific and

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55 See n. 1 above.
popular interest in animal cognition and behavior, emphasized the animal nature of humankind, and energized debates about cooperation within the social order, all of which had implications for the human-animal relationship. Obviously, evolutionary doctrine's impact on the social, cultural, and intellectual life of the Victorian era was considerable, and it seems counterintuitive to deny its influence on a movement in which animals were directly implicated.

Nevertheless, there are good reasons for questioning the importance of Darwin's work to the emergence of the humane movement, and this perspective has gained some support from recent studies focused on pre-Darwinian attitudes toward non-human animals. The anxieties and insights generated by evolutionary theory were not new to human experience in the mid-nineteenth century. They were part of a longstanding legacy of inherited beliefs concerning animals and animality. The scholarly assertion that animal protection emerged in the context of a crisis of human identity wrought by the Darwinian claim that humans were animals also overstates the case.

The works of Joyce Salisbury and Keith Thomas in particular call into question the primacy of influence assigned to Darwin's theory of biological continuity. In The Beast Within, Salisbury demonstrates that humans had been struggling to come to terms with their own animality at least six hundred years before the explication of evolutionary theory by Darwin. In Man and the Natural World, Thomas provides a history of the view that non-human animals do not exist for humans alone. In a remarkable shift, which Thomas locates between the years 1600 and 1800 in Great Britain, many people came to understand that the natural world did not revolve around them, and to acknowledge an uneasy awareness of similarity between humans and animals. This shift did not occur
precipitously, or follow a linear course. Instead, the re-assertion of Christian stewardship, the accumulating knowledge of natural history, and an expanding sensitivity to pain worked a subtle realignment of the anthropocentric tradition, one that brought animals “within the sphere of moral concern.”

The contributions of Salisbury and Thomas show that the modern sensibility concerning animals cannot be understood without a consideration of the 1,300 years separating Plutarch from Montaigne. Their scholarship also suggests that the tension between biological continuity and difference was not so much an unforeseen dilemma or crisis that overwhelmed our nineteenth-century progenitors as an inherited and longstanding problem of human identity and self-definition. Furthermore, Thomas’s work demonstrates that questions about the treatment of animals were on the minds of many people well before a concept of true evolutionary kinship emerged.

The international chronology of humane reform also suggests that, whatever its eventual implications, Darwin’s work provided no direct impetus to organized animal protection. Serious debates over legislation to prohibit cruelty to animals occurred in France and England in 1804 and 1809, respectively, and the animal protection societies in England (1824), France (1846), and Germany (1837) all formed decades before the publication of The Origin of Species in England (1859). It is certainly true that other

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57 These conclusions help to explain the claims of scholars concerned with the reception of Darwinian theory in America, at least one of whom emphasizes “how largely the crisis arose and was resolved through the framework of established religious beliefs.” See James R. Moore, The Post-Darwinian Controversies: A Study of the Protestant Struggle to Come to Terms with Darwin in Great Britain and America 1870-1920 (New York: Cambridge University Press, 1979), 14.
evolutionary theories besides Darwin’s were in circulation during the years in which organized animal protection took hold. But humane reformers in England, Europe, and the United States never cited such influences, preferring to ground their arguments in religious conviction, concern for suffering, animal individuality, practical considerations, and the view that cruelty to animals might escalate into interpersonal violence.\(^5^8\)

Nevertheless, before Darwin consolidated his famous argument in *The Descent of Man* (1871), humane advocates in both the United States and other nations were arguing the case for better treatment on the basis of common sense observations about animal capacities. In fact, Darwin relied on this same tradition in order to develop many of his points about evolution. In drawing heavily upon anecdotes and accounts from individual pet owners, Darwin and his disciple George J. Romanes (1848-1894) did not greatly differ from humane advocates and pet fanciers who presented stories highlighting animal consciousness and cognition as part of the call for just treatment. Stephen Walker explains this “amiable credulity” by pointing to Darwin’s concern that excessive skepticism might retard progress in scientific understanding. According to Walker, Darwin’s “acceptance of rather weak evidence in favor of human-like mental attributes in animals seems to be at least partly due to a desire to support his contention that human intellectual abilities do not provide an exception to the theory of evolution.”\(^5^9\)

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Of course, Darwin's central argument in *The Descent of Man* did diverge dramatically from this anecdotal tradition by stating forthrightly that “the difference in mind between man and the higher animals, great as it is, certainly is one of degree and not of kind.” Yet this work appeared some five years after the ASPCA formed, and, by the time an American edition of *The Descent of Man* appeared, several dozen societies for the prevention of cruelty to animals were operating throughout the United States.\(^6\)

*The Descent of Man* did cite the expansion of “sympathy beyond the confines of man” as one of the signs of advancing civilization, although Darwin did not pursue the implications of his theory for this development. The mistreatment of animals certainly did concern him, however. He was a member of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) for a time and participated in the debates over vivisection that culminated in the 1876 Cruelty to Animals Act. According to his son, the two subjects that moved Darwin most were “cruelty to animals and slavery. His detestation of both was intense, and his indignation was overpowering in case of any levity or want of feeling on these matters.”\(^6\)

While the theory of evolutionary kinship may well have shaped the context in which the cause matured, the principal first generation figures in American animal protection rarely invoked Darwinism and its cultural and intellectual implications. In any case, no American advocate before the twentieth century matched the eloquence of


Bayard Taylor, who in 1877 suggested that “If Darwin’s theory should be true, it will not degrade man; it will simply raise the whole animal world into dignity, leaving man as far in advance as he is at present.” In making the case for animals, American humanitarians were more likely to stress religious duties of care and concern for God’s creation. There was a prior culture of Christian humaneness that predated Darwin, and it was the common creation of humans and animals by God that advocates cited in public appeals, not their common biological origin. Explicit arguments for the improved treatment of animals based on Darwinian thought were rare in American culture before the 1890s.62

During that decade, however, the theory of evolution began to receive recurrent play as a rationale for animal protection, and a number of figures began to suggest its importance as a factor in the rise of humane sentiment. Many were prominent scientists, like Harvard botanist Asa Gray (1810-1888). “We are sharers with the higher brute animals in common instincts and feelings and affections,” Gray said in an 1880 lecture. “It seems to me that there is a meanness in the wish to ignore the tie. I fancy that human beings may be more humane when they realize that, as their dependent associates live a life in which man has a share, so they have rights which man is bound to respect.” The naturalist Wesley Mills (1847-1915) credited evolutionary theory not only with having sparked greater public demand for information about animals but also with advancing sympathetic attitudes and feelings toward them through the dissemination of that

knowledge. In 1892, Mills told an AHA audience that the "friends of animals cannot do better than encourage people to dwell upon the resemblances rather than the differences between the highest and the lower grades of life." Harvard geologist Nathaniel Shaler (1841-1906) also thought that Darwin's influence on the development of the animal protection impulse was significant. Shaler believed the shift in attitude and conduct had come about unconsciously. "The motive originated in the recognition of the essential likeness of the minds of the lower animals to our own," he suggested. "But it has been greatly reinforced by the teachings of the naturalists to the effect that all the life of this sphere is akin in its origin and that our subjects are not very far away from our own ancestral line." 63

Following the scientists' lead, a number of authors began to draw attention in the periodical press to the highly developed psychological capacities of animals. One of the humane advocates who followed the debate over animal consciousness and capacity, with full understanding of its implications for the treatment of animals, was Edward Payson Evans (1831-1917), an expatriate academic. In 1884, Evans authored the first of a series of articles on the question. Over the next twenty years, he produced three of the most erudite works ever published concerning animals. These studies focused on the symbolic use of animals in ecclesiastical architecture for the promotion of spiritual truths, the

consciousness of animals as a foundation for acknowledgment of their rights, and the recognition of animals’ legal and moral status in medieval ecclesiastical courts.  

In the second of these works, *Evolutional Ethics and Animal Psychology*, Evans refined the arguments he had advanced in his magazine pieces. He sharply criticized Judeo-Christian anthropocentrism for setting man apart from and outside of nature, as the product of a separate creation, and for insisting that all of nature came under human dominion. Science showed man “to have been originally a little higher than the ape, out of which he was gradually and painfully evolved, Evans proclaimed. “Scripture takes him out of his environment, severs him from his antecedents, and makes him a little lower than the angels. Upon the being thus arbitrarily created absolute dominion is conferred over every beast of the earth and every fowl of the air.” But, Evans asserted, “take away this anthropocentric postulate, and the whole logical structure tumbles into a heap of unfounded and irrelevant assertions leading to lame and impotent conclusions.”

Like Mills and Shaler, Evans believed that, with increasing knowledge of animals’ capacities, “human society in general has become more philozoic, not upon religious or sentimental but upon strictly scientific grounds, and developed a sympathy and solidarity with the animal world, having its sources less in the tender and transitory

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65 Evans, Evolutional Ethics, 88-89, 83.
emotions of the heart than in the profound and permanent convictions of the mind.”
However, Evans went further than virtually all other commentators in arguing that animals had an intrinsic right to not be mistreated. It was wrong to judge or chastise acts of cruelty to animals “solely from the standpoint of their influence upon human elevation or degradation.” The only firm foundation of ethical relations with non-human life was that of consciousness. “It is through the portal of spiritual kinship, erected by modern evolutional science,” Evans wrote, “that beasts and birds . . . enter into the temple of justice and enjoy the privilege of sanctuary against the wanton or unwitting cruelty hitherto authorized by the assumptions and usurpations of man.”

Although Evans’s articles and books probably reached a larger audience, J. Howard Moore (1862-1916), a Chicago socialist and educator, was Darwin’s most notable American champion within the animal protection movement. Moore began to develop his ideas about the mistreatment of animals during the 1890s while employed as a schoolteacher. In 1898, at age 36, he received an A.B. degree in zoology from the University of Chicago and became an instructor in biology and ethics at the Crane Technical High School. Moore worked independently, but wrote pamphlets and articles for a variety of humane organizations and journals.

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66 Ibid., 96, 99, 18.

In his writing and speaking, Moore focused on the ethical implications of Darwinism. In *The Universal Kinship*, his most important work, he sketched out the human-animal relationship in three phases: the physical, the psychical, and the ethical. Animals were our mental and physical cousins, Moore pointed out, and “the only consistent attitude, since Darwin established the unity of life (and the attitude we shall assume if we ever become civilized), is the attitude of universal gentleness and humanity.”\(^{68}\)

Like Henry Salt, Moore thought it inevitable that human anthropocentrism would give way to the “dawning of a grand humanitarianism. . . . The evolution of ethics in past time has been, all of it, in one uniform direction, towards altruism, towards a wider and more consistent recognition by dominant individuals and groups of the rights of others.”\(^{69}\) Animals would be beneficiaries of this expansion of human ethics, and Moore perceived adherents of humane treatment based on the “unity and consanguinity of all organic life” as members of a vanguard who recognized that “while the biology of evolution is scarcely any longer questioned, the psychology and ethics of the Darwinian revelation, though following from the same premises, and almost as inevitably, are yet to be generally realized.” It was an approach to the question, he predicted, that would “receive unprecedented recognition in all departments of human thought” in the coming century.\(^{70}\)

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\(^{68}\) J. Howard Moore, *The Universal Kinship* (Chicago: Charles H. Kerr, 1916), 279. All subsequent citations are to this edition.

\(^{69}\) Moore, *New Ethics*, 18.

Sadly, the man who authored this optimistic prediction shot himself in the head at age 53, after years of struggle with an unspecified illness, and a long despondency over the suffering of animals at human hands. The Chicago Tribune cast Moore as a misanthrope in reporting the suicide, but relatives and friends, including his brothers-in-law Clarence and Everett Darrow, stressed his gentle nature, his strong commitment to universal justice, and his great passion for teaching young people.

The Universal Kinship received endorsements from both Mark Twain and Jack London, and was one of the few books written by an American advocate to appear in a British edition. The English animal rights advocate Henry Salt, Moore’s frequent correspondent, regarded it as one of the most important humanitarian works ever written. Moore also published his views sporadically in a number of short essays written for American humane publications during the period 1900-1915. All of those associated with the major humane groups treated Moore and his assertions with respect.

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71 "Scorning Man, He Ends Life to Thrushes’ Call,” Chicago Tribune, 18 June 1916, A11; “Howard Moore,” The Humanitarian 7 (Oct. 1916), 177-79. A 1991 re-issue of The Universal Kinship, incorporates appendices with letters from Moore to Henry Salt, a biographical essay by Charles Magel, and Clarence Darrow’s eulogy. See Charles Magel, ed., The Universal Kinship (Fontwell, Sussex: Centaur Press, 1991). The Tribune’s unflattering portrait set a precedent that historians seeking to situate Moore within the framework of American environmental ethics have followed. These assessments ensue from superficial readings that fail to examine Moore’s comments about the selfishness of human beings within the broader context of his work and his political views. Moore did not hate human beings: he hated the domination of some human beings over others and all human beings over animals. Moore was an ardent socialist who made his commitment to social justice for humankind evident in all of his works, most of which were issued by Charles H. Kerr, America’s leading socialist publisher and himself an ethical vegetarian. On Moore’s supposed misanthropy, see Lisa Mighetlo, Wild Animals and American Environmental Ethics, (Tucson: University of Arizona Press, 1991), 49; Nash, The Rights of Nature, 53; and Turner, Reckoning With the Beast, 136. For expressions of Moore’s socialist politics, see Universal Kinship, 287, 328-29; Savage Survivals, 190-01; and New Ethics, 61, 66, 197-99.

but in most quarters the Darwinian argument never took precedence over those based on human character, practical self-interest, animal individuality, religious duty, and fair play. Animal protection did not coalesce around an explicit Darwinian ideology during the years of Moore’s activism, and no one else took up this line of argument in the years after his death.

Indeed, not every humane advocate believed that the doctrine of evolution had been a boon to the cause. In 1903, Edward Buckner, author of a work on animal immortality, expressed his belief that evolutionary theory “has been a great hindrance to the cause of humanity. . . . It has had a tendency to cause some Christians to draw a wider distinction between themselves and the lower animals. They do not desire to be considered on Darwin’s side, and so they try to make the gulf between man and animals as wide as possible.”\(^{73}\)

As it happened, evolutionary kinship was much more likely to come up as part of a justification for using animals than it was for not using them. For instance, the establishment of a common biological heritage only strengthened the scientific case for animal experimentation. Then there was Social Darwinism, which also figured in the debate. Challenging its use as a rationalization of the human right as a dominant species to use animals, author Agnes Repplier asked one audience to consider “whether we are not laboring under an entire misconception when we say they are ours to use. . . . How do you know they are ours at all? We say they are ours because we are the strongest of

\(^{73}\) Buckner, *Immortality of Animals*, 176.
all, and have subjugated the others and bent them to our will. It is the right of conquest."

Tellingly, Shaler, Mills, Gray, and their sympathizers were to become part of a minority tradition within the scientific community. Drawing back from what they believed to be Darwin’s anthropomorphic tendencies, other scientists steered their disciplines toward the behaviorism that would dominate most studies of animal consciousness until the 1950s. In 1894, this paradigm gained its foundational principle in the canon of Lloyd Morgan (1852-1936), who argued that “in no case may we interpret an action as the outcome of a higher psychical faculty, if it can be interpreted as the outcome of the exercise of one which stands lower in the psychological scale.” Morgan, like many of his scientific peers, was determined to distance his field from the knowledge claims of non-expert amateurs who had had a share in nineteenth-century discourse concerning animals. Although he had something else in mind, however, Morgan’s canon quickly came to define and shape a new scientific method that emphasized scrupulous detachment and the presupposition of mental discontinuity between humans and animals. The turn toward behaviorism, spurred by the work of psychologists Edward L. Thorndike and John B. Watson, excluded all consideration for an animal’s mental life. Influenced by Pavlov’s research on conditioned reflexes, researchers confined animals, devised tightly controlled experiments, and accepted as valid only those actions they saw the

74 Silver Festival of the Women’s Branch of the PSPCA (Phila.: WPSPCA, 1893), 11.

Of course, even before the ascendance of Morgan's canon of parsimony and the attending objectification of animals in science, the claim that a substantial mental discontinuity between humans and non-human animals had its counterpart in arguments that asserted the primacy of human beings. Several years before Morgan's canon emerged, ethicist and college president William DeWitt Hyde expressed the view that “Kindness to animals does not go so far as kindness to our fellow-men; because the kinship between animals and man does not extend as far as kinship between man and man.”\footnote{William DeWitt Hyde, Practical Ethics (New York: Henry Holt and Co., 1892), 100.}

Here and there, however, the moral implications of evolution found their way into humane argument. In 1894, Albert Leffingwell, clearly under the influence of authors like Evans and Henry Salt, began to promote Darwinism as a rationale for animal protection. Even the deeply religious Mary Lovell invoked Darwin in an 1895 speech. Francis Rowley, reviewing the repertoire of arguments useful to the cause in a 1913 speech, placed the scientific finding that “they are something more than our mere fellow creatures, they are our kith and kin,” high on his list. American members of Salt's Humanitarian League also employed the claim of biological kinship. In 1920, Salt’s...
California correspondent Alice Park printed up a card that read “Be Kind to Animals, For You Are One Yourself.”

As this and earlier chapters have shown, American animal protection had important cultural, moral, and religious antecedents that antedate the controversy over evolutionary kinship between humans and animals sparked by the work of Charles Darwin. While historically important, humane advocates self-consciously associated with the doctrine of evolution were either not yet active or were marginal figures during the formative years of American animal protection. Evolution has been much more influential in twentieth century arguments for animal protection, although even today it is not clear how far the ethical implications of Darwinian thought for the treatment of animals have penetrated into the popular consciousness.

Conclusion

Animals were important in the interior lives of many nineteenth century Americans—including humane advocates—who were products of a middle-class cultural milieu that valued animals and recognized them as individuals, capable of subjective experience. Not only did human beings develop deep emotional bonds with them; animals also fulfilled important functions in the Victorian household as moral exemplars and agents of socialization. As companions of the hearth, in relation to whom children and adults expressed their affections or displayed their nurturant behavior, or as real or

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fictive exemplars of right conduct, non-human animals were fundamental to the experience of domesticity.

Although Darwinism began to exert its influence on the thought and rhetoric of animal protectionists in the United States by the 1890s, it never displaced or surpassed the significance of individual experience with animals and nineteenth century religious morality as factors in shaping humane concern. Humane advocates were inspired more by long developing concerns for animals as individuals with significant mental and emotional capacity, and by a resonant religious discourse that emphasized human spiritual duty toward animals and raised important theological questions about their status. As it happened, these two influences touched upon some of the key issues to which Darwinism would bring greater attention and focus—animals’ cognitive capacity, human animality and the question of immortality. They do more than the doctrine of evolutionary kinship to illuminate both the motivation, character, and course of animal protection in the nineteenth and early twentieth centuries.
CHAPTER X

AMERICAN MEAT

Hot, fevered, frightened, trampled, bruised and torn; Frozen to death before the ax descends;
We kill these weary creatures, sore and worn, And eat them—with our friends.

Charlotte Perkins Gilman, "The Cattle Train."

Concern for the suffering of animals shipped over great distances prompted the 1877 founding of the American Humane Association (AHA) to coordinate national action. For the next four decades, animal advocates struggled to promote enforcement of the Twenty-Eight Hour Law. By the early twentieth century, the act of slaughter itself assumed greater priority, and American animal protectionists pressed forward with both issues. Unfortunately, campaigns to ameliorate the conditions of transportation and slaughter proved largely ineffectual, as humane advocates faced off against some of the most powerful forces in the American economy—ranchers, railroad magnates, and meat barons.

The Transportation of Live Animals

For many years, advocates placed their hopes for the relief of animal suffering in improved cattle cars. Yet the hope of material enhancements that might provide animals with food and water inside the cars had not been fulfilled. Water troughs especially proved a failure, and no viable drink-giving apparatus ever surfaced. The anticipated result of refrigeration— the slaughter of animals close to the locations where they were
raised and the elimination of their suffering in transit—did not entirely displace live shipment either. At century's end, it remained an important part of the industry.¹

Worst of all, the Twenty-Eight Hour Law had been a dead letter since its passage in 1873. In the early years, the Department of Agriculture had neither the means nor the authority to take charge of the law's administration. The situation improved after the Bureau of Animal Industry [BAI], the veterinary division of the Department of Agriculture, formed in 1883, with Daniel E. Salmon at its head. However, Salmon's agency would remain understaffed for many years, and its focus was on the etiology and prevention of animal disease, not on standards of animal welfare.²

Although government authorities sometimes admonished the railroad companies about infractions, the law caused them little trouble. No organization was more active than the Women's Pennsylvania Society for the Prevention of Cruelty to Animals (WPSPCA) in attempts to spur prosecutions. While others applauded her pioneering work with the animal shelter, Caroline Earle White considered her organization's efforts to ameliorate the suffering of animals during transportation her "crowning achievement." From her lobbying in 1873, to the WPSPCA's testing of the Twenty-Eight Hour Law


through planned investigations along the major routes in the 1880s, to the introduction of minimum speed legislation in 1910, White was involved in all phases of the campaign.³

White was quick to react to signals that government agencies wanted to pursue vigorous enforcement, as in July 1895 when Secretary of Agriculture J. Sterling Morton issued a general bulletin insisting on compliance. Shortly thereafter, the Department of Agriculture began to place special agents in the field to gather evidence of transgressions for eventual prosecution by the Department of Justice.⁴ In late 1895, WPSPCA agents investigated a complaint about a carload of horses that arrived in terrible condition after two days without food or water. The United States Attorney, acting on the agents’ evidence, secured a conviction of the Philadelphia and Reading Railroad.⁵

White also responded with energy to the 1897 call by BAI director Daniel Salmon for cooperation between the government and humane societies to enforce the Twenty-Eight Hour Law. Among other actions, the WPSPCA joined with its counterpart in Buffalo for a surveillance of railway companies that improved compliance for a time. During the period 1897-1900, WPSPCA Agent Thomas Carlisle accumulated enough evidence of violations by the Philadelphia and Reading Railroad Company that the United States Attorney for Pennsylvania felt comfortable in prosecuting five separate cases.

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⁵ "The Woman’s Branch of the SPCA vs. the Philadelphia and Reading Railroad," JOZ 6 (Jan. 1897), 3-4; "Cattle Transportation," JOZ 6 (Mar. 1897), 30; and "Editorial," JOZ 7 (Aug. 1898), 93.
cases. The suits targeted the company as the last road to handle the animals in the course of their journey from the West. In 1901, the government fined the Reading $500 for repeated violations of the law. Subsequently, the WPSPCA sent agent Carlisle on an extended tour of the Southwest. The joint collaboration gave Salmon sufficient evidence for 1,200 prosecutions, and generated considerable anger on the part of cattle shippers and owners. By 1903, the WPSPCA had been responsible for more successful convictions (seven) than any society, despite the frequent reluctance of the United States Attorney to pursue cases.6

Railroads and shippers responded to Salmon's call by launching an effort to extend the 28-hour limit to forty. Their campaign began in 1897 with a senate bill to amend the original legislation of 1873. After years of ignoring and violating the Twenty-Eight Hour Law, they now determined to revise it, relieving themselves of both the stigma and the risk of unlawful practices. Humane advocates played an important role in defeating the bill, and a subsequent attempt in 1899 failed as well.7

The stock raisers argued that the requirement that animals be unloaded resulted in greater suffering overall. In their view, cattle accustomed to infrequent watering on the


range did not require forced watering once or twice in 24 hours. They also believed that cattle fared badly in repeatedly having to move in and out of the cars. They complained about the condition of rest areas maintained by the railroads. Such claims did not impress animal advocates like the AHA’s James Brown, who reminded the livestock men that properly equipped stable cars would make unloading and reloading unnecessary."

The interests of stock raisers and railroads diverged at many points, and the railroad operators frequently enjoyed the upper hand. Compelled by the original legislation to establish appropriate facilities to load, unload, water, feed, and rest animals, the railroads frequently took advantage by demanding excessive remuneration. Because the law gave the roads a lien on the livestock to secure their fees, they had stock raisers and shippers at their mercy. They did not embrace the use of palace stock cars equipped with hay racks and water troughs, because these cars usually had to be hauled back empty, unsuited as they were for other freight. Inanimate goods that brought higher profits always took precedence over less lucrative cattle shipments. At least one livestock agent told the WSPCA that his road observed the law but was always losing business to other lines that did not. Finally, many carriers simply found it easier to pay the fines for violation of the law than to conduct their operations according to its strictures.\(^8\)

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\(^8\) On the livestock growers’ position, see AHA, Ann. R. 1899, 34-38. For Brown’s remarks, see AHA, Ann. R. 1900, 12-13, 17-18.

In 1900, J. W. Springer, president of the National Live Stock Association (NLSA), presented the growers' case for extension of the 28-hour limit to an AHA audience. Springer reminded them that twenty-five years earlier the growers had paid by the carload, not by a 100 lbs. standard, and that this led to cramming of animals into the freight cars. Now, he asserted, the cars were much better from the standpoint of comfort and feeding. Water, he admitted, remained a problem; there was no way to provide clean water either on board or in the substandard pens and facilities along the roads. Springer did not convince the AHA delegates, who voted to oppose any modification to the Twenty-Eight Hour Law.\(^9^\)

Through 1905, AHA delegates occasionally met with stock raisers to discuss their differences, which proved insurmountable. The growers insisted on repealing or amending the law. The AHA committee members favored stricter enforcement of the Twenty-Eight Hour Law, and additional pressure on the railroads to improve their time schedule on live animal shipments. In addition, they argued that the time specified for rest—five hours—be expanded to between twelve and eighteen hours on every shipment. Growers and shippers, the AHA contended, would benefit from the increased survival and profit rates that would ensue under a humane system.\(^11^\)

The attempt by non-profit organizations to regulate interstate transportation of livestock was confounded by the difficulty of pinning responsibility for improper loading and shipping on a guilty party. Humanitarians found that shippers, railroads, growers,

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and their employees often stood in the way of proper enforcement by failing to cooperate with humane agents in efforts to establish the facts about any given shipment. In 1903, AHA President James Brown noted that to ensure enforcement “it was necessary to know just when and where the live stock was at the end of the 28 hours, and whether, in the meantime, the conditions of the law had been complied with. In order to obtain this information it must have either been obtained from the transportation company or from those attending the live stock,” neither of whom were “friendly to the enforcement of the law.” Moreover, experience had shown that United States Marshals, who could enforce the laws, were “largely under the influence of live stock and transportation companies,” and not inclined to take action.\(^\text{12}\)

The AHA continued to employ at least one agent, Levi Doty, sending him out for three trips in 1901. He subsequently reported that watering of cattle was virtually non-existent, even in the cars outfitted with troughs. According to Doty, stockmen believed it cost more to feed and care for animals than to absorb the loss of those who died from neglect or cruelty.\(^\text{13}\)

By now, it was clear that the NLSA was determined to secure an extension amendment. In fact, by 1900, the introduction of bills to extend the Twenty-Eight Hour Law had become an annual affair for the railroad companies and the stock raisers. Things reached a boiling point in 1902, when, White and others charged Representative James R. Mann (R-IL) of the House Committee on Interstate and Foreign Commerce

\(^{12}\) AHA, Ann. R. 1903, 9; and AHA, Ann. R. 1904, 7.

\(^{13}\) AHA, Ann. R. 1901, 35-41, 45-46.
with deceiving his colleagues by stating that humane societies favored the legislation. Animal protectionists were able to fight off passage of the bill in the Senate after it passed in the House of Representatives.\footnote{AHA, Ann. R. 1899, 34-38, 74; JOZ 9 (Mar. 1900), 25-26, 31; JOZ 9 (Apr. 1900), 37-38; "Inhuman Legislation," OAF 30 (Mar. 1903), 145-47; "Inhuman Legislation at Washington Prevented," OAF 30 (Apr. 1903), 169-70; "A Remarkable Occurrence," JOZ 12 (Apr. 1903), 50; and AHA, Ann. R. 1903, 6-7, 36-37.}

In 1905, Secretary of Agriculture James Wilson issued another order for the vigorous enforcement of the Twenty-Eight Hour Law, and before long inspectors found 2,000 violations. At the same time, however, the BAI endorsed the view of cattlemen that, in the case of range cattle, strict compliance with the law resulted in greater hardships for the animals and additional losses for their owners. The agency's position was that a 36-hour limit, not to include the considerable time spent in loading and unloading, was acceptable, provided that a reasonable rate of speed was maintained.\footnote{AHA, Ann. R. 1905, 12, 38-39; "To Sue Many Railroads," Phila. Telegraph, 5 July 1905, and Phila. Inquirer, 29 July 1905, PSPCA-PA, SBK 1904-Feb. 1909; Caroline Earle White, "A Good Move," JOZ 14 (Oct. 1905), 115; "Amendment to the Twenty-Eight Hour Law," 59th Congress, Report No. 2661 (Mar. 27, 1906), 5-8; and Francis H. Rowley, "Their Via Dolorosa," ODA 54 (Dec. 1921), 101-2. As a congressman in the 1870s, Wilson traveled the roads to investigate cattle transportation. See Chapter VI.}

In opposition, William Stillman maintained that when the 28-hour rule legislation passed in 1873 it provided an exception for instances when animals were carried "in cars, boats, or other vessels, in which they can and do have proper food, water, space, and opportunity to rest." At that time, Stillman noted, no cattle cars that met these criteria were in use. Now, the stockmen were claiming that the widespread use of suitable cars
made the rest stops unnecessary, but Stillman pointed out that their use was far from universal, especially in the west.\textsuperscript{16}

In 1906, in another attempt to lengthen to 36 hours the permissible period that animals could be shipped without food, rest, or water, livestock interests again sought support from the United States Congress. This time, the stockmen framed their arguments artfully, designating their proposal “A bill to prevent cruelty to animals while in transit by railroad or other means of transportation.” Among other tactics, the industry retained Mortimer Levering, a one-time president of the Lafayette Humane Society, to advance its position.\textsuperscript{17} While acknowledging that enforcement had been quite rare during the past 35 years, Levering asserted that the Twenty-Eight Hour Law was obsolete. He conceded the value of the law four decades earlier, when primitive conditions, rude handlers, wild cattle, arbitrary freight rates, and heavy overloading were the rule. Now, however, railroad conditions were improved, live freight rates were lower, the animals were gently handled, and incentives for overloading were removed. Rest and refreshment could now be provided to animals as they rode, and did not require unloading. Moving to the attack, Levering asserted that the law led to hardships for the cattle. The layover stations where rest and care could be provided were in poor condition. The enforcement of a strict hour limit sometimes necessitated the unloading of animals within a few miles


of points of departure and destination. The process of unloading made some cruelty and suffering inevitable.\textsuperscript{18}

Quite apart from the claims Levering made about the welfare of animals, his testimony acknowledged one other rationale behind the attempt to expand the time limit. The requirement to provide rest and care made shipment of live cargo peculiarly unsuited and highly inconvenient to the timetables and efficiencies of a rational enterprise like the railroad. The railroads were in the habit of holding up livestock shipments on the sidings whenever dead freight paying better rates could be expedited.\textsuperscript{19}

Animal protectionists, quick to point out that the competition for profitable traffic lay at the heart of the proposed amendment, fought hard but in vain. The AHA could not afford to pay even one lobbyist in Washington, and humane advocates proved no match for wealthy and well-connected adversaries. The Secretary of Agriculture and many of the BAI’s inspectors took the railroads’ side as well. In the aftermath, William Stillman wrote to President Roosevelt to ask for an investigative committee, contrasting the lack of attention paid to transportation with the action taken after the scandal concerning meat production outraged public opinion. Referring to the Federal Food and Drugs Act, Stillman asked, “What avail will be the regulation of sanitary conditions in packing

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\textsuperscript{18} Levering, \textit{Twenty-Eight Hour Law}, 5-11. Humane advocates conceded that enforcement of the Twenty-Eight Hour Law might sometimes result in greater hardship and severe treatment for livestock, but held fast against extension of permissible time limits. Instead, they proposed that “livestock shipment should be given right of way over dead freight under all circumstances, and that the speed of the livestock trains should be practically doubled.” “Amendment to the Twenty-Eight Hour Law,” 59\textsuperscript{th} Congress, Report No. 2661 (Mar. 27, 1906), 2-3.
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houses if stock is delivered in a fevered and poisonous condition because of excessive hardship and privation during transportation?\textsuperscript{20}

The passage of the 1906 amendment, while greeted with ambivalence by humanitarians, was nevertheless accompanied by vigorous attempts on the part of the BAI to ensure compliance. A few years later, Stillman reported that the 1906 law had been violated 1,200 times between August 1906 and January 1908, resulting in 250 prosecutions. In 1911, the issue reached the Supreme Court, which ruled that railroads must unload cattle according to the law. By June 1918, there were 2,831 cases pending in United States courts, but, in a number of opinions, judges subordinated animal welfare concerns to the importance of protecting owners' and shippers' interests.\textsuperscript{21}

Humanitarians and government bureaucrats alike recognized that a minimum speed provision would ensure that cattle would be carried promptly through to market and not held up for better paying freight. In January 1910, responding to the pleas of the AHA, the ASPCA, and other organizations, Senator Henry Cabot Lodge (R-MA) and Representative Irving Wanger (R-PA) introduced legislation in their respective bodies

\textsuperscript{20} "Prevention of Cruelty to Animals in Transit," 59\textsuperscript{th} Congress, Report No. 975 (Feb. 14, 1906), 1-5; "Amendment to the Twenty-Eight Hour Law," 59\textsuperscript{th} Congress, Report No. 2661 (Mar. 27, 1906), 10-12; "Amendment to the Twenty-Eight Hour Law," 59\textsuperscript{th} Congress, Report No. 4838 (June 15, 1906), 3-11; Stillman to Theodore Roosevelt, 26 Oct. 1906, repr. in Our Fourfooted Friends 5 (Nov. 1906), 2-3. The ASPCA, meanwhile, advocated killing animals at the point of shipment and hauling them dead in refrigerated cars to processing and marketing centers. As the AHA's Stillman observed, however, the establishment of numerous slaughterhouses all over the country would lead to economic inefficiencies that drove the cost of meat beyond what many people could afford. See "Railway Transportation of Cattle," OAF 33 (Mar. 1906), 296-99; and AHA, Ann. R. 1906, 61-71; and AHA, Ann. R. 1911, 36. For debate on the 1906 amendments, see 40 Cong. Rec., 3766-75 (Mar. 14, 1906).

\textsuperscript{21} AHA, Ann. R. 1906, 60-1; "Speed of Stock Trains," ODA 42 (Mar. 1910), 160; "Railroads Must Unload Cattle," North American, 30 Apr. 1911, PSPCA-PA, SBK 1911-1914; and Shultz, Humane Movement, 110-11. The situation did not likely improve during World War I, as expediency resulted in suspension of the Twenty-Eight Hour Law on government-sponsored shipments.
that would have required trains carrying animals to maintain an average minimum speed of sixteen miles per hour. In 1913, the AHA was still trying to get this legislation passed. In the meantime, the cattle industry moved to promote retrogressive legislation at the state level as well. In 1913 and 1914, both the Ohio and New York legislatures considered extension bills. Ultimately, determined humane opposition prevented their passage.22

Fifty years of activism on the question of animal suffering in transit brought mixed results. For at least a decade after its passage in 1873, there was very little effort to enforce the Twenty-Eight Hour Law. Not even the financial losses resulting from shrinkage, condemned meat, and animal death were sufficient to override what Roswell McCrea termed the "seeming economy in overcrowding and in a minimum of care." The deaths of animals in transit were part of the costs of doing business.23

After the BAI formed, the law began to receive greater attention. However, the agency’s purpose was the control and suppression of diseases that threatened the livestock industry. During the 1880s, humane advocates secured court opinions that guaranteed the constitutionality of the law, even as they pushed for humane cattle-cars and enhanced facilities. In the mid-1890s, the BAI began to participate in enforcement actions, even collaborating with the most diligent humane societies. In time, the regulated interests responded with a sustained and successful campaign to extend the


23 McCrea, Humane Movement, 43.
permissible time animals could remain in transit without rest. The 1906 revision gave cattle owners an even broader discretion over the amount of time animals spent in confinement during transportation.24

By World War I, the BAI had integrated enforcement action with a program to encourage railway companies to construct properly situated stockyards with suitably equipped cattle pens. BAI officials believed that this had made a substantial difference in reducing the suffering and death of animals in transit. In 1922, while continuing to castigate railway firms, shippers, and meatpackers for their negligence, William Stillman credited the BAI for its efforts. In the fifteen years since passage of the 1906 legislation, he noted, the BAI had prosecuted over 11,500 cases and collected penalties exceeding $700,000.25

The widespread adoption of the motor vehicle made the debate on extension and enforcement irrelevant, because the Twenty-Eight Hour Law did not apply to animals transported interstate by trucks. The movement of livestock by railroad steadily diminished in the decades following World War I, and proposals to expand the law’s ambit to include the transportation of livestock in trucks went nowhere. For the better part of the twentieth century, animals in transit to slaughter enjoyed no protection at all.

“The Great Cruelty”

In the early 1900s, humanitarians began to divide their attention between the transportation and handling of livestock and the act of slaughter. The latter issue had

24 Ibid., 43.

received attention from early campaigners, but, in the era of industrialized meat production, it took on new urgency because of the unprecedented scale upon which the killing of animals took place. Disturbed as they were by trends in industrial meatpacking, however, humanitarians were ultimately ineffectual in their efforts to promote slaughter reform.

Their inefficacy was understandable given the extraordinary transformation of the forces they had to confront. During the late nineteenth and early twentieth centuries, the transportation, handling, and slaughter of animals were consolidated as part of a modern and highly rationalized industry. Packinghouse industrialists maximized and accelerated meat production through the introduction of factory-style techniques, converting animal bodies into myriad products and secondary by-products. At the same time, the increasing distance of humans from the sites of production and slaughter removed the plight of animals from public view.

Even before the advent of the industrialized slaughtering facility, humanitarians sought to influence practices within small-scale and local slaughtering establishments, helping to spark both public and scientific debates over the deathblow. In November 1866, Henry Bergh asked several New York scientists whether anesthetic agents could be employed without corrupting an animal's flesh. Professor John C. Draper responded that the ASPCA's objects "would be much more nearly attained by devising swifter modes of death." A. C. Castle, a medical doctor, also recommended a speedy death as the best reform. Castle took offense at slaughtering methods that involved hoisting cattle slowly into mid-air by the hind legs, leaving them to hang there, and ultimately striking them several times with an axe to produce death. Drawing on hospital experience with human
victims of spinal cord injury, Castle argued for a procedure that quickly severed the spinal cord close to the occipital bone.26

The pain suffered by animals killed for food concerned English and European humanitarians as well, and a range of proposed solutions emerged from British and continental physiological laboratories. Electricity as a killing method had a number of enthusiasts in the years following Benjamin Franklin's much-publicized experiments upon animals and birds. In the 1860s, an Italian physiologist proposed a method that forced air into the eyes of animals, creating pressure on the brain that killed them in a few seconds with little apparent pain. During the same period, French scientists experimented unsuccessfully with surgical section of the spine as a swift and painless means of slaughter. In 1876, a New York World editorial commended a procedure involving the swift puncture of the medulla oblongata to bring all vital functions to an instantaneous halt.27

The "nape stab" or "pithing" method was popular in Cincinnati, where, in 1886, a butcher explained how he walked down a line of penned bullocks, stabbing each in the neck in order to sever the spinal cord. Popular for a time (this was the method used at Communipaw when Bergh first went there), the nape stab ultimately lost its appeal. For one thing, the procedure demanded levels of knowledge and dexterity that most

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slaughterers lacked. Over time, humane advocates and others also learned that the partial severing of the spinal column near the upper vertebrae left the animal paralyzed but conscious. The animal would feel the subsequent cut of the throat for bleeding, and die a slow and painful death.  

In the Brighton slaughterhouse district at Boston, the standard practice through the 1880s involved shooting animals and then cutting their throats. Slaughterers drove animals into a series of stalls, the foremost of which was reserved for killing. After the steer dropped insensible, the spring-loaded floor was triggered, placing the animal at the feet of employees who cut his throat and dragged the body away. A sliding door released the next animal into the killing compartment and the process continued. The MSPCA endorsed this method and distributed rifles to butchers.

Animal protectionists in Philadelphia also tried to instigate reforms. In the mid-1870s, many of the city's slaughterhouses relied on the nape stab, positioning a man on a plank that ran over the top of the cattle pens. The slaughterer drove an iron spear down into the space between the base of the animal's skull and spinal column. Then he or another man would hit the animal in the head with an ax to finish the task. Humane advocates wanted to place a man armed with a poleax on a beam overhead. The hope was that one blow would be enough to kill or at least deprive an animal of sensation.

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This expectation was disappointed, unfortunately, for the slaughterer often failed to deliver the killing blow the first time around, and more attempts were usually required. If an injured animal moved away, the man sometimes moved on to strike another one instead of finishing the kill.\textsuperscript{30}

Shehitah represented a much greater challenge. Although humanitarians were virtually unanimous in their abhorrence of Jewish slaughter, they concluded that interference with Jewish practice would antagonize Jews and make them defensive with no good result. On whether slitting the throat rendered an animal insensible, there was uncertainty and disagreement. Most agreed, however, that the practice of hoisting an animal of 1,600 pounds or more into the air with a chain and windlass, leaving the creature to dangle by one leg in mid-air for a few excruciating moments while the shochet prepared, was “highly objectionable.” Reflecting upon its early efforts, Mary Lovell recalled that the WPSPCA had given special attention to the practice of “throwing the animal by putting a rope or chain around its legs and pulling till it falls to the ground, then twisting its head around and cutting its throat.” WPSPCA agents were successful in promoting the substitution of a rope for the lacerating chain, and in having it placed around two legs instead of one.\textsuperscript{31}

One approach to humane slaughter reform that garnered considerable support in Europe and England originated in 1871, when a Frenchman named Bruneau introduced

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his eponymous mask. Bruneau’s mask was made of leather or copper, with a round metal socket through which a sliding bolt could travel. Slaughterers tied the mask to an animal’s head to cover the eyes. The hole came directly over the weak spot in the center of the forehead. With one heavy blow of the mallet the slaughterer could drive the bolt straight through the hole into the animal’s brain. Bruneau’s invention never caught on in the United States. The PSPCA carried out some experiments in Philadelphia during the mid-1880s, but agents found it difficult to secure the masks on the animals. Moreover, White and other observers thought the killing itself a painful and lengthy process.\(^{32}\)

At about the same time that Bruneau’s invention surfaced, the English sanitarian Dr. Benjamin W. Richardson initiated discussion of options for humane slaughter, including the administration of narcotic vapors through funnel masks to render the animals insensible, and death by electrocution. Richardson favored the use of gases, because electricity appeared to inflict a “violent shock” upon the animals. Some years later, he declared his belief that carbonic oxide gas could be used to put sheep, swine, calves, and poultry to sleep before slaughter, without rendering the flesh unfit for consumption. Richardson argued that this method would overcome Jewish objections to

the retention of blood, for the animals bled just as freely as they did when no narcotics were employed. 

Bergh remained hopeful about the application of electricity to the problem. By 1883, however, general enthusiasm about electrocution of animals for use as food had waned in light of Richardson's experiments. "The blood could not be extracted," a reporter noted. For the same reason, "animals killed by a lightning flash, even though not charred or otherwise structurally injured, cannot be used for food, but ordinarily have to be buried." 

In 1885, the PSPCA appointed a committee to recommend improvements in slaughtering methods used in Philadelphia. The committee solicited the opinion of local scientists and authorities elsewhere. Dr. Charles Myers, a veterinarian, thought the Bruneau mask the best method, so long as the animal's throat was cut quickly after the blow was struck. Another veterinarian, Dr. William Zuill of the University of Pennsylvania, recommended strict supervision of slaughterhouse work and the closing of slaughterhouse doors. In a presentation to colleagues at the College of Physicians, Dr.


Horatio Wood underscored the necessity of shielding animals from viewing one another's death.\(^{35}\)

After some years of frustration, the WPSPCA launched an attempt to stop the routine abuse of animals at Philadelphia's principal abattoir. As White described the situation, "twelve to fifteen cattle are put together in a pen, and the killer, with a heavy sledge, stands upon a beam above. He singles out a victim and, attracting his attention by a noise, aims a blow at the animal as he looks up. Very often this is misdirected, for with a dozen excited steers in one pen, wildly pushing each other, it is most difficult to direct a blow with accuracy." Under these circumstances, the slaughterer frequently dealt a glancing blow, possibly in the eye or some other part of the head. This set the animal, maddened by pain, "dashing around the pen, filling the other cattle with alarm and terror. But no time can be lost in putting him out of misery and the killer singles out another victim." White's husband Richard, the WPSPCA's counsel, initiated a prosecution of one company, setting forth as evidence an instance in which the slaughterer had struck one steer eleven times before killing him, but White suspended the prosecution in exchange for the construction of new arrangements for slaughter, which involved the use

of a separate compartment into which only one animal at a time would be drawn. In this situation the animal could not easily avoid a second blow if it were necessary.\textsuperscript{36}

By the 1890s, experimentation and debate led inexorably to the use of firearms, for shooting through the brain remained the surest means to render an animal unconscious. The pioneering steps, taken in England and Germany, centered on humane stunners. A stunning pistol had emerged as early as the 1870s in Switzerland, and, by 1902, when a German donor offered a money prize for the best humane killer, all of the winning entries were modified pistols. Most fired a blank cartridge that drove a punch into an animal's brain; the punch returned automatically to the barrel. After a campaign designed to overcome concerns about safety and efficiency, bolt shooters of various kinds were adopted for use at virtually all German facilities.\textsuperscript{37}

In North America, however, the volume of animals slaughtered and the convenience of the sledgehammer seemed to preclude the introduction of similar devices. Caroline Earle White brought back one model—the Greener Cattle Killer, a pistol that projected a firing pin—after a trip to England. However, until 1911, she could not persuade even one slaughtering establishment to explore its use. Among other objections, she told one AHA convention, butchers were afraid that the gun might


explode and injure them. Others cited the difficulty in getting wild range cattle to permit
the accompanying mask to be placed on their heads.\textsuperscript{38}

With the advent of large-scale production and centralization, responsibility for the
conversion of animals into meat passed from smaller abattoirs to immense slaughtering
and packing plants. In 1903, disturbed by firsthand observations of industrial slaughter in
Chicago, Albert Leffingwell urged his AHA colleagues to make it a reform priority. “An
animal makes the long journey up the inclined plane,” Leffingwell reported, “it reaches
the butcher; its throat is cut; and then--I am afraid before it loses consciousness--it is
allowed to drop into a steaming vat, and you see the creature struggling in boiling water.
It may be but a moment or two alive; all struggles are not the result of consciousness; but
all the same, it is a most horrible sight.”\textsuperscript{39}

In 1904, the AHA committee gave its report, emphasizing the lack of skilled
“knockers” in slaughtering plants. These men frequently failed to kill the animals on the
first blows, and panic ensued as they attempted to strike the cattle again. The runway and
chute system did not always separate the animals, so they sometimes saw others being
killed. The noise, odor, and residuum of killing pervaded the workplace, contributing
further to the animals’ distress.\textsuperscript{40}

In the large-scale setting, where workers killed between fifty and one hundred
animals per hour, kosher slaughter became especially objectionable. By custom, no


\textsuperscript{39} AHA, \textit{Ann. R.} 1903, 60-61; and AHA, \textit{Ann. R.} 1907, 32-33.

\textsuperscript{40} AHA, \textit{Ann. R.} 1904, 26-29.
stunning blows were struck; instead, animals were hoisted up and tossed onto the killing floor, where they lay in three or four inches of congealed blood for a few minutes until the shochet dispatched them. AHA investigators urged the packinghouses to employ additional laborers in order to execute shehitah by the slower European system, using slings and casting animals to the floor.41

In 1908, Henry Bergh, Jr. undertook a subsequent inquiry for the AHA and the ASPCA, which put up $500 for a humane slaughtering device. By this time a British investigation had concluded that the poleax in the hands of a skilled man was still the best method of stunning. The Bergh committee noted that, while experiments with humane cattle killers were underway, the English were slow to adopt these devices, lagging behind European nations.42

Among those devices the ASPCA tested was a pistol developed by Hiram Percy Maxim, whose father invented the automatic recoil machine gun.43 Bergh, Jr. entered the competition himself, with a pneumatic device in which trigger pressure hurled a javelin. His invention promised "rapidity of fire . . . accuracy in striking at the desired point, economy of operation . . . and efficiency in producing instant insensibility." However, both the Bergh and Maxim devices failed under test conditions. The $500 prize went to

the Behr Waffenwerke, manufacturers of the Behr Colt Shooting Pistol, used in 700 German slaughterhouses.\textsuperscript{44}

Over time, the MSPCA's Francis Rowley emerged as the prime mover in efforts to promote humane standards of slaughter. Initially, however, advocates like Rowley were less concerned with the great packinghouses then coming under the regime of federal inspection. Instead, they focused on the still numerous smaller slaughtering operations where methods and conditions remained comparable to those Henry Bergh had confronted a half century earlier.\textsuperscript{45}

In 1911, Rowley toured European abattoirs for a first-hand look. In Paris, he visited a number of establishments built at least fifty years before. In these, the use of a leather mask to prevent animals from seeing the signs of imminent destruction was common. Noticeably absent from the premises he visited (in both France and England) were the overhead trolley and the practice of hauling cattle up by the hind leg. Instead, animals were laid on their sides on a low rack where their throats were cut. For a time the French had experimented with electrocution, but they discarded this method.


apparently because (as Benjamin Ward Richardson’s investigations had suggested) it impeded the process of bleeding animals out.  

Rowley took encouragement from his observation of an experiment, sponsored by the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and the British Admiralty, at a naval station. Here, researchers compared the “humane killer,” a pistol that fired a blank cartridge that propelled a bolt of steel into an animal’s brain, with the traditional system of the poleax. It was evident that the use of the bolt pistol could do much to lessen the probability of suffering that usually resulted when inexperienced men employed the poleax. Nevertheless, Rowley noted, expert butchers involved in the experiment regarded the new instrument with great suspicion.

During his trip abroad, Rowley also conferred with Christopher Cash, an English advocate, who had financed a model abattoir in an effort to hasten the achievement of humane standards. Like other humanitarians, Rowley thought that Germany was in the lead. There, many municipalities owned and managed public abattoirs with humane measures and high sanitary standards. On the eve of World War I, Germany had 900 municipal slaughterhouses, to which all of the animals destined for the food supply in any community were brought for inspection and slaughter.

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Before going abroad, Rowley had launched the first serious effort at legislation to control the moment of slaughter. However, corporate and religious antagonism to humane innovation quickly confounded the MSPCA’s humane slaughter initiative. Packinghouse interests continually rejected methods that threatened to slow the pace or efficiency of transportation and slaughter, and defenders of shehitah adamantly advanced their claim to religious freedom.49

While quick to assure all parties of his lack of prejudice against the Jewish faith, Rowley was a vocal and persistent critic of shehitah. For Rowley, the bottom line was stunning at the time of slaughter and before any use of the knife. “It can be scientifically proved,” he told an AHA convention audience, “that by the Jewish rite no more blood is actually drawn from the carcass of the animal than when stunning has immediately preceded the bleeding.” To his mind, this removed any reason for adhering to ancient custom.50

Jewish authorities did not relinquish their objections, however. In 1912, packers, rabbinical authorities, shippers, and butchers scuttled Rowley’s humane slaughter initiative in the Massachusetts Assembly. Such confrontations did not prevent animal protectionists and Jewish religious authorities from civil discussion of their differences. In 1913, and again in 1922, rabbis and scholars appeared at the AHA’s convention to


50 AHA, Ann. R. 1912, 30-31. In Boston and Los Angeles, the humane societies were able to persuade slaughterers to deliver a deathblow just after the shochet had slit an animal’s throat. See “Kosher Killing,” ODA 45 (Aug. 1912), 41; and N. W. Zimmer to William O. Stillman, 28 May 1912, in JOZ 21 (Aug. 1912), 363.
discuss shehitah, but neither side to the debate conceded any real ground in this or subsequent exchanges.  

In 1920, the MSPCA attempted to reform slaughtering practices in Massachusetts again, introducing a bill that required the stunning before slaughter of all animals used for food except for fish and fowl. The bill also prohibited the hoisting or hauling up of animals without stunning. This time, the legislation included a specific exemption for Jewish ritual slaughter of animals destined for the kosher market, and rabbinical authorities promised not to attack the bill. Massachusetts’s packers, on the other hand, vehemently opposed the legislation, claiming that it would so slow down the slaughtering process as to make it unprofitable. The bill did not go through.

Through the 1920s, humane societies continued to sponsor competitions that aimed at the development of a merciful instrument for slaughter. In 1922, the ASPCA offered a $10,000 prize for a humane slaughtering device, and, in late 1923, officials announced the winner of the competition, which drew 600 entries. Unfortunately, complications in moving from prototype to production, in gaining patent rights, and in selling the slaughtering firms of Chicago on the device, all served to diminish the ASPCA’s enthusiasm.


52 “Our New Bill for Humane Slaughtering,” ODA 52 (Mar. 1920), 152; and “Our Humane Slaughter Bill,” ODA 52 (May 1920), 184.

53 ASPCA Board Minutes, 8 Nov. 1923 and 6 Dec. 1923, and 6 Nov. 1924 and 4 Dec. 1924, MB 6, ASPCA-NY; and “The Great Cruelty,” ODA 56 (Oct. 1923), 67.
Packers found fault with all of the proposed innovations animal protectionists offered. The large slaughtering concerns rejected the captive bolt system as impractical for range cattle. Captive bolt pistols, they argued, necessitated considerable time and effort in restraining the animals, a difficult challenge in the case of part-wild cattle that made up the majority of animals slaughtered in the United States. In the case of calves, sheep, and hogs, industry representatives asserted, the advantages of stunning before “sticking” were negligible. Most cattle, and virtually all sheep and swine, were hit with a sledgehammer, raised by the shackle and hoist method, and left to hang as their throats were cut and they bled to death.54

For some years, humane advocates had looked to electrocution as a possible solution. They tempered their enthusiasm after a series of experiments conducted in an Omaha slaughterhouse in 1923 resulted in gross suffering.55 However, interest in electricity as a means for stunning food animals before slaughter revived after a series of experiments in Germany during 1927. German engineers had appropriated the concept from a French physician who had been experimenting with it to render patients unconscious before surgery. In January 1929, Francis Rowley and Sydney Coleman met with representatives of The Institute of American Meat Packers (precursor to the American Meat Institute) to observe the new method in a test conducted at the Armour

54 AHA, Ann. R. 1922, 30-31; “A Remarkable Admission,” ODA 56 (Mar. 1924), 147; and Edelmann et al, Textbook of Meat Hygiene, 39. Some large packers remained dismissive of the captive bolt pistol when humane slaughter surfaced as a subject of federal legislation in the 1950s.

Company in Chicago, where consulting engineer James Andrew had developed a device on the model of the German apparatus.\(^{56}\)

Andrew’s device employed a low voltage, direct current, interrupted between 8,000 and 10,000 times per minute. The circuit was completed by applying the current through a sponge attached to the animal’s forehead. Once the current was turned on, the animal dropped to the floor with eyes closed and was removed for bleeding. Death from loss of blood occurred without any of the twenty cattle employed regaining consciousness. Observers saw no indication of animals suffering.\(^{57}\)

The device seemed to render animals unconscious long enough to complete the bleeding process. More importantly, they appeared to be insensible to pain during the bleeding, a concern that had haunted the subject since the disturbing experiments at Omaha. As Rowley recounted, “It had been held for years that a voltage sufficient to destroy consciousness would make impossible the proper flow of blood, and that, the blood not properly drained from the body, the flesh would not keep. On the other hand, a low voltage that would permit the proper bleeding would simply paralyze the motor muscles but leave the victim entirely unconscious.”\(^{58}\)

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The Institute representatives expressed satisfaction at the new device and asked animal protectionists to trust the industry's sincerity about the development of new methods. From this point onward, Rowley, one of its harshest critics during the period 1910-1920, adopted a highly conciliatory posture toward the meat industry. Throughout the 1920s and 1930s, the MSPCA president counseled patience and promised colleagues that resolution of the humane slaughter problem was near. ⁵⁹

In the years that followed, the packers found numerous reasons for not moving forward with electrocution, citing, among other things, challenges in perfecting Andrew's device and the difficulties in applying the method to swine and poultry. Rowley presumably spoke for packers when he suggested that a significant expenditure of time and money would be necessary to "change over the whole plan of the killing pens with the complicated machinery employed and to do this without too seriously interrupting the entire organization" of the industry. ⁶⁰

Rowley's counsel of forbearance did not seem to pay off for animals or animal protectionists, for another twenty five years passed between the time of the Armour experiments and the 1956-1958 campaign for a federal humane slaughter requirement. As it turned out, industrial packinghouse interests lost their enthusiasm for electrocution after additional studies found that electrical currents caused the retention of blood in various parts of the muscle tissue (from the bursting of blood vessels or tiny hemorrhages), giving the meat an undesirable appearance. In the case of swine,

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moreover, the tiny blood markings on the meat generated confusion for postmortem inspection by the Federal Meat Inspection Service, since they were indistinguishable from those present in several hog diseases.\textsuperscript{61}

In 1958, looking back after the successful passage of the Humane Slaughter Act, Fred Myers of The Humane Society of the United States expressed his conviction that “the humane slaughter victory could have been won a quarter of a century ago.” Myers deplored the decision made in 1929 to cooperate with packers, who, he and other advocates believed, had lulled the movement into complacency by promising to reform themselves. Slaughtering was one of the nation’s most highly rationalized industries—one that had expanded the number of animals killed for food to unprecedented levels. Moreover, meatpackers had invested millions of dollars into technology for the dismemberment and processing of every animal part—“everything but the squeal,” as some famously boasted. Yet, at the heart of this modern industrial enterprise, the sledgehammer and other primitive elements reigned supreme well into the post-World War II period. A federal prohibition on the “knocker” had done what many decades of negotiation with the industry had not been able to accomplish.\textsuperscript{62}


Public Health, Ethical Vegetarianism, and the Mistreatment of Animals

For many years, animal advocates had employed the argument that suffering rendered the flesh of animals unfit for consumption. It was an important part of the case for improved treatment. In 1906, the public health concerns that humane advocates had been trying to advance for many decades found pervasive expression when a young socialist author trained his pen on the great meat factories of Chicago. Upton Sinclair’s *The Jungle* alarmed consumers, panicked meatpacking executives, and dominated the national media for months. The ensuing scandal provided the impetus for passage of the Meat Inspection Act.

Sinclair’s book exposed the demoralizing, inhumane, and unsanitary conditions of Chicago’s Packingtown. He dedicated *The Jungle* “to the workingmen of America,” hoping that it would aid the labor movement in its struggles. Sinclair’s work was not directed at making converts to vegetarianism, and the mistreatment of animals rarely surfaced during the controversy sparked by *The Jungle*. Nevertheless, the novel struck an unprecedented blow against the meat industry, which found itself on the defensive as

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63 “Danger of Eating the Meats of Animals That Have Suffered Before Dying,” ODA 38 (Oct. 1905), 64; and “Cattle Transportation Again,” IQZ 6 (Mar. 1897), 30.


65 For an exception, see “Stock Yard Cruelty,” The Public 10 (30 Nov. 1907), 818-19.
journalists, the public, and the executive and legislative branches of the government clamored for regulation.

The reforms that Sinclair's muckraking provoked—including pre-slaughter inspection paid for by the government—were not platforms that appealed to animal protectionists. Their claim that the welfare and handling of animals en route to slaughter had just as much impact on the quality of meat was not taken as seriously as the charges public health advocates made about unsanitary conditions. Even so, in the years following the passage of pure food legislation, humanitarians persevered in their attacks on the diseased character of meat coming from a system whose many cruelties they hoped to reform. In 1910, medical doctor Albert Leffingwell published a post-Jungle indictment, American Meat, in which he sought to prove that there was a high rate of disease in American cattle, and that the consumption of animal flesh was the obvious cause of certain illnesses in humans. Leffingwell charged that government inspection notwithstanding, vast quantities of diseased meat continued to pass into the food supply. Leffingwell compared the Meat Trust to the Slave Power of a half century earlier, noting its success in preventing “the total condemnation of diseased animals for food purposes” and in persuading Congress “to place the cost of inspecting meat, not upon the producers, but upon the people.”

Only rarely did animal protectionists condemn the poor wages, long hours, and hazards that plagued the laborers who worked in meatpacking. They did not fail to


underscore the debasement and degradation that the nation's appetite imposed upon slaughterhouse workers, however. "And what about our brother man," Mary Lovell asked. "What humaneness is there in providing a brutalizing, degrading, disgusting occupation which, because of the pressure of necessity, some of our brother men must undertake?" 68

Like Lovell, some of the era's animal advocates elected to pursue a diet that necessitated neither the degradation of their fellow men nor the deaths of their fellow creatures. In fact, the period 1890-1910 proved to be one of the strongest moments for a progressive ethical vegetarianism in the United States. While few of the animal protection movement's leaders were vegetarians, the vegetarian ideal nevertheless exerted an important influence upon them. Humane advocates and ethical vegetarians frequently advanced similar criticisms of meat and the meat industry. Ethical vegetarianism flourished on the edges of mainstream animal protection, and, if they did not espouse it, major figures usually acknowledged it with respect. 69

Vegetarianism was an important theme of utopic literature during this era and was sometimes linked with radical political thought in the United States as in Great Britain. Edward Bellamy's Equality (1897) presented the boldest affirmation of vegetarianism and wilderness conservation in radical literature of the period, and vegetarianism was common among Bellamyites, especially those whose interests extended to theosophy. In Herland (1915), Charlotte Perkins Gilman also wrote in favor of animal rights and

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69 See "Transportation of Cattle," New York Tribune, Undated Article, ASPCA-NY, SBK 8: 272; and Henry Bergh to B. W. Hathaway, Aug. 20, 1868, ASPCA-NY, LBK 1: 8-9; and George T. Angell, "Important to All Our Readers," ODA 38 (Nov. 1905), 80.
vegetarianism, which were intimately connected to the maternalist, pacifist, ecologically sensitive utopia she conceived.  

Among active American humanitarians, the self-identified vegetarian socialists included Sarah Cleghorn, Ernest Howard Crosby, John Howard Moore, Alice Park, and the husband and wife team of Henry Bailey Stevens and Agnes Ryan. Crosby, Moore, and Park were all members of Henry Salt’s Humanitarian League. Crosby (1856-1907), a social critic, philosophical anarchist, and popularizer of Tolstoy’s work, co-authored (with Elisée Reclus) a League pamphlet decrying the cruelty of meat. Chicago socialist Charles H. Kerr, publisher of Moore’s *Universal Kinship*, was a vegetarian, and Moore’s works received notice in the socialist press.

Franklin Rosemont suggests that the rise of Marxism as the dominant mode of socialism in the United States relegated sympathy for animals to the margins as a concern of the American left. In *The Communist Manifesto* (1848), Marx and Engels disparaged animal protection as a petty-bourgeois concern, setting a precedent for similarly

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dismissive attitudes on the part of other leftists. In England, however, the issue did flourish for a time within the Fabian Socialist circle that included Edward Carpenter, Henry Salt, George Bernard Shaw, and others who supported the Humanitarian League. Concern for animals also surfaced as a leftist cause, however faintly and briefly, in the era of Debsian socialism in the United States. To a limited extent, Salt's correspondents in the United States, including Crosby, Moore, and Park, advanced the issue in socialist circles.

In 1911, the Millenium Guild, America's first authentic animal rights group, incorporating vegetarianism as a core principle, formed in Boston. Its founder, M.R.L. "Emmarel" Freshel (1867-1948), embraced vegetarianism and animal protection after encounters with representatives of eastern religious traditions at the World's Parliament of Religions in 1893 and her reading of Ralph Waldo Trine's Every Living Creature.

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74 "People Say That It is Cruel to Eat Meat," Boston American, 23 May 1911, Vivisection SBK 3, Frederic Schiller Lee Papers, Archives and Special Collections, A. C. Long Health Sciences Library, Columbia University, New York, NY [Lee Papers], and "New Women's Organization Puts a Ban on Wearing Furs, Feathers, Quills, Leather, Ivory, Tortoise Shell, Kid, Marabou, or Other Things from 'Vanity's Charnel House,'" New Orleans Statesman, 6 July 1913, Vivisection SBK 5, Lee Papers; Maud Russell Lorraine Sharpe [Freshel], The Golden Rule Cookbook (Cambridge: University Press, 1907); and Ralph Waldo Trine, Every Living Creature (New York: Dodge Publishing Co., 1899).
The propaganda of the Millenium Guild reflected the commitment of Freshel and her colleagues to feminism, pacifism, vegetarianism, and universal justice. "All sentient creatures have a right to life, and, except in cases of self-defense, to protection in that life by human beings," its credo read. "Consistent humaneness cannot be practiced by persons who feed upon the products of the slaughter house, who kill other creatures for food, or whose habits necessitate the doing of this degrading work by others. . . . Universal peace is a possibility only when man evolves a true sense of the right of all races, human and sub-human."

Under Freshel's leadership, the Millenium Guild promoted vegetarianism and other positions consistent with a belief that all forms of animal exploitation were immoral. The Guild also pioneered in the promotion of alternatives to fur coats and the distribution of anti-veal cards in restaurants. Freshel strongly questioned the approach taken by mainstream societies in promoting humane slaughter of animals for food and fur production. Her husband Curtis, an entrepreneur, founded the Millenium Food Company, an enterprise that produced non-animal meat substitutes."75

Of the nation's most prominent animal protectionists, Caroline Earle White and Mary Lovell were vegetarians, the latter crediting Henry Salt's *Animals' Rights* for her

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75 Several of Freshel's speeches appeared in *Animal Protection Congress*, 104-10, 149-54. She published a longer piece on alternative fur and other cruelty-free fabrics, "Interesting Information," in *Starry Cross* 30 (Feb. 1921), 27-29. On the Millenium Food Company, see "Millenium Extract," *JZ* 21 (June 1912), 340; and "A Substitute for Meat," *ODA* 45 (Dec. 1912), 104. The Guild survived into the early 1980s. Freshel's husband Curtis continued the work until the mid-1960s, passing the organization over to radio personality Peggeen Fitzgerald. Fitzgerald, in her turn, gave strong support to Henry Spira and other animal advocates of the 1970s as they launched their own challenges to animal exploitation and suffering. After Fitzgerald's death, the Guild's assets were directed toward a cat shelter in Connecticut.
Positive references to vegetarianism were common in humanitarian journals, and a significant few regularly expressed their view that the most effective way to overcome the cruelties of cattle transportation and the slaughterhouse would be to eat no flesh at all. "If consistency is an important constituent of the humane movement, as it undoubtedly is of all other reforms," Lovell asked, "is not each one engaged in it bound to face the question, whether or not he can continue honestly to oppose any sort of cruelty if he continues to be one of the units in the mass for which this monstrous and hideous form of it goes on?" There were also a handful of humane advocates who were vegetarians in principle if not always in practice, like Ella Wheeler Wilcox and Minnie Maddern Fiske. "I believe a hundred years from now, the whole world will be vegetarian," Wilcox wrote one correspondent.

Henry Clubb and other members of the Bible-Christian Church also sustained humanitarian vegetarianism, continuing to nurture the vegetarian movement in the United States through publications and organizational activities. So did John Harvey Kellogg, whose humanitarian leanings have been neglected by scholars determined to tie him to hygienic vegetarianism. Even members of the social register brought the cause into the

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limelight, as when Mrs. John T. Sherman, wife of the vice president, joined together with the wife of Great Britain’s ambassador to promote vegetarianism in fashionable summer resorts.\textsuperscript{78}

Freshel spoke for at least a few other humanitarians when she criticized the campaigns for humane slaughter. “The killing of animals cannot be done humanely, it will never be attempted humanely by a race which asks that it be done at all,” she told one reporter. Beyond that, she suggested, “it isn’t abstinence from meat that counts with us, so much as the possession of a love for living things; when that is great enough we can refrain from eating flesh from humanitarian reasons.”\textsuperscript{79}

In defense of his efforts to galvanize support for slaughterhouse reform, Francis Rowley turned the tables on advocates of vegetarianism. The claims of vegetarians did nothing to alter the fact that the cruelties attending meat production required the attention and action of every concerned party. “No one can escape his responsibility in this matter by saying ‘Since I eat no meat, my hands are free from blood,’” Rowley asserted. “Just so long as these lowlier children of life are being slaughtered for food, you and I and every other man and woman, whether vegetarian or not, are under the sacredest obligation to do our part toward lessening by every possible means the unnecessary sufferings involved.” Notwithstanding Rowley’s perspective, another supporter of the competitions for humane slaughtering devices, Jefferson Seligman, conceded the limits of

\textsuperscript{78} John Harvey Kellogg, \textit{Shall We Slay to Eat?} (Battle Creek: Good Health Publishing Co., 1899), passim; Mary F. Lovell, “Some Interesting Experiments,” \textit{JOZ} 16 (June 1907), 70-71; and “Society’s Ban on Meat,” \textit{N. Y. Times}, 28 June 1909, 5.

the approach. “The thing to be advocated,” Seligman observed, “is for people to eat less meat.”

Conclusion

In the years following the disputes sparked by The Jungle, Upton Sinclair famously observed that he had “aimed at the public’s heart, and by accident hit it in the stomach.” Animal advocates were even less successful. Their image of an America that showed proper regard for the animals it consumed proved as ephemeral as Sinclair’s vision of one that delivered justice to workers. The transportation, handling, and pre-slaughter treatment of livestock would not improve in the wake of the scandals surrounding the meat trade, and legislation to promote humane slaughter was still a half century away. The work of the BAI, from its formation in 1883, centered not on a concept of animal welfare grounded in consideration for the basic psychological and biological well-being of animals raised for food but on the maximization of meat product through the application of laboratory research to the suppression of disease and illness. The passage of the Pure Food and Drug Act in 1906, creating a regulatory bureaucracy to police the food supply, showed that it was the quality of the meat that mattered, not the treatment of workers or animals.


Roger Horowitz’s implication that America pitied the pig more than the worker is a fanciful one, not borne out by the facts of the meat industry scandals or by any subsequent developments. See Roger Horowitz, Negro and White, Unite and Fight!: A Social History of Packinghouse Unionism 1930-1990 (Urbana: University of Illinois Press, 1997), 12.
Ultimately, refrigeration technology and improved systems for holding and transporting cattle did more than compliance with the Twenty-Eight Hour Law to reduce animal suffering. Despite their elaborate efforts to compel enforcement of the law, humane advocates found it hard to curb the abuse and suffering of animals in transit. Live animal transportation began to rely increasingly upon motor vehicles and the nation's highways, where the law did not apply.

The centralizing trends in slaughter and meat production also transformed the problem that humanitarians faced. Instead of the random and diverse practices of localized slaughtering industries, the movement had to confront the technocratic imperatives of a vast and modern industry bent on rapid and efficient production. Inevitably, too, the expanding volume of meat consumption in an increasingly affluent society exerted a critical impact. As Henry Bergh, Jr., framed the problem, “animals are received like so many logs of wood meant for kindling, the object being to see how many animals in the aggregate can be reduced to the various marketable products within the shortest space of time, and at the least expense.” If humaneness meant slowing down the process of slaughter, it was not likely to be a priority for the large slaughtering establishments of the Midwest.82

Nor did humanitarians push their critique of commercialized exploitation of animals too far. Most animal protectionists did not present, nor were they motivated by, a radical social analysis. At no time did humane advocates ally themselves or express solidarity with exploited workers in the slaughter and packing industries, except in

pointing to the dehumanizing effects of killing floor work on the laborer. In general, they were more interested in reaching accommodation with the industry over killing methods than they were with forging links with the people “back of the yards.”

Animal advocates’ vision of a humane industrial order that treated animals kindly, whether in transportation or slaughter, never became reality. That vision was incompatible with the unrelenting momentum toward rationalization and mechanization of the slaughter and butchering of animals. It did not help the case that the suffering of animals was physically removed, centralized in factory-like environments into which only a few laborers would ever enter. This physical distance, and the removal of the slaughter of animals from the conscious observation and experience of most people, precluded the kind of moral outrage that attended other, more visible, cruelties. Even as they made such a vast enterprise of slaughter possible, the new developments rendered the killing of animals for food socially invisible.83

The campaign against the cruel transportation and slaughter of food animals required confrontation of three of the nation’s greatest industries—the beef trust, the ranchers, and the railroads. Ultimately, however, Rowley and other campaigners understood that their principal obstacle was public indifference. “After the last word is said about the ranchman and the railroad, about the callous driver, the butcher whose

83 See Siegfried Giedion, Mechanization Takes Command (New York: 1948); and Daniel Pick, War Machine: The Rationalization of Slaughter (New Haven: Yale University Press, 1993). As Rowley commented: there was nothing rarer than a prosecution for cruelty in killing. “The lame, or galled, or worn-out horse is in evidence to all, in city or country, who have eyes to see . . . the homeless cat, the starved dog without a master—these are daily coming to our attention—and we prosecute for the cruelty and build our shelters and refuges.” Rowley noted, “but the cattle, the swine that die each day, the lambs that are led to the slaughter—those we see not.” “Cruelty in Killing,” ODA 44 (June 1911), 8; and Francis H. Rowley, “An Indictment of the American Slaughterhouse,” ODA 44 (Mar. 1912), 157
hands must drip with blood, the packer who grows rich out of his traffic," Rowley observed, "we come face to face with ourselves."
CHAPTER XI

"GOODBYE OLD MAN": THE PASSING OF THE HORSE

The shift away from human reliance on equine labor was rife with significance for organized animal protection, a movement whose own identity had so been associated with concern for the horse. At the dawn of the twentieth century, humane advocates had to face the horse’s rapid transformation into a symbol of an outmoded past. Even as horses began to disappear from the streets, animal protectionists remained vigilant in searching out and redressing instances of neglect and abuse. As certain uses of horses waned, the humane movement expanded its efforts to relieve equine suffering on other fronts. However, the horse also became an object of sentimental interest, ritualized enactments, and quaint public debates. As the horse gave way to the bicycle, the automobile, and other forms of transportation, the humane movement romanticized the animal’s faithful and loyal service to humans, civilization, and the state.

Dobbin Displaced

During the first quarter century of organized animal protection, the horse was the central focus of the humane movement’s practical work. No matter how successful, though, humane initiatives could only palliate the inevitable suffering of horses in a range of contexts, because the horse was a pivotal factor in the economy. Animal advocates lived and campaigned in a world in which horses were going to be used, and neither they nor other Americans could foresee a time when this would not be so.
Because the abuse of horses was ubiquitous and highly visible, the opportunities for both prosecution and prevention of cruelty were numerous. Wherever the community, a high percentage of anti-cruelty cases involved the mistreatment of horses. During the years 1868-1880, 70 percent of the 8,256 prosecutions mounted by the American Society for the Prevention of Cruelty to Animals (ASPCA) related to horses. Between 1868 and 1878, 54 percent of the 18,389 complaints investigated by the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) involved horse-related categories of abuse.¹

Of course, humane work on behalf of horses went far beyond the criminalization of harsh treatment to include a range of benevolent initiatives in equine welfare. In addition to seeking the arrest and prosecution of those who mistreated horses, animal protectionists provided veterinary counsel and care, waged campaigns against bits and restraints, founded rest havens for aged work animals, oversaw the distribution of food, blankets, bonnets, harnesses, and other equipment, and maintained fountains and watering stations.

If there was any single arena in which animal protectionists would have wished to see horses relieved from their burden of service, it was that of urban mass transit. Human invention, once it turned to the task, quickly demonstrated the potential for dramatic reduction in the sum total of equine misery. Compassion was an important motivation for the prime movers and sponsors of new systems of transportation. The earliest

¹ ASPCA, Ann. R. 1881; and MSPCA, Ann. R. 1878. I conducted this analysis of humane society statistics with Dr. Philip M. Teigen, who used them in "Counting Urban Horses," presented to the Colloquium on Domestic Animals in American History and Culture, National Library of Medicine, Bethesda, MD, Nov. 9, 2001.
promoters of railroads and steamships sometimes emphasized the relief of horses from suffering as part of their case. Later in the nineteenth century, Andrew S. Hallidie (1836-1900), inventor of the cable car, revealed that the sight of horses struggling to draw their cars up the steep hills of San Francisco during the 1860s and 1870s inspired him to seek an alternative.  

The periodic epizootics of the nineteenth century were significant in setting scientific ingenuity to work. The 1872 epizootic—the worst ever—spurred interest and experiments centering on mechanical traction. An equine population so vulnerable and easily devastated by disease could not be relied upon to meet the demands of an expanding industrial economy. Health and sanitary concerns provided compelling incentives, too. Congested streets, crowded streetcars, shoddy paving, stench, dirt, manure pits, and the occasional human death from animal-borne disease marked the increasing unsuitability of the horse to the urban environment. It also led many citizens to contemplate a world without reliance upon horse-drawn transportation.  

The key shifts began in the 1890s as horsecars gave way to electrically powered vehicles. When electric traction with underground wiring appeared, it spelled the end of

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the horsecar era. "The wretched suffering of the street car horse is about ended," John G. Shortall told the 1899 American Humane Association (AHA) conference. Along with steam power, the traction system, and electricity, the bicycle too wrought its impact. Professionals and workmen alike took to the wheel to move themselves about. Within a few years of Henry Bergh's death in 1888, the horsecars he had labored to regulate had all but disappeared, and the occasional horsecar became an anachronistic sight. Between 1889 and 1894, the Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA) recorded a 20 percent decline in workload due to the advent of traction and the electric trolley, and PSPCA officials looked forward to the opportunity to direct their attention to other, previously neglected, horse-related cruelties.

Like other Americans, animal protectionists sometimes anticipated the development of a "horseless carriage." But few in the 1890s could have imagined the dramatic impact of the internal combustion engine on the fortunes of the horse. As the automobile and then the motor truck went into mass production, the potential for replacement became obvious. By 1910, the demise of equine labor as a factor in the

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American economy had accelerated beyond what even the most optimistic and forward-thinking humane advocates could have hoped.

Although regional variations could be significant, from 1900 to 1910 the horse and mule population of urban cities fell from 426 per square mile to 300, a thirty percent decrease. From 1910 to 1920, it fell further to 100 per square mile, a sixty-seven percent decrease. In the Northeast, where some of the most active humane societies operated, equine population density fell by fifty-nine percent in the latter decade, to 154 per square mile.⁷

Helping the Horse

One of the arenas into which animal protectionists expanded their activity at the turn of the century was the regulation and suppression of the traffic in broken-down and unfit animals. Humane societies did their best to educate horse buyers about the “skinners’” market. There, animals who had seen better days were bought, sold, and bartered into still more woeful circumstances, and opportunistic con men took advantage of less knowledgeable citizens.⁸ Typically, this commerce exploited recent immigrants, too poor or uneducated to purchase better animals for use in drawing carts and wagons, and other work. “Horse-sharpers” took advantage of such buyers at the auction stables, using arsenic, laudanum, and other drugs to mask the animals’ deficiencies until after they had been sold. Wily dealers also sold diseased and infected animals to unsuspecting

⁷ Teigen, “Counting Urban Horses.”

buyers. These transactions joined together dishonesty and cruelty, and proved difficult to curb, although animal protection organizations did their best to station agents at the markets on sale days. For many years, humane societies could only intervene against people they found using worn-out horses, lacking legal authority to punish the true offenders—the dealers who had sold the animals.9

Dealers were not the only parties responsible for the problem, however. All citizens who parted with old horses for a few dollars or for mere convenience condemned those animals to a life of misery as they passed downward in the equine economy. If people could be made to realize their obligations to care for superannuated animals or to administer a quick and painless death, advocates believed, the misery of the decrepit horse traffic would disappear. Animal protectionists asked owners who lacked sufficient funds to pension out their horses for their remaining years to spend the money to destroy them. They chided those citizens who chose instead to accept some meager sum that guaranteed the animals’ continuing misery.10

In a few states and communities, animal protectionists succeeded in gaining legislation to protect horses and consumers. In May 1909, for instance, Pennsylvania humane organizations succeeded in closing the legal loophole through which sick and crippled animals could be sold if not worked. Measures to hold owners and auctioneers

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liable also passed in a few other states. It was not normally possible for anti-cruelty groups to condemn an animal to death without the owner's consent. In a very few cases, societies for the prevention of cruelty were authorized to condemn animals outright and kill them. Frequently, however, the organizations took another route, purchasing unfit and suffering animals in order to euthanize them. Under the decrepit horse laws, SPCA agents secured the right to arrest those found leading horses to sales stables while the animals were suffering from lameness or other painful conditions. They also gained greater authority to condemn animals at the horse bazaars, where those no longer considered useful or worthy of feeding often ended up. Since the last owner was liable to arrest, he was usually willing to relinquish the animal.11

Another one of the areas into which the humane societies extended their vigilance was the treatment of horses and mules at excavation and other work sites. Animal protectionists watched for cruelty and neglect of animals at stockyards, train depots, and steamboat landings, along the wharves, and in poultry and cattle slaughtering districts.12 In addition, humane organizations had more time to investigate the all too prevalent practice of poisoning horses and mules, often undertaken by rivals in a number of businesses and trades in attempts to hinder competition.13 It even became feasible to


secure state legislation that improved the lot of laboring horses. In the spring of 1913, Philadelphia humanitarians celebrated the passage of a law limiting the equine workday to fifteen hours.14

Despite such gains, as long as horses were used, they were going to be abused. In 1909, agents of the Women’s Pennsylvania Society for the Prevention of Cruelty to Animals (WPSPCA) raided a construction site in Bucks County, Pennsylvania, where horses unfit for service were being forced to labor in the worst possible circumstances, without veterinary attention. The WPSPCA arrested and successfully prosecuted the contractor on the charge of working twenty-five disabled horses. In 1912, in Chicago, the Anti-Cruelty Society successfully halted the work of teams hauling snow from the city loop to the lake for dumping, after three horses were killed (two from drowning) and a number of others injured as they fell down embankments.15

The Workhorse Parade

The shift from prosecution of cruelty to horses toward prevention resulted in the creation of an important public ritual, the workhorse parade. The parade promoted pragmatic concern for animals within the framework of a heartwarming spectacle. Henry Merwin, a Boston journalist and author, introduced the idea to the United States in 1903,
and led efforts to nationalize these unusual cavalcades. In the years prior to World War I, the workhorse parade became a favored initiative of humane societies around the country, and the Boston event gained many imitators. From the perspective of advocates, it was educational and not simply a public spectacle, its objects being improved welfare and greater public awareness of the workhorse in daily affairs. Animal protectionists also believed that the parades would spur businesses and peddlers alike to reflect upon the degree to which the public judged them by the condition of the horses in their charge.

In a larger city like Boston, Philadelphia, or New York, the parade was an elaborate affair. It often took place on either Memorial Day or Labor Day, although in every community the date had to be set with due regard for the feelings of union men or members of the Grand Army of the Republic. Organizers recruited among those classes of workers—like hucksters, barrel-rack men, and expressmen—most likely to employ neglected or abused horses, enticing them with prizes of cash, medallions, and favorable publicity. The judges included veterinary surgeons who examined the animals for lameness and other conditions. Animals formerly run down through abuse or neglect occupied a special category—the Reconstructed Class.


At their height between 1910 and 1914, the big city parades included between 1,200 and 1,800 horses annually, with 300 to 500 companies represented. Lame, sick, galled, and dock-tailed animals were of course excluded. Age counted in a horse's favor. An old horse was one in active service who had worked ten or more years for a current owner. Drivers were also recognized for long tenure and for good animal care.\(^\text{19}\)

Merwin's Boston Work Horse Association (BWHA) had no endowment, but it benefited from important individual and institutional support. Over time, the BWHA took office space and extended its work, even cooperating with the Animal Rescue League to open a small hospital for horses in 1913. During the hottest days of summer, the organization maintained equine showering stations. In addition, the BWHA distributed guidelines for ensuring the quality of animals purchased from reputable dealers, and provided suggestions for the general care, feeding, and management of horses.\(^\text{20}\)

The BWHA also celebrated model stable arrangements, distributing information about well-managed facilities and the treatment and care of horses, and honoring the best managed ones. For decades, humane advocates had promoted improved construction and adequate fire protection in horse stables, where sudden conflagrations could precipitate


the most horrible animal deaths. Finally, in 1917, the state of Massachusetts required installation of automatic sprinklers or a second runway in any livery or boarding stable housing animals above the first floor.²¹

There were other events geared toward the equine work force. On occasion, humane groups worked together with teamsters to promote equine welfare. In 1912, collaboration between the WPSPCA and the Team Owners' National Convention resulted in “Horse Tag Day,” a national campaign in support of which sympathizers sold decorative trifles to be worn by working animals. The funds received were turned over to local humane societies.²²

In Boston, one of the most beloved annual rituals was the MSPCA’s celebration of Christmas, a tradition that commenced in 1916. In most years, this took place in Post Office Square at the Angell Memorial Fountain, where many of the city’s workhorses took refreshment. MSPCA employees placed a tree on top of the fountain and decorated it with treats such as apples, carrots, and ears of corn. Every participating horse received four quarts of oats, some apples and carrots, and several ears of corn; in 1916, over 1,000 animals were served. “It does the horses good,” Francis Rowley commented, “but they do not remember the food; it is only a meal to them. The real value of this is to bring home to people the idea of caring for the animals.” Animal organizations in other cities


picked up on the custom. Others observed variations on the event that brought team owners and their horses to the animal society’s headquarters, or saw agents visit stables where the animals were housed. Both of these approaches provided opportunities for quick visual inspections of the horses’ health and surroundings. 23

Equine Sanctuaries

The early twentieth century also saw the coalescence of another cherished initiative of the humane societies—the horse sanctuary. Early in the history of organized animal protection, the hard burdens that characterized the lives of many urban horses spurred interest in the establishment of equine havens where they might recuperate from their labors. In 1873, recognizing the hard lives of “the poor railway horses,” the Philadelphia Record proposed that such animals be sent to the country for three weeks of rest in pasture per year, on the assumption that both horses and men would benefit. As early as 1868, Henry Bergh told a reporter of his desire to organize a “retreat, asylum, or hospital” for worn-out and unwanted horses. At his country home near Lake Mahopec, Bergh kept a stable of broken-down equines rescued from the streets of New York City. 24

Bergh’s operation was an informal one, and limited funds and unlimited burdens of work kept organizations like his from making the establishment of such sanctuaries a priority. The first formally organized horse refuge was founded in 1889 in Philadelphia


through a $70,000 bequest from Annie Waln Ryerss, who had been helping animals since the 1850s. While originally intended to assist the worn-out workhorses of the city, the Ryerss Infirmary quickly became subject to pressure from wealthy citizens who importuned the management to grant them priority of place for pensioning out old favorites. Eventually, a certain number of stalls were set aside for charity cases, including the rest and recuperation of urban workhorses. A few years later, the WPSPCA launched a campaign to fund a second rest haven in the Philadelphia vicinity.\textsuperscript{25}

In Massachusetts, a similar project had its origins in 1883 when MSPCA supporter Nathan Appleton offered land for an animal rest haven. Some years later, Ellen Gifford, a major benefactress, donated $20,000 to build a proper facility, and assumed responsibility for its operating expenses. Gifford's estate provided over $100,000 for humane causes, a substantial portion of it dedicated to what came to be known as the Methuen home. In 1899, when Anna Harris Smith founded Boston's Animal Rescue League, she envisioned a country annex for horses. Eight years later, the Pine Ridge farm opened at Dedham. By then, Harriet Bird, another Massachusetts advocate, had opened Red Acre Farm, a similar facility.\textsuperscript{26}

In subsequent years, a handful of societies across the country set aside deeded or purchased land for the same purpose. Their success usually depended on the development of an endowment or other means for self-sufficiency, including the


\textsuperscript{26} "Ellen M. Gifford," \textit{ODA} 22 (Oct. 1889), 54; "Donation of Mrs. Ellen M. Gifford," \textit{ODA} 22 (Nov. 1889), 68; and "[Red Acre] Home of Rest," \textit{JOZ} 14 (Nov. 1905), 128.
The establishment of such sanctuaries made possible another humane innovation—the horse vacation. Under this arrangement, promoted in the early 1900s by Cora Dow, owner of a Cincinnati drug store syndicate, individuals and companies that owned working animals in the city could place them for a few weeks a year in an equine haven for rest, treatment, fresh air, and extra nourishment. Advocates believed that the vacation would provide animals with a break from the tedium and ailments of their labor, better fit them for continued service, and sensitize their owners to the need for enhanced overall care. Anna Harris Smith thought this the right use of such facilities, arguing that long years of repose for a select few pensioners did not justify “shutting out weary laborers that might be greatly helped by even a few weeks of rest.” The working men who brought their horses to the Animal Rescue League’s home, she insisted, were “grateful, and anxious to keep their horses in the improved condition the animals are in when we send them back.”

Support for rest and retirement schemes received a boost when journalist Jacob Riis deplored the fate of horses sold off by the city after years of service: “When a fireman grows old, he is retired on half-pay for the rest of his days,” Riis wrote. “When a horse that has run with the heavy engines to fires by night and by day for perhaps ten or fifteen years is worn out, it is—sold, to a huckster, perhaps, or a contractor, to slave for

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27 “Rest Farms for Horses,” NHR 1 (Dec. 1913), 270-72; “A Model Rest Farm for Horses,” NHR 2 (Sept. 1914), 201; Sydney H. Coleman, “Rest Farm for Horses a Practical Charity,” NHR 7 (May 1919), 86-87; and idem, Humane Society Leaders in America (Albany: AHA, 1924), 216-18.

him until it is fit only for the bone-yard.” Any animal who served so faithfully, Riis continued, deserved “the grateful reward of a quiet farm, a full crib, and a green pasture to the end of its days. The idea did catch on with the United States Postal Service, which had frequently been attacked for alleged mistreatment and neglect of horses in its employ. Even as the agency’s reliance on horses began to dwindle, postal officials decided to reward equine civil servants an annual vacation of thirty days’ rest in a pasture some miles outside the capitol.30

The Fountain Movement

One of the humane movement’s most important contributions to equine welfare involved the construction and maintenance of public fountains and water sources. In the early twentieth century, health authorities, citing the risks associated with fountain use, frustrated humane societies’ efforts to provide water to horses. Nevertheless, determined to serve both horses and those who employed them, animal protectionists fought hard to keep the fountains in operation, and, when they could not, spared no expense in developing alternative arrangements.

The provision of water through fountains and other devices had been a preoccupation of all the early humane societies, especially in July and August when excessive heat caused severe suffering and high mortality. In Philadelphia, during the

29 Jacob A. Riis, “Heroes Who Fight Fire,” Century Magazine 60 (February 1898), 497. Riis would likely have approved the public outrage that attended the butchering of superannuated Chicago fire horses fed to zoo animals in the late 1920s. See “Charges Fire Horses Fed Lions, Dogs: Two City Officials Suspended in Probe,” Evening Express, 8 Feb. 1929, PBC-TJUA.

1860s, between fifteen and twenty horses died daily from heat exhaustion. Four decades later, in the early days of July 1901, the heat continued to take its toll on the city’s equine population, as over 100 horses died during one 24-hour period. Humane workers assisted authorities with the distribution of wet sponges and horse bonnets to people who worked with horses, and also with the removal of dead animals. In New York City, during the same 1901 hot spell, the ASPCA gave free baths to horses in front of its headquarters and outside its ambulance house, serving over three thousand animals at each location. The organization also provided straw hats that offered the horses protection from the hot sun.

Henry Bergh’s ASPCA made the erection of fountains an important early priority. The first one installed under ASPCA auspices, on June 22, 1867, stood at the lower end of Union Square. The fountains, made of cast iron, provided cups for people, as well as troughs for horses and dogs. The ASPCA’s second annual report (1868) related that ten “useful and ornamental structures” were in place. “The utility, both in a moral and material point of view,” the report noted, “has been made apparent by the record of three hours during one day in August of last year. . . . [At] the fountain on the south end of the


City Hall Park, 850 men, women, and children, 80 horses, and ten dogs partook of the water.”

Like most of the ASPCA’s pioneering measures, the fountain-building idea took hold elsewhere. In 1869, twenty-six leading Philadelphians, most already active with the PSPCA, incorporated the Philadelphia Fountain Society. Before long, it had erected 31 fountains and troughs, and claimed to have reduced both intemperance and the death of horses from heat exhaustion. Another fountain society formed in Wilmington, Delaware in 1870, and quickly erected fifteen drinking fountains.

The establishment of fountains brought the humane societies into cooperation and conflict with local governments. Before the formation of the MSPCA, there was not a single drinking fountain for horses in Boston. Once the fountains were in place, however, municipal authorities tended to discount humane opinion in making decisions about them. In July 1871, the MSPCA complained to Boston authorities that only a few of the fountains it had helped to erect were in use. The water board had arbitrarily shut down a number of fountains because of water shortages and the perception that they were wasteful. Such decrees ultimately led to design innovations that conserved water. By the spring of 1872, the Massachusetts legislature had placed the responsibility for establishing and maintaining public drinking troughs, wells, and fountains with the selectmen of every municipality. George Angell and other editorialists encouraged


34 “Drinking Troughs and Fountains,” 222; and “Fountains,” ODA 6 (Apr. 1874), 95. On the fountain movement’s origins, see “Evolution of the Horse Drinking Fountain,” NHR 1 (July 1913), 150-51.
citizens to agitate for the construction of fountains, troughs, and water pumps in strategically situated locations in their communities.\textsuperscript{35}

The SPCA-sponsored water sources ranged in style from simple wooden troughs to the more elaborate bronze or granite fountains characteristic of the central squares in larger cities and towns. Several basic models became popular. By 1910, in Philadelphia, the WPSPCA was responsible for maintaining twenty-two fountains—all but two of them granite—and 716 troughs—413 of wood, 242 of iron, and 61 of stone.\textsuperscript{36}

In many metropolitan areas, the municipal art commission was a frequent impediment to the erection of fountains for horses and dogs, interfering with practical and inexpensive solutions to the provision of water by insisting on more costly and aesthetically pleasing designs. To meet this obstacle, Henry Bergh studied examples of European fountains with the aim of appropriating some of their architectural splendor. In New York, the Art Commission commonly rejected the less expensive and more functional fountains, and the city relegated cheaper troughs made of cast iron to commercial districts, prohibiting their placement upon public property. Eventually, an ASPCA competition resulted in the approval of three new designs by the Art

\textsuperscript{35} "Why are Not the Street Fountains All Open?" ODA 4 (July 1871), 116; "New Law on Drinking Troughs," ODA 5 (July 1872), 220; "Watering Troughs," ODA 6 (Dec. 1873), 58; "Drinking Troughs," ODA 6 (Apr. 1874), 93; "New Laws of Massachusetts and New York in Relation to Glanders," ODA 10 (Apr. 1878), 87; "Drinking Troughs and Pumps," ODA 6 (July 1893), 13; and "Cruelty to Animals," Boston Transcript, 5 Feb. 1886, 1.

Commission. Even so, however, the ASPCA continued to meet opposition from the Water Department, which objected to the amount of water wasted at the fountains.37

The erection of fountains in memory of deceased individuals was a popular tradition, making it possible to honor those who had cared for animals with a material contribution to animal welfare. Thus, at a cost of $1,000, Caroline Phelps Stokes endowed a public drinking fountain in memory of Anna Sewell in Ansonia, Connecticut. Sponsorship of less expensive models was possible for those of moderate means. ASPCA annual reports routinely included a photograph of a standard model—fitted for horse, dog, and humans—that donors could sponsor for the sum of $250.38

Quite often, too, the movement to construct drinking fountains relied on major bequests. Angell used a legacy from mental health pioneer Dorothea Dix, and a portion of the sum left by Ellen Gifford, to erect major fountains in their names. After receiving a $100,000 bequest from Arioch Wentworth, Angell applied the money to the establishment of troughs emblazoned with the slogan “Blessed are the Merciful” in small towns throughout Massachusetts. In the early 1900s, many humane societies commissioned “Ensign fountains,” in honor of Hermon Lee Ensign, who upon his death in 1899 had bequeathed considerable funds for their erection nationwide.39

37 George T. Angell, “Drinking Fountains for Horses,” ODA 41 (Nov. 1908), 82; and McCrea, Humane Movement, 78-79.

38 “In Memory of Anna Sewell,” ODA 24 (Dec. 1891), 79; and “Memorial Fountain,” ODA 6 (May 1874), 99.

Henry Bergh and George Angell were both memorialized with fountains. The admiring P. T. Barnum paid for one honoring Bergh in Bridgeport, Connecticut, and, in May 1891, the Wisconsin Humane Society erected a more impressive fountain dedicated to him in Milwaukee. It was an imposing granite work, 95 feet in circumference, with an eight-foot statue of Bergh stroking the head of a bandaged dog. After Angell's death in 1909, Boston schoolchildren contributed $800 toward the erection of a fountain in the MSPCA president's memory. The City Council appropriated an additional $2,000 toward the costs and the Angell Memorial Fountain went up in Post Office Square, where it replaced an older installation at which hundreds of horses took water every day.  

The decision of municipal authorities to close water fountains during winter was another impediment. This was the firm policy of the Boston City Water Board before 1884, because the problems created by freezing and overflowing apparently increased both costs and the potential of liability for damages. Emily Appleton and her husband William endowed thirteen of the city's fountains and then offered to pay for modifications and attendants in order to keep the city free from all damages and expenses. Initially, three fountains remained open on this basis, and in 1886 fifteen were managed in the same way. However, Angell wanted all of Boston's fountains open in winter. He stationed a man at the Dorothea Dix fountain in mid-December 1888 to count

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the number of horses—583—that drank there during one day, and circulated commentaries commending the late reformer for this contribution to the life of the city.41

The humane society’s constituency in this politics of water supply included the horses of peddlers, junkmen, and other urban laborers. These animals were frequently housed in crude and cramped quarters without connections to water, and public fountains and troughs were their main supply. With the closing of fountains, the improvisation of watering stations became another important objective during the hottest days of summer. This approach, which usually received approval from municipal authorities, involved the filling of pails and tubs with water from fire hydrants. Humane agents and others not only provided water to drink, but also wet the horses down to give them relief. In summer 1907, the ASPCA employed 42 men to perform this service in New York City. In Philadelphia the following year, the WPSPCA maintained twenty such stations from June through September, each serving an average of 100 animals per day. Philadelphia humane advocates also outfitted an automobile for the distribution of water. The vehicle, with a carrying capacity of 150 gallons, held eight buckets for horses and an ice-water cooler to serve drivers. These various expedients often proved expensive, requiring the hiring of extra men and other costs, and the mobilization of volunteers to assure the supply of water stations during those summers where public fountains were declared off-limits.42

41 “To Keep the Fountains for Horses Open All Winter,” ODA 20 (Dec. 1887), 76; “583 Horses,” ODA 21 (Jan. 1889), 88; and “If the Sweet Spirit,” ODA 21 (Apr. 1889), 123.

Ultimately, the greatest threat to the sound operation of the fountain system was glanders, a transmissible disease symptomized by nasal discharge, swollen lymph glands, and ulcers of the respiratory tract and skin. In Massachusetts, between 1861 and 1885, there were at least seventeen human deaths from the disease. Concern over the spread of glanders led to the disappearance of wooden troughs, and to the practice of enameling their iron replacements, so that discharge or residue would be less likely to lodge within them.\textsuperscript{43}

As sponsors and maintainers of numerous horse fountains, the humane societies were inevitably drawn into the public debate over the transmission of disease. The MSPCA was especially active in the struggle to keep fountains open. Conceding the increase of glanders within Boston's horse population since 1909, MSPCA President Francis H. Rowley laid the blame on an unregulated traffic carried on by "utterly disreputable dealers that make our markets the dumping-ground of all the wretched diseased horses they can buy up." Stables and blacksmith shops, too, Rowley noted, had gone unscrutinized as sites for spreading the infection. Rowley consistently argued that the threat from drinking fountains was exaggerated, and pointed to the elimination of glanders in Canada as a model for eradication based on quarantine and destruction of afflicted horses.\textsuperscript{44}

\textsuperscript{43} Massachusetts, Forty-Fifth Report of Births, Marriages, and Deaths for 1886 (1887), 110-11. Philip M. Teigen of the National Library of Medicine provided this reference. Before the formation of the MSPCA, there was no statutory law concerning the transmission of glanders and farcy. "New Laws of Massachusetts and New York in Relation to Glanders," ODA 10 (Apr. 1878), 87; and "Cruelty to Animals," Boston Transcript, 5 Feb. 1886, 1.

\textsuperscript{44} "Fountains and Glanders," ODA 46 (Dec. 1913), 105; and "Glanders," ODA 46 (Jan. 1914), 120.
In New York City, the ASPCA tried to address the problem by keeping a plumber at work inspecting, repairing, and modifying fountains and other sources to satisfy public health concerns. Nevertheless, in 1914, fear of a glanders epidemic led to the shutdown of water troughs throughout the state. The ASPCA, which had invested $100,000 in over 100 troughs, vigorously resisted the shutdown order. When the inevitable closure occurred, however, the ASPCA responded by creating a system of bucket and pail service near all of the conventional fountain sites. In Boston, authorities forced the shutdown of the Angell Memorial Fountain, once touted as epidemic-proof and ultra-hygienic. Rowley attempted to thwart closure by collecting statistics, querying veterinarians, and challenging the evidence that water fountains were vectors of transmission.\textsuperscript{45}

During the same era, Philadelphia humane societies shifted to the bucket system after the Board of Health shut down the city’s drinking troughs. Staff and volunteers supplied thousands of buckets of water daily. In spring 1916, a year after authorities closed them, the horse fountains of Philadelphia reopened under the direct supervision of the WPSPCA. Across the state in Pittsburgh, humanitarians waged a campaign to keep theirs open, submitting testimony from the state veterinarian that none of the 29 reported cases of glanders in two years could be linked to a fountain or trough. Reviewing these developments, Rowley argued that, “where proper inspection of stables, blacksmith shops, and public horse-auction quarters prevails, where suitable quarantine regulations

are observed, and where health departments destroy animals found suffering from the disease, glanders can be reduced to a minimum and no proper drinking fountain closed."

As it turned out, animal protectionists were fighting a losing battle, for the issue became hopelessly bogged down in debates concerning the health risks associated with fountains, troughs, and standing pipes. Along with the advent of motor vehicles, public and veterinary health concerns doomed the fountain movement. Prohibition exerted its impact as well, as saloon troughs, once a point of appeal for bibulous drivers with thirsty horses, closed down along with the taverns that sponsored them. In early 1920, an AHA representative lamented that, in Cincinnati, "all drinking fountains for horses have been done away with. A magnificent granite Ensign fountain, which cost a thousand dollars, has been dismantled and is now filled with soil." The horse fountain, once a vital element in the humane movement's campaigns for equine welfare, had become a monumental symbol of the horse's displacement.

46 "Philadelphia Protects the Horse," NHR 2 (Aug. 1914), 177; "Water Troughs and Glanders," NHR 4 (Apr. 1916), 81; "Horse Fountains and Glanders," ODA 48 (Apr. 1916), 168; and "Only 23,000 Horses in This City Now," Phila. Bulletin, 20 Apr. 1931, PBC-TJUA. Anxieties concerning disease led to the proliferation of innovative design strategies. One result was the Jenks Anti-Germ Individual Cup fountain. In some communities, more naturalistic designs that employed hollowed-out rock basins appeared. These were fitted with inlet pipes linked to municipal mains and exit pipes leading to the sewer system, ensuring higher levels of sanitation. See "A Model Fountain," NHR 1 (July 1913), 159; "New Fountains for Horses," ODA 46 (Nov. 1913), 89; and Chester W. Shafer, "Rock-Fountains for Animals," ODA 48 (Sept. 1915), 76.

The Red Star Campaign

There was one arena—the World War I battlefield—in which the humane movement not only celebrated the continuing use of the horse but acceded to the necessity of animal suffering. The war was the last historical moment in which the horse played an absolutely essential role as a motive labor force. During the conflict, the AHA launched the American Red Star Animal Relief (Red Star), an initiative devoted to the care and handling of horses destined for use by the American Expeditionary Force.

There was more to the Red Star than the practical relief of animals in wartime. It also involved a hugely symbolic romanticization of the horse. In humane advocates’ enthusiastic support of the war, the concept of equine service loomed large. The campaign cast the animal not so much as a dependent in need of protection as an active agent making a sacrifice for the nation. Humanitarians expressed their own loyalty to the state by celebrating the American horse as an emblem and surrogate. The discourse of patriotic service reflected their hope that, by contributing to war effort, the horse would earn the right to better treatment for all animals in the postwar era.48

While the decision to introduce a national campaign for military horse relief was not inevitable, the humane movement’s wartime focus on army animals was understandable in the context of the larger pattern by which so many philanthropic reforms were redirected to the war effort. Besides, American humanitarians could not help but be aware of their European counterparts’ preoccupation with the horse’s role in

48 After the war, nostalgic narratives of equine military service took their place alongside more conventional paeans to the horse. “The Horse at the Front,” NHR 7 (Sept. 1919), 175; H. H. Jacobs, “Let Us Pay Our Debt!” Open Door 8 (Apr. 1919), 11; “Asks Help for Horses,” N. Y. Times, 18 May 1919, 1; “Man’s Debt to the Horse,” and “Eulogy on the Horse Contest,” NHR 12 (July 1924), 127; and “Lest We Forget,” NHR 16 (Jan. 1928), 15.
the conflict, and they endorsed the work of English and European horse relief organizations. 49

Before the United States entered the war, when the issue of exports to the warring nations surfaced, animal protectionists strenuously opposed any shipment of American animals. Several organizations even asked President Wilson to declare their transfer illegal under the neutrality laws then in force. 50 Notwithstanding, in May 1917, when AHA president William Stillman announced the formation of the Red Star, most of those who had questioned the sale of animals shifted to a position of enthusiastic support for their use. The Red Star campaign, modeled after the Red Cross and several British and European military animal relief charities, aimed to assist the government in all aspects of procurement and animal welfare. After America joined the conflict in August 1917, the Red Star campaign captured the attention and energy of virtually all of the major anti-cruelty societies. The SPCAs devoted themselves to raising money for veterinary medical relief, and celebrated the animal as an agent in the war. 51 Through their participation in a campaign of patriotic unity, they sought to validate the claims of animals upon human beings. Animal protectionists supported the war and the use of


equine labor on the battlefield even though it meant terrible death for tens of thousands of horses. 52

"The Horse Still King"

The dawn of the automobile age generated a steady flow of stories about the horse's replacement. The pensioning off of workhorses was a particular focus of nostalgic reportage. 53 At the same time, nostalgic reactions to the disappearance of the horse were accompanied by a deep-seated reluctance to admit the possibility of his ultimate extinction as a labor factor. Humane publications frequently printed articles concerning the durability of the horse as a factor in American life. Such accounts reviewed the census figures reporting the total number and value of horses, mules, and colts working in the United States, or emphasized continued reliance on horses for labor and transportation in a variety of sectors, including freight and transfer work, delivery service, the construction trade, and agriculture. 54


For a time, the horse did remain economically competitive with or even superior to the car or truck. While the truck quickly proved economical for hauling over longer distances, the horse team retained its appeal for urban delivery routes with their frequent stops and shorter distances. Supporters of equine labor made a comparable case for the horse's projected longevity as a farm laborer, citing the many factors that would retard adoption of the tractor in agricultural contexts. These included the difficulties of securing service, repairs, and reasonably priced gas and oil. Even humane advocates who were enthusiastic about the motor vehicle believed that there were a few things horses could do that the automobile could not.\(^5\)

A number of breeders' and trade organizations with a stake in continued use of the horse—like the American Draft Horse Association and the Horse Publicity Association of America—waged active campaigns to emphasize the importance of the horse in commerce. In 1919, Wayne Dinsmore of the Percheron Society, arguing that there was a “limit of profitable replacement,” predicted a balancing of trucks vs. teams based on the fact that the horse would remain a significant factor in short-haul traffic. Another booster of the horse used a 1920 snowstorm as impetus for a story highlighting the hidden advantages of equine labor over motor transport. For a time, at least, teaming contractors in major metropolitan areas could point to a few colleagues who had gone

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broke after making the shift to automobile and truck delivery. Certain delivery trades, like those attached to bakery and milk production, maintained horses even longer into the twentieth century. While humane journals frequently published items concerning the horse's enduring presence, Francis Rowley emphasized that this was not so much because animal protection organizations "would rather see the overworked and tired horse on the street than the auto-truck." It was simply an acknowledgement that the horse would remain practical and economical as a factor in the transportation industry, and that "a good horse doing a good day's work is no more to be pitied than a man doing his."

To the critics who suggested that the anti-cruelty society's day was done, Rowley pointed out that there were not only many horses still in need, but numerous other animals whose circumstances required the attention of the humane societies as well.

Not every humane advocate endorsed efforts to increase and encourage the use of the horse. While one ASPCA author acknowledged a "sentimental regret at the passing of the magnificent carriage horse," he noted further that the lot of the horse was not always a pleasant one. Another animal protectionist, Robert Logan, wrote

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57 "The Horse and the Massachusetts SPCA," ODA 52 (Jan. 1920), 115; "The Horse Not Going," ODA 54 (July 1921), 24; and "Not Going Out of Business," ODA 56 (Nov. 1923), 83.
the passing of the horse seems to us an unmitigated blessing. . . . The hard pavements, the foul air, the crowded stables, the endless rumble of the wheels is but a hell on earth for horses, to say nothing of the killing days of summer and the falls and icy tortures of the winter. Every horse off the street should be a load off the heart of the true humanitarian, and we believe only those of hasty judgment could wish to see again the hollow flanks, the hanging heads, the lack-luster eyes that used to be so common. 58

Mary Lovell reacted with similar disapprobation to the movement to preserve and promote the horse as a factor in the transportation economy. “Very few horses are well treated during the course of their lives,” Lovell noted. “[C]omparatively few provide for their horses when they are no longer up to the requirements of their work. . . . The fewer the horses the less the sum of suffering.” 59

Conclusion

What Henry Bergh began, Henry Ford finished. The steady adoption of motor vehicles and other means of conveyance and transportation dramatically reduced reliance on equine labor. The decline in horse usage, especially in urban mass transit, made it possible for humane groups to extend their efforts on behalf of horses and other animals. Humane advocates focused on the sale, transfer, and disposition of worn-out and superannuated horses and mules. Cruelty enforcement concerning horses remained a high priority, centering on immigrant street peddlers and delivery workers in the major urban centers. Animal protectionists battled to keep fountains and other water sources open for the use of urban equines.


The gradual elimination of the horse as a motive labor force was a pivotal juncture for a movement whose work and identity had largely been based on the concept of sympathy for the suffering equine. The movement contended with this shift by celebrating the horse as a symbol of nobility and faithful service. During the first decade of the century, a movement to promote equine welfare through public rituals gathered momentum, even as the horse began to disappear. Humane societies sponsored workhorse parades, Christmas events, and other functions to encourage kindness, discipline, and veterinary knowledge among the working class populations who still used animals for delivery, transport, and other labor.

Despite the ostensible quaintness of such events, animal protectionists did not retreat into nostalgic retrospection and ceremony. They embraced the motor vehicle, adopting it widely for their own ambulance work between 1912 and 1916. Moreover, the ongoing process of replacement notwithstanding, hundreds of thousands of working horses carried on their labor in cities and towns across America. Decades into the twentieth century, horses were still hauling loads of lumber, stone, milk cans, coal, and perishable goods. For as long as they remained on the streets, horses continued to benefit from the determined assistance of humane advocates. After 1920, when the automobile had firmly established itself, the humane movement remained vigilant concerning

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61 In Rochester, investigations of cruelty to horses peaked at about 1000 cases annually by the eve of World War I. Still, as late as 1939, the local humane society was reporting about 300 horse investigations per year. Joseph W. Barnes, "Friend of Every Friendless Beast," Rochester History 25 (Oct. 1973): 19-20.
cruelties affecting horses, even as other animals began to receive more attention. Investigations and exposés of cruelty to horses in the cinema, in entertainment, in military usage, and in logging and mining camps continued to receive attention in the movement’s publications. But the movement also began to change its priorities, and humane societies shifted their attention to municipal animal control, the most troubling and visible challenge in most communities once the horse began to disappear. The passing of the horse thus marked a moment of transition, reckoning, and reinvention.

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Even as the horse began to pass from the city’s streets, the dog and cat proliferated. In fact, their numbers exploded during the late nineteenth and early twentieth centuries, as pet keeping increased along with the expanding human population, and stray animals multiplied through abandonment and unchecked reproduction. While the popularity of pet keeping generated a pressing need for enhanced veterinary care services, abandonment contributed to the immiseration and protracted suffering of animals on the streets. In response, humane societies shifted their focus away from work involving the horse and other laboring or producing animals whose interests they had guarded during their first half-century of activity. Instead, they directed their attention and energies toward the challenges posed by the stray dog and cat population, and the acute need for companion animal veterinary care in their communities.

From Municipal Pound to Humane Shelter

The example of the animal shelter formed by the Women’s Branch of the Pennsylvania Society for the Prevention of Cruelty to Animals (WPSPCA) in Philadelphia loomed large. During the quarter century that followed the formation of the dog shelter in Philadelphia, advocates in many other communities adopted the same approach, attempting to reform, and in some cases to assume responsibility for, local
animal control work in their communities. Humanitarians in every city concluded that municipal pounds were grim, dreadful places, usually maintained by uncaring and sometimes corrupt workers, and believed that they could do a better job. They had the same low opinion of dogcatching methods.¹

One measure of the WPSPCA's success in handling animal overpopulation lay in the statistics of death. Between 1874 and 1882, the WPSPCA destroyed 30,000 animals.² By 1892, shelter managers killed an average of 3,900 dogs each year. In 1900, they put down over 5,700. By 1911, a reporter estimated that the Philadelphia society had disposed of 100,000 dogs in four decades. In 1919, the annual death total for dogs in the WPSPCA's "charcoal vault" exceeded 8,000.³

Death, of course, was not the whole story. The WPSPCA had also created efficient and systematic approaches for the capture and disposal of stray dogs. The dogcatchers' wagon was divided into compartments that allowed for the separation of large, small, male, and female dogs, and nets had replaced lassoes as a means of capture. The pound kennels contained such features as indoor and outdoor areas, heated sections, 


running water and proper drainage, and platforms for bedding. Sanitary precautions were taken with equipment and utensils, and a regular cleaning and disinfecting of critical areas was standard.  

Independently incorporated in 1899, the WPSPCA faced two serious challenges in the next decade. Since 1870, the year that the Women’s Branch took over animal control functions in Philadelphia, the organization had occupied the same site, leased from the city at low cost, and undertaken a number of building projects. In 1900, with property values rising in the neighborhood, the city reclaimed the land on which the WPSPCA shelter and related structures stood. After negotiation the city permitted the shelter to remain, but White had to raise money to reconstruct the facility to accommodate the cutting of two new streets that transected the property. Then, five years later, in June 1906, the city ordered the WPSPCA to vacate the land altogether. White had been expecting this setback for some time, as development had driven up real estate values. Now she determined that the WPSPCA would own the land upon which it built its next shelter. Seeking a location where the dogs would not disturb their neighbors, White found suitable land in the city’s Nicetown section. She hired a builder to construct an up-to-date pound and shelter operation; together, purchase and construction costs amounted to $16,000.  

Not all animal protectionists could marshal the resources that the WPSPCA did. Moreover, in some places, humane advocates were unable or unwilling to assume

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5 “Report of the President of the WPSPCA,” JOZ 10 (Feb. 1901), 17; Caroline Earle White, “A Severe Blow,” JOZ 16 (July 1907), 80-81; and “Salve Lectores,” JOZ 17 (Jan. 1908), 7.
responsibility for municipal animal control, and, as a result, reform was slow in coming.
In 1885, at the District of Columbia pound, the humane agent killed 3,000 dogs by
shooting. In 1891, over fifteen years after the Women’s Branch in Philadelphia had
begun to use gas for euthanasia, the pound in Pittsburgh was still drowning 25 dogs at a
time in a large cage that the poundmaster lowered into a tank full of water. In 1913,
Alabama humanitarians were still struggling to prevent Birmingham dogcatchers from
using a brutal wire noose.6

It was not only in smaller communities that crude animal control practices
persisted. In New York City, change was also slow to come. There, the municipal
government retained control of the pound into the mid-1890s, and a steady flow of
unpleasant stories about dog roundups, rabies, stolen animals, brutal dogcatchers, and
canine death appeared in the city’s newspapers. Henry Bergh criticized many aspects of
city policy, but he refused to let the American Society for the Prevention of Cruelty to
Animals (ASPCA) become involved with the work of rounding up animals. The issue
haunted his 22-year career, however, usually surfacing every summer as the threat of
rabies supposedly increased.

In 1866, the year that Bergh formed the ASPCA, New York authorities dealt with
the surplus canine population and the perceived rabies menace by allocating $5,000 for a
roundup, setting a bounty of fifty cents per dog. This sum supported a small army of

6 “Reports from Kindred Societies,” Our Dumb Animals (hereafter ODA) 18 (June 1886), 216;
Undated article (1891), Pittsburgh Dispatch, in Women’s Pennsylvania Society for the Prevention of
Cruelty to Animals SBK, Women’s Pennsylvania Society for the Prevention of Cruelty to Animals Papers,
Historical Society of Pennsylvania, Philadelphia, PA [WFSPCA-HSP, SBK]; and “Brutal Dog Catching,”
NHR 1 (Sept. 1913), 210.
boys and men, who turned collection into a business, going so far as to stockpile and even to breed animals in anticipation of the roundup season’s mid-June opening. Dog brokers stimulated the trade, standing outside the gates of the pound, buying up as many dogs as they could get. Frequently, the sellers were young boys who elected to accept ten to forty cents a dog, rather than take the poundkeeper’s check for fifty cents, which they could only redeem at a municipal office located elsewhere.  

As the roundup rendered dogs ever scarcer in New York City, youthful entrepreneurs and unscrupulous adults invaded neighboring communities to gather animals. As one commentator noted, “The boys who are in the business are ever on the lookout, and woe to any dog running loose in the street.” No dog was safe, as the boys did not, “by any means, always respect the sanctity of private enclosures, but will watch their opportunity and enter a yard or even a house, and untie and carry off their coveted prey.”

Anxious pet owners had until 4 p.m. of the following day to reclaim animals. However, an owner could only reclaim an animal upon payment of a fee, and, quite often, he might arrive too late, his dog redeemed by another party seeking a pet. Anyone taking an animal away from the pound had to be wary of the boys, too, for they might “mark” his animal companion for subsequent theft. This threatening possibility gave rise to an

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urban legend in which a man was said to have paid protection money to ensure that his
dog would not be taken during the season.9

By employing arguments about the rarity of rabies and the inefficiency of the
summertime roundup, Bergh succeeded in limiting or stopping the canine bounty hunt
altogether in some years. In 1868, the ASPCA persuaded Mayor John T. Hoffman to
halve the reward to 25 cents, and to forbid persons under the age of eighteen from
participation. This saved the city money, without increasing confirmed cases of rabies.
Health authorities affirmed some of Bergh’s conclusions, especially the claim that
hydrophobia was no more prevalent in summer than in any other season. Moreover, at
least one subsequent mayor, A. Oakey Hall, preferred to relinquish all responsibility for
policy to the Board of Health, which thought the roundup a superstitious pursuit.10

Rabid or not, however, stray animals remained a nuisance, and some editorialists
still called for their rapid extermination. Bergh could never take the cancellation of the
roundup for granted, and, in some years, he could not convince authorities to call it off.
Bergh sympathized with public distress about the roundup and the pound, and he worked
to mitigate their associated cruelties. Drawing on the Philadelphia example, he promoted

9 “The Dog Pound,” 8. The bounty system, which epitomized the self-defeating tendencies of the
roundup, was a favorite target of cartoonists. In one, “Practical Working of the Dog Law,” a street urchin,
having severed a dog’s muzzle and removed the animal from the leash of her mistress, darts past an
unobservant police officer cum canem auribus. In another, a parody of Landseer, celebrated cartoonist
Thomas Nast convened a dog legislature, which “resolved, that a bribe of 50 cents to small boys to steal
and betray their friendly companions (the dogs) and prepare them for the state prison and the gallows is
brutal and criminal to humanity.” See “Practical Workings of the New Dog Law,” and “Laying Down the

June 1868, 2; “Mr. Bergh and the Dogs,” N. Y. Times, 25 Sept. 1868, 2; “Concerning Dogs,” N. Y. Times,
Times, 14 July 1870, 4; “Dog-Catching and Slaughtering to be Abandoned,” ODA 3 (Aug. 1870), 26; and
such alternatives as scoop nets for gathering animals and the construction of a city facility equipped with carbonic acid gas.\footnote{11}

Above all else, it was the public drowning of the dogs in the river that disturbed many commentators, and, by 1873, New York newspapers were urging the "Philadelphia Plan" upon municipal authorities. One early attempt to employ carbonic acid gas, however, resulted in horrible suffering due to leaks in the apparatus. Animals were left half-dead, gasping for air, and, sometimes, those being taken away for rendering, presumed dead, revived during transport and made desperate efforts to escape. Authorities actually arrested the poundkeeper for cruelty in the wake of the June 1874 scandal triggered by the gas leaks.\footnote{12}

While not volunteering to take over its administration, Bergh regularly remonstrated with officials about the necessity of reform at the pound. In the mid-1870s, he pressured the city into erecting a suitable new facility, as well as the purchase of appropriate wagons for dogcatching. He forced the issue of watering and feeding of the animals there, as attendants often neglected those scheduled to die. ASPCA agents


regularly visited the pound, quibbling with many of its practices. Bergh also made attempts to stop the sale of pound animals to Bellevue Hospital for vivisection.\textsuperscript{13}

New York's dogcatchers, 25 in all by the mid-1870s, could be a rough lot, and they were hard on animals and people. In August 1877, two women filed complaints of assault and battery against dogcatchers, after altercations over the licensure and ownership of their dogs. That same year, Bergh and his agents began to prosecute city dogcatchers for cruelty. By the end of 1880, they had successfully brought charges in 43 cases.\textsuperscript{14}

Bergh drew criticism for declining to interfere with the drowning of unwanted strays once the city returned to that method, however, citing his own experience of near drowning in support of the view that it was "the easiest way out." As early as 1868, and again in 1886, Bergh told a reporter that the use of electricity as a means of euthanasia struck him as the most promising solution. The city did not move in this direction, either, but in 1888, the year Bergh died, his successors persuaded the city to abandon drowning in favor of a lethal chamber into which chloroform or gas was introduced.\textsuperscript{15}


Following Bergh’s death, ASPCA officials also debated the merits of entering the arena of animal control. Matters came to a head under John P. Haines, who succeeded Henry Bergh’s nephew as president in 1890, after board member James M. Brown’s brief custodial tenure.\(^1\) In 1896, under Haines’s leadership, the ASPCA built an impressive home at the corner of 26\(^{th}\) Street and Madison Avenue. The perceived extravagance of the building project attracted criticism within the movement.\(^2\)

Haines also demonstrated antipathy toward independent activists, typically women, who worked outside the ASPCA network to collect homeless, sick, and injured animals and destroy them. In 1893, Haines supported the prosecution of Sarah Edwards, a member of the self-styled “Midnight Band of Mercy,” who admitted to having roamed the streets luring cats to their deaths by chloroform. Unfortunately, in her zeal, Edwards seems to have killed some pets.\(^3\)

In defense of his stance, Haines pointed out that the ASPCA’s status as an organization with enforcement power might be compromised by individuals and groups acting as Edwards had done, creating the potential for an “unseemly conflict of authority.” However, Haines’s imputations caused resentment among those who supported more aggressive action to curb the homeless cat population. In the absence of

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\(^1\) Haines kept cattle and maintained a kennel on a farm in Toms River, New Jersey. He was also a competitor in the bench shows of the Westminster Kennel Club. See “John P. Haines,” Frank Leslie’s, 1 Feb. 1890, ASPCA-NY, SBK 10: 198; “James M. Brown,” N. Y. Tribune, 21 July 1890, ASPCA-NY, SBK 10: 235; and “Death of John P. Haines,” NHR 9 (Sept. 1921), 173.

\(^2\) ASPCA, Ann. R. 1898, 9; “New Home of the SPCA,” Unsourced, undated article, ASPCA-NY, SBK 13: 80; and “The American SPCA,” JOZ 13 (June 1904), 68.

effective action on the part of the ASPCA, why should other organizations anxious to ameliorate the suffering of stray animals be barred from the field?\textsuperscript{19}

The very next year, in 1894, the ASPCA sought and secured an "Act for the better protection of lost and stray animals," which abolished the city dog pound and empowered the ASPCA to carry out its provisions. The ASPCA took up the responsibility for the licensing of dogs in New York City. The legislation also provided legal sanction (for the first time ever) for the capture of cats, and the requirement that they carry an identification tag. The ASPCA erected a facility at 102\textsuperscript{nd} Street and East River for the accommodation and destruction of lost and stray animals. The following year, at the request of its mayor, the law was amended to include Brooklyn, and the ASPCA took over animal control functions there too.\textsuperscript{20}

The numbers of animals killed in New York City at the end of the nineteenth century, and the numbers estimated to be running at large, were prodigious. In late 1898, Haines announced that the destruction of small animals, mainly dogs and cats, had

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\begin{enumerate}
\item "The Dog Pound is No More," \textit{N. Y. World}, Undated article, PSPCA-PA, SBK 1880-1902; and ASPCA, \textit{Ann. R.} 1902, 154-55. Instead of license revenues going to the city, they now went directly to the ASPCA, which began to employ salaried agents who looked out for unlicensed dogs. It also led to protracted legal struggles with citizens who challenged the ASPCA's right to collect the impost. In 1911, the New York Supreme Court in a 1911 upheld the constitutionality of the license law. Charles Andrews, "Legal and Constitutional Status of the ASPCA," ASPCA, \textit{Ann. R.} 1905, 143-57; "Dr. Parker Sailed Away Leaving Dog Tax Unpaid," \textit{Brooklyn Eagle}, 29 Apr. 1908; "President Wagstaff Reverts to the Old Days," \textit{Brooklyn Eagle}, 4 May 1908, ASPCA-NY, SBK 12: 1; "Justice Kelly Strikes at the Dog Licenses," \textit{Brooklyn Eagle}, 5 Oct. 1908, ASPCA-NY, SBK 12: 85; "The Dog License Law," \textit{ASPCA Bulletin} 11 (Oct. 1911), 105-7; and McCrea, \textit{Humane Movement}, 50-53. The ASPCA's right to perform license and shelter work also survived a poorly drawn bill extending licensing authority to other humane societies in the state, and one that proposed to bring animal control once more within the patronage system. See "The Dog in Politics," \textit{OAF} 33 (Mar. 1906). 293-96.
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reached its highest level—91,535—some 75 times greater than a dozen years before. In 1908, the ASPCA killed 77,067 homeless dogs and cats, and had forty dogcatchers in the field every day. In the fourteen years since 1894, when the ASPCA took over animal control, it had killed an estimated 800,000 cats and 200,000 dogs. In summer 1909, the ASPCA killed over 25,000 animals a month. Such numbers notwithstanding, animal protectionists believed that the humane society’s willingness to take in unwanted animals provided a necessary service. Adoption and destruction were cast as the alternatives to death from starvation, disease, exposure, or mischief on the streets of the city.

**New Players and New Approaches: Rescue, Relief, and Veterinary Care**

In some cities, the work of dealing with stray animals and providing veterinary care to companion animals became so great, and the perceived necessity of new approaches so pressing, that a second round of humane society formation began. Most of these organizations sought incorporation without enforcement power, and devoted themselves solely to providing shelter, veterinary care services, and humane euthanasia. Women founded virtually all of these second wave groups. Boston’s Animal Rescue League and Chicago’s Anti-Cruelty Society began their work in 1899. The Woman’s League for Animals in New York started as an auxiliary of the ASPCA in 1906. These and other rescue leagues prided themselves in making it easier for people to cooperate in


relinquishment. They established depots and receiving stations at settlement houses and other locations, and sent agents out to collect animals. Caroline Earle White thought the trend a good one, observing, “It is often the case that one is not enough, and that a second organization can repair the failures and supplement the successes of the first one.”

Perhaps fittingly, just two years after White’s death, a rump caucus within her own WPSPCA decided to form the Animal Rescue League (1918), abandoning prosecution in favor of a full investment in caring for stray and unwanted animals.  

In some instances, the new organizations made a significant impact. By 1908, the Animal Rescue League of Boston, which employed twenty people, had secured the responsibility for taking up unlicensed stray dogs in the city, a job that the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) had never sought. The League introduced many innovations, aiming to reduce and eliminate the cruelty and corruption often found in municipal pound operations.

In New York, the ASPCA management did not welcome the new organizations, and sometimes it attacked them. In 1904, it attacked Flora Kibbe’s Bide-A-Wee Home, founded the year before. President Haines responded with even greater energy when critics came together in 1905 to form the Henry Bergh Humane Society. The group’s organizers were disappointed at the ASPCA’s failure to take action when icy conditions led to considerable suffering on the part of the city’s horses. Its incorporators, David

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Belais and Henry Maurer, tried to secure the same enforcement privileges that the ASPCA had. The ASPCA blocked their efforts by securing legislation that prohibited the formation of any new anti-cruelty society in ten counties of the state. The ASPCA also forced Belais and Maurer (under threat of prosecution) to rename their organization the New York Humane Society, while their retaliatory initiative to rescind the law favoring the ASPCA failed.²⁵

In 1906, steady sniping and criticism finally led to Haines's resignation. The Board replaced Haines with Colonel Alfred Wagstaff, Jr. (1844-1921), a gunner and fly fisherman, who, while serving in the legislature during the 1870s, had assisted Henry Bergh. Wagstaff sponsored the 1873 bill to suppress pigeon shooting, became an ASPCA member in 1872, and joined the Board in 1882.²⁶ As president, Wagstaff discontinued publication of Our Animal Friends and made plans to lease out part of the ASPCA's palatial structure in an effort to save funds for urgent animal relief work.

Among the projects contemplated were the establishment of a veterinary dispensary and


hospital for the animals of the poor, and a farm for the care of police, fire, and draft horses normally consigned to the uncertain fate of the auction yards.  

Major hospitals for animals were rare at the turn of the century. All of the private veterinary colleges, some of which had operated hospital clinics, had gone out of business, their prospects for servicing the horses of the urban industrial economy having dwindled. Among university veterinary schools, only Cornell and the University of Pennsylvania had hospitals, and the Cornell operation was mainly devoted to livestock. Moreover, while affluent citizens could afford the services of a private veterinarian for dogs, cats, and other small animal pets, such care remained outside the reach of many people.  

The creation of a hospital was the earliest priority of Henry Bergh, Jr., upon succeeding his uncle as president of the ASPCA. Although Bergh, Jr.'s tenure was a short one, the idea of an animal hospital continued to attract supporters. The ASPCA Board was slow to approve such a project, however, and the idea languished until pressure and competition arose from a group associated with the organization's women's auxiliary. The Women's Auxiliary of the ASPCA formed in 1906 under the leadership of Ellin Speyer. Within a few years, Speyer grew impatient with the all-male Board of Managers' reluctance to assume responsibility for treating the pets of the poor. Together

27 “Under New Direction,” JOZ 16 (Apr. 1907), 40; and “Comments and Reflections,” JOZ 16 (Sept. 1907), 160.


with other women in the auxiliary, Speyer founded the Women’s League for Animals, incorporating in early 1910 with the blessing of the ASPCA Board. At the same time, Speyer’s group launched a free dispensary for treating the animals of the indigent, handling 6,020 cases in the first year. In 1912, the Women’s League for Animals moved to construct a hospital. It was a three-story building with exercise space on the roof, mange and distemper wards, and a lethal chamber.30

Meanwhile, changing with the times, the ASPCA opened its own dispensary, shelter, and ambulance house in 1912, in a building separate from its headquarters. It was a modern facility, with horse, dog, and cat wards, and isolation areas for all three species. This was the start of something positive. By 1920, after a series of expansions, the ASPCA veterinary department was conducting significant clinical research on animals, including work on the radium treatment of cancer.31

In Massachusetts, plans for the nation’s most ambitious animal care facility began to emerge in 1910, when Francis Rowley succeeded George Angell as president of the MSPCA. By then, demand for a place where the citizens of Boston and surrounding communities could bring their animals for sound advice and treatment had greatly risen. A rental property was outfitted as an animal dispensary and two veterinarians hired to


staff it. In just half a year, the MSPCA handled over 3,000 cases, making it clear that something on a larger scale was necessary. Before the year was out, the MSPCA began plans for the construction of the Angell Memorial Hospital on a site near the Harvard Medical School and four human hospitals. Rowley cast the hospital as a living memorial to George Angell, and a natural expansion of his founding vision. Its projected costs of $225,000 were to be partly met with two dedicated bequests amounting to $75,000, a result of Angell’s unrealized efforts in the 1890s to finance a central building for humane work.32

The time was ripe, Rowley argued, for the provision of scientific care to sick and injured animals comparable to that which human beings received. Noting the emergence of similar institutions in England and Europe, and the ASPCA’s plan to build a hospital in New York, Rowley predicted that humane work was moving decisively in this direction.33 Work did not commence until the fall of 1913, and the building was finally dedicated in February 1915. By 1915, the MSPCA was operating with a staff of 40 people and a budget of $7,000 per month. Permanent funds provided only 25 percent of the necessary funds and the organization relied heavily on bequests. The hospital quickly became one of the most important veterinary medical institutions in the world. Rowley was highly sensitive to insinuations that the hospital was a rich man’s institution and not


a place for the animals of the poor. Its initial policy was to turn no one's animals away. The exceptions were animals with incurable illnesses, whose owners were advised to have them destroyed. Sometimes, the MSPCA accepted even these animals, holding them for several days until such time as the owners could be convinced of the need for their destruction. No charge was made for such service.\textsuperscript{34}

In the summer of 1917, the MSPCA took possession of a farm at Methuen, the gift of Mrs. David Nevins. In this case, however, the farm was seen not so much as a final haven for superannuated horses as a complement to the hospital. Animals could be taken there for boarding or convalescence, thus freeing up space in the Boston facility. By mid-1924, the MSPCA employed five veterinarians at the hospital, and had treated 39,289 animals there. Its free dispensary had handled 50,948 cases during the same period, making a total of 90,237.\textsuperscript{35}

Pennsylvania humane societies lagged behind those of New York and Boston when it came to the shift into veterinary care. In Philadelphia, the presence of a major university veterinary school with a hospital made the situation different. The Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA) forged a friendly reciprocal relationship with the University of Pennsylvania Veterinary School, and supported its hospital in a variety of ways.\textsuperscript{36}

\textsuperscript{34} Will M. Morrill, "The Angell Memorial Hospital," \textit{NHR} 3 (Apr. 1915), 77; "Angell Memorial Hospital Dedicated," \textit{ODA} 47 (Apr. 1915), 161-168; "Our Expenses," \textit{ODA} 47 (Feb. 1915), 136; and "Our Hospital and the Animals of the Poor," \textit{ODA} 48 (July 1915), 24.

\textsuperscript{35} "MSPCA Vacation Farms at Methuen," \textit{ODA} 50 (Sept. 1917), 52-53; "1868—Our Semi-Centennial—1918," 123; and \textit{ODA} 56 (May 1924), 188.

The WPSPCA, on the other hand, was uneasy about the school's veterinary hospital, especially about its relationship to vivisection within other divisions of the university. The editors of the Journal of Zoophily imagined an institution in which "every possible care and attention is to be bestowed on the lower floor on those animals, whose owners are, we suppose able to pay for their treatment," while on the upper floor, "poor, homeless, miserable dogs, that have led a vagrant existence and never known anything of comfort in their wretched lives are to be mutilated and tortured until death comes to their relief." Beyond such ambivalence, White's intense participation in general anti-cruelty campaigns relating to vivisection, cattle transportation, and other concerns kept her too busy to contemplate a capital campaign to raise an animal hospital from the ground up.

Even so, the need for affordable veterinary care services in the city was obvious. In 1909, White decided to devote half of the sizeable bequest left by longtime supporter Annie Lowry to a dispensary for the poor. The dispensary approach, which offered free veterinary care to the indigent, would provide another avenue for the circulation of sound advice on animal care and treatment to laborers who worked with horses. It would also help to counter the charge (groundless in her opinion) that the organization was tough on the laboring poor when it prosecuted them for cruelty.

Not all parties were happy with the animal protection groups' shift toward providing advanced animal care. Veterinarians, reinventing themselves for the age of


horseless travel, viewed the new facilities as threats to their livelihood. In 1928, the American Veterinary Medical Association passed a resolution “condemning hospitals conducted by humane societies which conflicted with the practice of veterinary medicine.”  

**The Destruction of Animals**

As always, the relative advantages of various methods for destroying small animals were a regular matter of discussion in humane circles. This debate focused on both shelter euthanasia and “curbside” destruction, still quite prevalent in the first decades of the twentieth century. The most commonly discussed means were illuminating gases, charcoal fumes, sulfur, cyanide, chloroform, strychnine, carbon monoxide, and electricity.  

In the field, some SPCA agents employed cyanide, which they forced the animals to swallow. In many instances, the revolver was still the most efficient method of destruction. After the advent of the automobile, agents and others commonly killed smaller animals by confining them in a compartment, wagon, or metal barrel where a connection to the exhaust pipe could be rigged up, making use of carbon monoxide to do the deed.  

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Chloroform, of course, had been the favorite of many curbside advocates and do-it-yourselfers for decades. However, by the early 1900s, William Stillman and others were calling its humaneness into question. It was slow to take effect, they objected, and animals alarmed by its odor often put up desperate struggles. It could only be sanctioned in the case of very small animals or birds, or in situations where a person could administer the anaesthetic to a sleeping or a restrained animal not inclined or able to resist. Moreover, as White, Stillman, and others agreed, gas and chloroform did not work as well with newborn kittens or puppies, since they apparently needed only a small amount of oxygen to survive. In these cases, drowning in warm water was considered the best method.

As late as 1921, the MSPCA still advised do-it-yourselfers to kill cats with chloroform-saturated cotton or rags, slipped into a box that could then be placed over the animal. Authors advised the public to drown kittens. The job was to be done within a few days of their birth, and before their eyes had opened. The recommended method involved submerging the kittens in a bucket of warm water, being sure to do so outside the presence of their mother, and leaving her one alive. Of course, the deed should never be done in the presence of children.

The WPSPCA had pioneered in the application of carbonous oxide gas, and many discussions of shelter-based euthanasia revolved around this approach. In 1903, Albert

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44 “Putting Kittens to Sleep,” ODA 54 (Aug. 1921), 40; “Use of Chloroform,” National Humane Journal 10 (Feb. 1922), 38; and Do Not Leave Your Cat to Starve (Boston: American Humane Education Society, n. d.)
Leffingwell and Stillman, both medical doctors, recommended carbonic acid gas as the most humane and effective way to kill small animals. It was inexpensive and non-flammable. Its use did not alarm the animals as chloroform did, and its sedative and stupefying effects were established. Chloroform’s use, they asserted, should be circumscribed to those cases where animals were asleep or tame enough to be taken upon the lap and soothed into unconsciousness. The expense of chloroform also militated against routine reliance upon it.45

Sometimes, the humane societies also employed illuminating gas and charcoal fumes to produce “death by sleep.” The ASPCA avoided the use of charcoal fumes because they caused death through suffocation or asphyxia. Instead, it used illuminating gas in its lethal chamber. “The inhalation of this gas causes anesthesia or a paralysis of sensibility and a cessation of respiration and heart action,” Superintendent W. K. Horton reported. “Illuminating gas is quicker and more destructive in its action upon animals than all other forms of anesthetics, and causes them no pain or inconvenience. They are rendered unconscious after the fourth or fifth time, and death follows quickly, depending upon the physical condition of the animal.” Stillman and Leffingwell were less enthused, believing that illuminating gas, while effective, was dangerous to handle, especially in its odorless forms. Its flammability presented another risk factor.46

From the earliest, the various risks and drawbacks of gas, and its rising costs, led humane advocates to search for other methods. In the late 1880s, Thomas Edison and his


colleagues electrocuted a number of animals in order to demonstrate the relative risks of alternating vs. direct current. Their research, and the knowledge gained from several accidental electrocutions, soon began to influence debates over capital execution and the best method for killing animals. In 1888, the New York State Assembly commissioned ASPCA counsel Elbridge T. Gerry and two other men to investigate and report on the most humane and practical method of carrying out the death sentence. In suggesting the substitution of electrocution for hanging, Gerry and his colleagues cited a series of experiments carried out in Buffalo at the local SPCA. Some of the dogs were vivisected in order to demonstrate the efficacy of the method in stopping the heart. Later that year, a cover illustration in Frank Leslie's showed electricity being “tried on the dog” at the Columbia School of Mines, to demonstrate that the alternating electric current used in incandescent lighting was more dangerous than continuous currents of greater power. ASPCA Superintendent Charles Hankinson stopped this demonstration after one dog died an obviously painful death.

Enthusiasm for electrocution as a method of euthanasia did not end there. In January 1904, the Coney Island Electric Company electrocuted the rebellious elephant Topsy in a grand spectacle. Thousands of men, women, and children crowded into the

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amusement park to watch technicians send 6,600 volts of electricity shooting through the 
four-ton pachyderm, who had killed two keepers and a third man in four years. The 
ASPCA even sent out a veterinarian, who pronounced the death in every way humane.48

The foregoing events provided the context for the routine usage of electrocution at 
animal shelters. After a decade of work in helping his wife with the management of the 
Animal Rescue League, Boston’s Huntington Smith developed an automatic electric cage 
“for the humane, safe, sanitary, and economical destruction of animals.” The animal was 
placed on a zinc plate, and a metal collar with electrodes was fitted around his neck. 
Early reports of the cage’s efficiency boasted that an experienced operator could kill 
close to 100 dogs per hour. For a time, electrocution even gained an international vogue. 
The RSPCA assumed the rights to the Smith invention for the United Kingdom, and the 
electric cage was installed in the municipal pound at Rome in 1919. Stillman became a 
booster of the apparatus, and it replaced the use of gas at the shelters of his home 
organization, the Mohawk and Hudson Humane Society, around 1916. In 1926, about 40 
societies were using the electric cage.49

Over time, however, reports of bungled human executions and accidents 
involving electric shock led Francis Rowley and others to question whether electrocution

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48 “Big Elephant Electrocuted.” Newark Evening News, 5 Jan. 1904. Dunlop describes a similar 
episode in Gilded City, 253-71.

49 For detailed discussion, see Huntington Smith and William L. Puffer, “Killing Animals by 
Sleep,” NHR 3 (Nov. 1915), 245; “Electric Cages for Animals,” NHR 7 (Feb. 1919), 37; AHA, Ann. R. 
1912, 61-62; and AHA, Ann. R. 1917, 8-9. Other notices include Caroline Earle White, “A New 
Invention,” JOZ 21 (May 1912), 325-26; JOZ 12 (Jan. 1913), 9-10; JOZ 22 (Feb. 1913), 23; “Electric 
Cages,” JOZ 24 (Feb. 1915), 28; “The Electrocution of Animals,” NHR 5 (Oct. 1917), 193; and 
“Huntington Smith,” Boston Transcript, 23 July 1926, ASPCA-NY, SBK Feb. 1927-1 Apr. 1931. For 
Stillman’s endorsement, see “Humane Killing Methods,” NHR 8 (Oct. 1920), 194.
was an efficient or humane method. Its use at shelters almost certainly ended as a result of inquiries tied to humane slaughter reform, where electricity failed badly. For prominent slaughterhouse reform advocates like Rowley, a series of experiments conducted in an Omaha, Nebraska slaughterhouse in 1924 caused unsettling questions. The humane delegation in attendance was greatly alarmed by the findings of the head of the New York State Veterinary Association, who attended as an ASPCA representative. His examination of the animals suggested that they had experienced utter torture, for while “the current did produce more or less effectively motor paralysis, it did not produced paralysis of the sensory portion of the cerebrum or forebrain, which controls the sense of feeling, as was manifested in the remaining reflexes of the eyes and eyelids of the animal several minutes after being shocked.” As Rowley noted, “to lie upon the slaughter floor, to be hoisted, and to have the throat cut, while powerless to move but still keenly alive to pain, is a horror one vainly tries to imagine.” Survivor accounts of accidents with electricity also fueled doubt about the humaneness of its use. Electrocution soon fell out of favor as a method for pound and shelter euthanasia, and gas-based approaches became the dominant means of destroying unwanted animals.  

The Modern Companion Animal

As humane societies became ever more involved with companion animal concerns in the early decades of the twentieth century, the SPCA movement became

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increasingly identified with pet keeping. Adoption was one of the solutions humane advocates promoted in their efforts to reduce animal overpopulation. The humane societies also contributed to the expansion of pet keeping by providing low cost care, veterinary instruction and advice, and other services.

Animal organizations endorsed the keeping of pets and did their best to promote the practice. In Philadelphia, for example, the WPSPCA defended the rights of working class pet owners. Among other actions, it contested the high pound redemption fees charged by the city, which represented a hardship to the poor, and frequently subsidized or assumed payment of these charges. In an 1880 report, Adele Biddle took note of the many touching relationships between humans and dogs that the work had brought to light. Biddle called it “a wrong judgment that decides that a dog is a luxury which should only be enjoyed by the rich,” assuring supporters that “the Society has, in many cases, mitigated the harshness of the law by aiding the poor from its own treasury,” helping to restore animals to their owners.51 Animal protectionists generally resisted mandatory licensing on the same grounds. In many cases, humane society officials would release animals without requiring payment of the redemption fee. In general, humane advocates opposed legislation, regulation, and overzealous animal control activities that interfered with the pet keeping of the lower classes. George Angell led the drive to reform Boston’s dog roundup through the addition of a holding period that would allow owners several days to retrieve any captured pets. He also fought proposals to tax male dogs in the state.

of Massachusetts on the grounds that the poor would be compelled to kill their companion animals rather than pay the fee.  

The promotion of companion animal care crept into the work of the SPCAs in the early 1870s. Early pamphlets combined information about food, exercise, and grooming with the humane society perspectives on rabies, muzzling, and the destruction of sick, old, unsuitable, or unwanted animals. Gradually, humane literature began to include an even wider range of information concerning animal welfare.

As they took over the management of pounds all over the country, humane advocates turned to adoption as an alternative to destruction of unwanted animals. By the first decade of the century, the animal shelter had established itself as a source for pets, especially dogs. In promoting adoption, advocates celebrated the mongrel dog, who became a beloved figure in popular culture. Humane advocates characterized their canine constituents as "drawn from the miserable multitudes of the lost and stray, the stolen and tortured--literally the 'under-dogs' of their world." Nor did they neglect to acknowledge celebrity animals who had begun their lives as foundlings.

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53 Women's Branch, PSPCA, Concise Rules for the Management of Dogs (Phila.: 1878).

The movement also enthusiastically celebrated canine service, devoting story after story to guard, police, and Seeing Eye dogs. The greatest acclaim was for those dogs who had served in war. Although the U. S. Army did not use dogs in WWI, other combatants did, and humane publications served up a steady diet of stories concerning these dogs' heroism. They ran similar stories about the courage and loyalty of American canine mascots. In addition, the Red Cross used American dogs, and their service also inspired numerous articles and news items. Some humane publications made a special point of arguing that America had a duty in the postwar era to take better care of its canine population, in light of animals' contribution to the war effort. Several anti-vivisection groups advanced wartime service as the grounds for a canine exemption from the laboratory.

For many years after the war, humane publications celebrated the happy fate and lives of American mascots, usually dogs who had traveled to Europe with the doughboys or returned with them after being adopted by members of the A.E.F. Some went on to achieve considerable post-war fame, like Stubby the bulldog, who became the

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Georgetown University mascot upon his return. These crowd-pleasing animal celebrities also appeared at benefit events for local humane societies.  

Unlike the kennel club snoots of their day, humane society workers were not at all preoccupied with animals of high breeding, nor did they favor the excessive fawning and doting over animals that they associated with breed fanciers. On the contrary, humane advocates deplored such conduct and attitudes. Most were too involved with the relief and rescue of disadvantaged animals to devote themselves to dog fancy. They were, moreover, more conscious than the general public of the many hidden cruelties—like cropping—that lay behind the kennel club shows.

In fact, SPCAs in many cities sponsored “Plain Dog Shows” that deftly subverted the eugenicist snobbery of the kennel club, and glorified the “all-American Mutt.” In these democratic competitions, adopted mongrels and strays, irrespective of their breeding, received their due. While breeds were haphazardly represented, pedigree and show class counted for nothing. The award categories focused not on breed but on best dog owned by a driver, newsboy, scout, postman, teamster, or watchman. Human


competitors related stories of rescue, sacrifice, heroism, and faithfulness on the part of their animal friends.  

The promotion of pet keeping also shaped the evolution of humane education outreach. Animal protectionists frequently asserted that children’s pets represented the best medium for the encouragement of humane sympathy and accompanying positive actions. According to George Angell, the keeping of animal companions provided a desirable socialization, one that society overlooked at its peril. “Out of two thousand criminals inquired of in American prisons, some years ago,” Angell claimed, “it was found that only twelve had any pet animal during their childhood.” Another animal protectionist similarly asserted, “Statistics have proved that not one criminal out of a hundred ever knew what it was to have a pet.” Progressive era advocates of nature-study also encouraged the keeping of pets. It was essential to accommodate the natural impulses of children to become acquainted with other forms of life, and it would be difficult to substitute for such experience in later life.  

Eventually, such convictions led humane societies to stage pet shows, in which children could exhibit their animal companions. The concept first surfaced in San

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Francisco SPCA in 1905, and the movement drew endorsements from such notables as Luther Burbank, David Starr Jordan, Jack London, and Maria Montessori. While the staging of children’s pet shows became an important part of humane work, it also generated a debate over the harm that children often caused to animals in their care. The issue of pet keeping in the classroom invoked much the same debate.  

Humane workers defended heartfelt expressions of sentiment for companion animals, even when they extended beyond the earthly vale. They looked with approval upon those who had gone so far as to provide for surviving companion animals after their own deaths. Some SPCA members held animal funerals when cherished companions died, and humane publications carried notices of services and ceremonies, such as the one in which a railroad mascot was borne to the grave in a casket carried by an engine car draped in black. Moreover, animal protection journals were a rich source of epitaphs and memorial rituals.

Animal cemeteries surfaced at the turn of the century, both as private ventures and as part of humane society operations. Between 1896 and 1907, three were organized in New York State, including the one at Hartsdale. Both the Animal Rescue League of

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Boston and the WPSPCA of Philadelphia created cemeteries for pets during this period. The idea caught on with other organizations as well.  

As their focus shifted increasingly toward dogs and cats, humane societies invested their energy in a range of issues relating to petkeeping. They provided veterinary advice and practical care. They screened prospective owners to ensure that animals were discharged to families and individuals who would do right by them. They investigated and attempted to thwart dog theft. They recommended rational and careful measures in cases of suspected rabies, and helped to administer licensing programs. They fought off the occasional bill to authorize farmers and shepherders to kill predatory dogs on sight, and underscored the pocket-lining character of compensatory programs that aided sheep farmers who claimed damages. They supported legislative initiatives that gave owners added rights to protect their companion animals as personal

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66 “If the Dog Appears Mad, Don’t Kill Him,” ODA 54 (Mar. 1922), 152.

property, and carefully followed court cases bearing on this and related questions. They fought legislation that prohibited immigrants from keeping animals. They underscored the morally and socially beneficial effects of positive interactions with animals. They worked hard to ensure that owners would not impose hardships, like interminable periods of being chained up without exercise, upon their dogs. They recognized as special heroes those who had acted to help or rescue animals.

The Rise of the Feline

In 1910, noting how much more popular the dog was than the cat, Walter Cannon, a physiologist involved in the defense of animal experimentation, privately proposed a movement to shift laboratory usage to the feline. For several reasons, this would not prove a sound proposal, and, before long, in a significant historical transition, the cat's fortunes would begin to rise. However, Cannon's observation of the cat's status was not far wrong, for only a few years later the Animal Rescue League's Anna Harris Smith judged that the cat had been unjustly targeted by shooters, overzealous bird defenders,

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70 “Dogs Must Have Exercise,” ODA 51 (Dec. 1918), 105.

and rumor-mongering health authorities intent upon scapegoating the species for a variety of problems.\textsuperscript{72}

Moreover, as Smith and other humane advocates knew, the life of a cat, particularly in the urban environment, was often hard. A cat sometimes needed nine lives, hunted by dogs, shot, stoned and tortured by mischievous boys, destroyed by tradesmen, or given over to servants or employees with the instruction to dispose of the animal.\textsuperscript{73} Cats did not often figure in early SPCA prosecutions or relief work. The rare exception proved newsworthy, as when Henry Bergh forced workers to remove a building front to save one feline from entombment. An act of extreme sadism, if it involved cats, certainly commanded attention. Nevertheless, during Bergh's career, cruelty to cats was rarely punished, even in cases that made it into the courts.\textsuperscript{74}

By the 1890s, the humane societies had begun to undertake anti-cruelty work on behalf of cats. The harassment of cats with dogs surfaced as a common offense in the ASPCA's annual reports. In 1895, humane agents tracked down a serial killer of cats who was setting his bulldogs on felines. In 1899, the ASPCA described an agent's rescue of a cat who had gotten stuck between the walls of two adjoining buildings. During the


\textsuperscript{73} Cats were so vilified that one was blamed for infanticide and others were used as alibis in child abuse cases. "Accused of Child Murder," N. Y. Times, 29 Dec. 1885; and O. L. Dudley, "Saving the Children: Sixteen Years' Work Among the Dependent Youth of Chicago," in History of Child Saving in the United States (Boston: George Ellis, 1893), 102-3.

early years of the twentieth century, some humane societies also intervened against individuals' efforts to exterminate cats in private campaigns.\textsuperscript{75}

The real trouble with cats lay in their prolific rates of reproduction. Abandonment, fecundity, and scavenging ability combined to produce an explosive growth of vagrant feline populations in urban areas. The surplus of cats, which urban residents who fled the cities in summer exacerbated through seasonal abandonment, brought annual pleas for humane action from the earliest days of organized concern.\textsuperscript{76} At the same time, cats constituted a nuisance, and some citizens deplored their caterwauling, predatory incursions, and destruction of backyard plants and flowers. Proposals for licensure and taxation, and for extermination of cats without collars or licenses, regularly surfaced.\textsuperscript{77}

In New York, overpopulation was serious enough by 1880 that the Board of Aldermen considered a proposal requiring the capture and destruction of stray felines within three hours if unclaimed. Bergh's support for this measure generated striking public criticism. It also drew censure from the MSPCA, which thought a three-day


\textsuperscript{77} “Yorkville Thomas Cats,” N. Y. Times, 23 June 1878, 7; and Editorial, N. Y. Times, 27 June 1878, 4.
minimum in the case of healthy animals who might be claimed by their owners was
warranted, and from Philadelphia humane advocates concerned with the issue.  

Humanitarians were decidedly pragmatic in dealing with the surplus of felines
created by abandonment, straying, and unchecked proliferation. Death was always the
humane solution, since it left the animals—as the pseudonymous Philofelis, a self-
proclaimed “cat lover,” wrote in the Boston Daily Advertiser—“safe forever from all of
the chances of a world, which can hardly be called a kind one to superfluous kits or cats.”
Many humane advocates operating on their own were quick and efficient in putting the
cats they collected to sleep.  

Since the 1850s at least, women in several cities had been trying to relieve the
suffering of homeless and stray cats. Animal control, pound, and shelter operations
concentrated mostly on dogs, while cats proliferated without much attention. By the
1880s, however, Elizabeth Morris could note with pride that cat rescue was coming into
its own. The first cat “shelters” were usually informal operations, almost always run by
women. Sometimes, these people were “collectors,” or “hoarders,” who amassed

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78 “The Cat Ordinance,” N. Y. Tribune, 1 Sept. 1880, ASPCA-NY, SBK 8: 181; “The Cat
Problem,” N. Y. Herald, 23 July 1880, ASPCA-NY, SBK 8: 182; “A Sad Catastrophe,” Graphic, 21 July
1900, ASPCA-NY, SBK 15: 4; “The Cat,” ODA 13 (Sept. 1880), 28; “Protection or Destruction of Cats,”
ODA 13 (Sept. 1880), 29; and Women’s Branch, PSPCA, Ann. R. 1881, 23.


81 “Asylum for Neglected Cats,” ODA 10 (Sept. 1877), 27; James D. McCabe, New York by
Sunlight and Gaslight (Phila.: Douglass Bros., 1882), 590-91; “No More Homeless Cats: A Pitying New
Edwards’ Cat Home,” N. Y. Sun, 12 Jan. 1891, ASPCA-NY, SBK 11: 52; and “Mecca of East Side Cats,”
JOZ 3 (June 1894), 87.
dozens of animals in their homes. In 1893, a cat home in New York survived for a little less than six months. On the other hand, the Morris Refuge in Philadelphia, a pioneering cat facility that enjoyed the strong support of Caroline Earle White’s WPSPCA, received nearly 18,000 cats in the same year.

New York’s cat overpopulation problem was admittedly the worst. During 1900, the ASPCA put to death more than 257,000 cats, and by 1911 the figure reached 362,000. That year, a series of raids on the city’s tenement district brought in over 50,000 “ash-barrel” cats. The ASPCA’s average annual homeless cat kill during 1914-1916 was approximately 229,000, and this figure did not include animals relinquished by their owners.

In Boston, the Animal Rescue League destroyed 210,090 cats in a ten-year period between 1905 and 1914, and the number of animals taken in increased more than 200 percent over that span of time. Huntington Smith, the League’s managing director, cautioned that such figures did not necessarily signal an increase of cats in Boston.

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however, but reflected greater popular cooperation with collection efforts, and enhanced
efficiency on the part of the organization’s agents and receiving stations.  

Feline immiseration caused by the unchecked multiplication of strays was one
problem; the perceived threat those animals posed to the human population was still
another. Public credulity made the charge that cats could act as carriers of medical
disease a serious one. Many European immigrants, for instance, brought with them the
superstitious belief that cats were predisposed to leap onto the bodies of sleeping infants
to smother them, and the admonitions of physicians and public health authorities about
the transmissibility of disease from non-human animals to humans did not help the
situation. In the summer of 1916, an infantile paralysis scare led to the wholesale
abandonment of cats by their owners, who rushed to police stations and humane society
depots to give up their animals. In one day, the ASPCA in New York destroyed over
6,500 cats, and during the month of July close to 90,000 were killed. Reviewing the
panic, Francis Rowley called for restraint in assessing the real risk posed by animals as
transmitters of disease. He also pointed out that there were other risk factors “much more
to be feared” than cats.


Medical scares aside, the strongest objections to cats came from lovers and
defenders of bird life, who emphasized the destructive impact of cats on bird
populations, and were strong critics of letting cats roam out of doors. Such demonization
reached its apogee in a full-length work by the state ornithologist of Massachusetts,
Edward Forbush. "The Fireside Sphinx, the pet of the children, the admired habitué of
the drawing-room or the salon by day," he underscored, "may become at night a wild
animal, pursuing, striking down, and torturing its prey."88

Abandoned and left to fend for themselves, Forbush wrote, hundred of thousands
of cats had reverted to their wild state. They and their offspring became a menace to
smaller animals, insectivorous birds, and poultry. Forbush was not alone in his opinions,
and other ornithologists concurred in his assessment of the cat as the scourge of bird life.
Some of his colleagues took decisive action in the struggle. During a three-year period
between 1912 and 1915, agents of the New York Zoological Society trapped and
destroyed over 600 feral cats living and hunting within its confines, and the Botanical
Garden reported a similar result.89

In 1917, the Ladies’ Home Journal opened its pages to an intensive assault on the
reputation of the cat, vilifying the species for the destruction of birds. Among its
recommendations were a feline curfew and the attachment of belled collars on all cats.
There were less shrill attacks, too, however, and bird protectors sometimes lamented the
inability of the two factions to reach agreement upon a system for reducing the feline

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88 Forbush, The Domestic Cat, 7; and Bucher Bowdish, "Birds and Cats," NHR 10 (Aug. 1922),
159.

1916), 132.
population and ensuring the safety of birds.\textsuperscript{90} Such articles often appeared as part of the regular debate on the pros and cons of licensing, which Audubon Society activists and medical authorities who believed the cat was a carrier of deadly disease generally supported. By the 1920s, the debate reached several state legislatures, where humane advocates faced licensing proposals backed by bird preservation groups.\textsuperscript{91}

The main opposition to licensing by humane advocates stemmed from their concern that poor or resentful citizens would not acknowledge ownership of their cats, and that this would lead to an increase in the number of homeless animals. Another reason for humane societies’ opposition to the licensing of cats was the necessity for collaring it imposed. Humanitarians considered it cruel and dangerous to place collars or ribbons around the necks of cats, pointing to the risk of strangulation and other injuries resulting from efforts to shed them.\textsuperscript{92}

Animal advocates also believed that proposals for licensing did not address the problem of reducing cat numbers directly enough. The best measure was the prompt and humane destruction of newborn kittens. The debate over licensing even generated one proposal for a system of taxation and registration biased against female cats, designed to


\textsuperscript{92}Anna H. Smith, “Why I Oppose a Cat License,” OFF 11 (June 1912), 12-13; “Cat License,” OFF 11 (March 1913), 8; “Cat License Inhumane,” NHR 4 (Mar. 1916), 55; Do Not Leave Your Cat to Starve; and “Concerning Cats,” Starry Cross 31 (June 1922), 91.
make male cats the lords of every home. For some time, it was the policy of Boston's Animal Rescue League and the New York-based ASPCA to adopt out only gelded male cats; all females were destroyed.  

Humanitarians also tried to counter anti-cat discourse by working to enhance the feline reputation. They celebrated the formation of cat homes and rescue organizations. They emphasized the admirable maternal affections of cats, their heroism, and even the fact of their having on occasion inspired important scientific invention. Cats, they pointed out, could be loyal and devoted pets, especially with training, and greatly contribute to human happiness. Cats had even performed wartime service as mascots, ratters, and gas detectors.

Animal protectionists were not alone in their efforts, either, as the cat had many devotees. One sign of the growing popularity of cats was the emergence of an ailurophilic literature. Among the books produced were several that reviewed the familiar scenarios of cruelty and neglect involving cats. Stories chronicling the

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93 "Cat Licenses Open to Criticism," NHR 3 (Feb. 1915), 30; Mary C. Yarrow, "How to Destroy Kittens Humanely," NHR 3 (Sept. 1915), 215; and Forbush, The Domestic Cat, 21.

94 "Hill-Top Home for Cats," JOZ 23 (May 1914), 70.


97 "Cat in the Trenches," NHR 3 (Nov. 1915), 255; "She is Only a Cat, But Her War Record is Lenghthy," Starry Cross 29 (May 1920), 69; and "Cats in War," NHR 8 (Jan. 1920), 11.

98 Miranda Swan, Daisy, Autobiography of a Cat (Boston: Noyes Brothers, 1900); S. Louise Patteson, Pussy Meow (George W. Jacobs, 1901); Agnes Repplier, The Fireside Sphinx (Boston: Houghton-Mifflin, 1901); and A. Frances Friebe, The Nomad of the Nine Lives (Boston: Sherman, French, and Co., 1914).
attachments of historical figures to their feline friends became staples of humane publications. 99 So too did poetic laments about the feline condition. 100

In a more direct defense, animal protectionists pointed out that destruction of habitat, shooting, mischief, and the epicurean and fashion vanities of humans were responsible for greater decimation of bird populations than were cats. 101 Even so, animal protectionists were quick to encourage cat lovers to restrain their feline companions and train them not to destroy bird life, through scolding and mild punishment. Advocates also recommended trimming cats' forepaws back, making it harder for them to climb trees where they might catch and harm birds. 102

The cat's utility was the final line of defense offered by humane advocates, who frequently had to refute claims by Forbush and others that cats were actually very poor "ratters" and that they transmitted serious diseases to human beings. 103 In reply, animal protectionists pointed out that cats were the best check on the nation's rat population. 104


101 "Care of Our Useful Friends," OFF 10 (Apr. 1911), 10; "Puss has a Defender," ODA 54 (May 1922), 182; and "Sound Advice About Cats and Birds," NHR 11 (Sept. 1923), 180.

102 "Our Cats," ODA 48 (Dec. 1915), 104; and "On Rendering Cats Harmless," NHR 6 (Apr. 1918), 75.

103 "Objects to Cats," ODA 47 (Mar. 1915), 157; and Forbush, The Domestic Cat, 63-68, 82-87.

At the same time, advocates had to couple their claims that cats were excellent destroyers of rats and mice with assurances that cats were not carriers of contagious human disease. Moreover, bowing to public health concerns, humane societies also advised that animals be restricted from entering the rooms of the sick.\textsuperscript{105}

In the early years of the twentieth century, only a few SPCAs even collected cats as part of their duties. By 1913, this had begun to change, and humane societies began to assume the practical and financial burdens of handling and destroying cats.\textsuperscript{106} Over time, urbanization, and especially the advent of large-scale apartment living, pushed the cat up the ladder of popularity. In many circumstances, the cat, her predatory instincts and indiscriminate breeding brought under control, became the better companion for the home. However, this rise in the fortunes of the cat was a slow one, and yesterday's cat was not nearly so well regarded as today's.

Conclusion

As the horse disappeared from the streets, the dog and cat increasingly became the subject of humane societies' relief and law enforcement activities. As the city pound gave way to the animal shelter, with its novel concept of animal adoption and more caring approaches to animal control, the work of the humane societies gradually came to center on the dog and cat, and advocates found themselves increasingly preoccupied with abandonment, overpopulation, cruelty, and pet care. With the rationalization of shelter work came the expanded dissemination of veterinary advice, the provision of veterinary

\textsuperscript{105} James Stubbs, "The Cat That Kills a Rat," ODA 47 (Jan. 1915), 125.

\textsuperscript{106} AHA, Ann. R. 1913, 11.
medical care, and the mediation of problems centering on companion animals. Key issues in animal care and welfare—such as rabies, euthanasia, neutering, licensing, taxation, destruction, and veterinary medical service—gradually came to dominate the agenda of the SPCAs.

During the first decade of the twentieth century, a number of SPCAs opened dispensaries and hospitals that offered free animal care to the poor. This directly subsidized pet keeping by the less affluent, while helping to ensure that their animals would be well cared for and free of diseases that might threaten humans or animals. This commitment to animal care also facilitated the wider dissemination of common sense veterinary advice to the public, an estimable benefit for humans and animals alike. Such services steadily expanded over the years.\(^\text{107}\)

Although humane advocates shifted toward dog and cat work consciously and willingly, this new emphasis made it more difficult to address the suffering of animals in transportation, slaughterhouses, laboratories, captive settings, and the wild. The more resources the local societies invested in animal control, the less they were able to devote to other issues. The broad-gauge agenda of kindness-to-animals waned, as municipal animal control became the movement’s principal preoccupation.

CHAPTER XIII

“UNNECESSARY SAVAGERIES”: MASCULINITY AND THE KILLING OF WILD ANIMALS

It has always seemed to me, that the butcher's attitude is nobler than the hunter's. The hunter owns to a thrill of rapture as his bullet pierces the heart of the unconscious bird, or his knife tears the throat of the frightened doe. We may at least say of the butcher that he is indifferent.

-Minnie Maddern Fiske

During the first four decades of organized animal protection (1865-1900), humane advocates, focused on the mistreatment of domestic creatures, rarely addressed the killing of wild animals. While few if any of the major first generation leaders were hunters, they admitted the necessity of hunting, and rarely criticized it. Animal advocates were neither particularly enthusiastic nor prescient about the extension of the humane ethic to the plight of wild animals.

This changed when Theodore Roosevelt became president in 1901. Not only did Roosevelt’s hunting trips receive significant public attention, but he had also incorporated hunting into an articulated philosophy of the strenuous life, embracing the killing of animals for sport as a positive good. This conflicted with the humanitarian conviction that it was both unethical and demoralizing to take pleasure in the death and suffering of any being. An anti-hunting ideology emerged and coalesced in response to Roosevelt’s celebration of hunting. Humane advocates challenged the practice within the context of a broad debate over masculine character and example in the Progressive era. They attacked
Roosevelt’s hunting trips by arguing that his blood lust set a bad example for America’s youth.

**Kindness, Strenuousity, and the Masculine Ideal**

For humane societies, kindness to animals both drew upon and reinforced a nineteenth-century bourgeois model of male character that emphasized gentle virtue and self-restraint. During the Progressive era, that standard of masculinity was questioned and reshaped in light of anxiety that a routinized modern industrial order and women’s increased influence in the public sphere had produced an effete society. Roosevelt’s celebration of manliness was not merely a mythopoetic exaltation of a lost “strenuousity.” It was a revitalization strategy centered on the reconfiguration of bourgeois masculinity in a rapidly changing world. The expanding commercial economy created a burgeoning new middle class, whose work life was structured in ways that denied its male members the sort of self-reliant independence and status that had characterized manhood in earlier decades. Moreover, as the new century dawned, women began to challenge male power and identity in the realm of politics and public life. Increasingly denied the comfort and security of a masculine workplace, middle class

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men sought instead to reassure themselves of their manliness through the pursuit of leisure activities that affirmed and enhanced their masculine identities.\(^2\)

Once, life had been routinely strenuous, but this would not be true much longer, unless assertive steps were taken. In an urbanizing, industrializing America, its shores swelling with new immigrants, its social composition altered, its native-born citizens rendered flabby and complacent by increasingly “corporate” lifestyles, the national character seemed to be at stake. America’s domestic security and international stature demanded a strong, vigorous, combative identity. The survival and fitness of a disciplined leadership class, and a population endowed with comparable virtues, were essential. Roosevelt and others relied on the strenuous life to accomplish that purpose. Strength of body, in the man as well as the nation, was equated with strength of character. Roosevelt became the greatest proponent and the very embodiment of the doctrine of the strenuous life as an antidote to the “overcivilization” characteristic of the nation’s new urban industrial society. Both his personal experiences and his historical inquiries led

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him to prize the wilderness experience. Having lived in the American West and observed its integration into the nation, he had personally experienced the closing of the frontier.  

Even William James, whose anti-imperialist position placed him at odds with Roosevelt and other proponents of an assertive strategy for shoring up America's national and international prospects, proposed the cultivation of manly vigor as "a moral equivalent" of war. Reciting the "horrors" of a world without strenuousness—"a world of clerks and teachers, of co-education and zoophilys"—James endorsed "the central essence of this feeling" that "human life with no use for hardihood would be contemptible."

Another author suggested that the "feminizing influence of women teachers on manners and morals" was cultivating a "lady-like attitude toward life."  

James, Roosevelt, and other proponents of a new masculinity were thus responding to the threat of a "masculine domesticity," a gendered contradiction they considered to have been wrought by women's sway. The boy who lived in both spheres, the domestic (female) and the public (male), was socialized by feminine values, including the kindness-to-animals ethic, and developed into the feminized man. Champions of strenuousness believed that the genteel and domesticated male who emerged from this process was a danger to the nation.  

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By the time Roosevelt assumed the presidency, the humane movement had been active for 35 years. Firmly rooted in the industrial cities of the Northeast, its overwhelming focus was on domestic animals, particularly the urban draft horse. However, while some of the movement's principal leaders were men, it was dominated by women, and, even without an anti-hunting component, advocates of the strenuous life saw it a font of feminized values and a potential source of American enfeeblement. Animal protectionists viewed youth as the critical audience for the flow of their ideas and values, and the ethic of kindness was easily incorporated into the spiritual and moral lessons of the domestic environment. Moreover, the humane movement had its own program for youthful development, centering on the education of the young through Bands of Mercy.  

The cultivation of the manly boy was the necessary remedy. Just as humanitarians hoped to restrain the energies of the disorderly, impetuous boy and render him a proper model of bourgeois manhood, advocates of the strenuous life now sought to take those same raw energies and enhance them, in an effort to save the boy from the blight of feminized socialization, to make him physically fit and socially and politically assertive.

Thus, the 1890s spawned a new interest in military training, athleticism, and discipline and an intense idealization of manly vigor. The militarization of education was part of an effort to counter the feminization of the classroom, which had become a special

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province of humane societies, the Women's Christian Temperance Union, and related reform groups. The heroic virtues would be preserved and cultivated in such pursuits as football, boxing, ranching, hunting, and—when necessary—war. The nation would witness no greater advocate of the fighting virtues than Roosevelt.8

The preservation and promotion of hunting guaranteed one bulwark against the spread of effeminacy and degeneration, for it was one of the remaining channels for the expression and fulfillment of "rough" masculinity. No longer necessary as a utilitarian pursuit, no longer sanctioned as a commercial activity, hunting would be recast as an emblem of American democracy and a true American sport. What better way to establish connection with the ethos and character of the frontiersman, or to indulge and embrace a primitive masculinity?9 The conservation of land and wildlife in wilderness preserves was a vital part of this project, for it was essential to retain and perpetuate a theater for testing oneself in and against nature. Roosevelt was at the center of the debate over whether hunting was culturally atavistic or ennobling, and there was no doubt where he stood. "In hunting," he wrote, "the finding and killing of the game is after all but a part of the whole... The chase is among the best of all national pastimes; it cultivates that vigorous manliness for the lack of which in a nation, as in an individual, the possession of no other qualities can possibly atone."10

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8 On manliness and the military idea, see Rotundo, American Manhood, 232-37.

9 On the valuation of primitive masculinity and "passion," see Rotundo, American Manhood, 227-32.

Roosevelt and the humanitarians were at odds in their conceptions of civilization and primitivism in the twentieth century. For Roosevelt, the primitivism to be stemmed, and shed, was that associated with the immigrants flowing into the United States from the undeveloped nations of Europe. The civilization to be tempered and mediated was that encompassed by the new urban industrial society. He turned to nature and to the rugged ethic of the frontier as the solution to the challenge of preserving American character. In his formulation, civilization, rational and restrained though it must be, required a primitive and competitive core.  

Humane advocates, for their part, saw the frontier ethos and such associated activities as hunting as the last vestiges of primitivism. These were values to be eliminated, not preserved, and their suppression was a major element of the humanitarian program of reform. An ongoing social evolution based on ever-increasing kindness would be the only tempering that American civilization required. Hunting for subsistence and survival was one thing; the investment of hunting with high spiritual purpose was quite another.

"The Residuum of the Barbarian": Presidential Example and National Character

Nowhere was the threat Roosevelt posed to humane values more discussed than in the pages of Our Dumb Animals, the journal of the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) and the principal news organ of the humane movement. MSPCA founder George Angell was a passionate and energetic, if undeniably eccentric, defender of animals. Well into his eighties, and alarmed at military expenditure and the forceful projection of American power overseas, Angell was, in the very broadest sense, opposed to Roosevelt's presidency and all that it stood for.12

Once Roosevelt assumed the presidency, anti-hunting items--previously rare--proliferated in the pages of Our Dumb Animals. In developing his attack on killing for sport, Angell published narratives and testimonies of hunters' "Damascus conversions" and redemptions, the autobiographies of slaughtered and orphaned animals, commendations of farmers who did not permit animals to be killed on their property, and opinion pieces that assailed hunting.13

Throughout Roosevelt's presidency, but especially during his second term, Roosevelt was a regular subject of criticism in Our Dumb Animals. On a virtually

12 Indeed, Angell was the sort of man Roosevelt had criticized in "The Strenuous Life," when he wrote of "the overcivilized . . . who . . . shrink from seeing the nation undertake its new duties; shrink from seeing us build a navy and an army adequate to our needs; shrink from seeing us do our share of the world's work." See Theodore Roosevelt, "The Strenuous Life," in The Strenuous Life: Essays and Addresses (St. Clair Shores, Michigan: Scholarly Press, 1970), 1-2.

monthly basis, Angell assailed the president’s hunting, his enthusiasm for rough sports, the Rough Rider mythos, the administration’s foreign and military policies, and the general belligerency of spirit which seemed to have afflicted the nation under Roosevelt’s leadership. The president’s example was highly offensive to Angell’s vision of a world in which all schoolchildren would learn the lessons of kindness to animals as a natural precursor to universal peace and understanding.\(^{14}\)

Angell’s comments on the international pretensions of Roosevelt and other leaders signaled what Anthony Rotundo has called a “generational cleavage” focused on imperialism. This was an extended argument between men of the Civil War generation and their successors, in which such martial ideals as manliness, athleticism, military preparedness, and hunting were all implicated.\(^{15}\) For certain Americans, Roosevelt’s advocacy of military training for youth was a threat to the nation.\(^{16}\) Just as some viewed Roosevelt as the quintessence of the strenuous life to which all should aspire, others viewed the president as the personal embodiment of a malaise that afflicted the nation. For humane advocates, this led inevitably back to youthful male character. Angell explicitly linked the president’s hunting with a reported increase in shootings nationwide, and with recorded acts of youthful depravity, such as the gunning down of five cows by three Maine boys, and worried that Roosevelt’s example would inspire hundreds of


\(^{16}\) Predictably, Angell traced Roosevelt’s militarism to his youthful socialization. See George T. Angell, “If President Roosevelt.” *ODA* 39 (May 1907), 185; and idem, “The Rough Riders’ Regiment,” *ODA* 41 (June 1908), 4.
thousands of American boys to begin hunting. A comparable level of distress attended the destruction of small wildlife by boys armed with sling shots and “air guns,” which advocates repeatedly criticized and placed before their readers as part of the argument that “hunting tends to brutalize the boy.” Our Dumb Animals regularly published accounts of the dangers posed by boys who used airguns and rubber catapults to destroy songbirds. Boys permitted to act in this way were, a writer for the San Francisco Bulletin suggested, “cultivating a bloodthirsty, savage spirit which tends later in life to swell the crop of wife-beaters and murderers.”

Despite his disdain, Angell and other contributors to Our Dumb Animals became rhetorically possessed by the concept of “the strenuous life,” and, in time, the MSPCA founder would even appropriate the idiom in the service of his Band of Mercy ideal. In restating its purposes from time to time, he expressed a facetious challenge to the president to throw his energy and influence into the work of the Bands. Nor did he fail to note those acts of kindness attributed to the president, such as his rescuing of kittens while out riding in Washington. Angell confidently proclaimed the president’s opposition to tail docking of horses, and commended Roosevelt for adopting a stray dog. Such acknowledgement extended to the president’s foreign policy as well; Angell

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complimented the president for his decision to ship humanitarian relief to China, and congratulated him for his efforts to bring about peace between Russia and Japan.  

Roosevelt’s first major hunting trip as president gained national attention—and a lasting legacy—when he invoked the code of sportsmanship in refusing to shoot a bear during a six-day hunt near Smedes, Mississippi in November 1902. The party found beasts of the forests scarce, but finally a bear was harassed, subdued by the dogs, and tethered after killing one of them. Roosevelt declined to shoot the animal on these terms, and ordered it dispatched with a knife instead. This incident sparked the teddy bear craze, and led to the appropriation of the bear as a symbol of Roosevelt’s 1904 presidential campaign.

Angell refrained from comment himself but reprinted a highly critical account of the episode from the New York Times, which called into question Roosevelt’s order to put the bear “out of his misery” with a knife: “Times have changed, and opinions with them. The hunter needs some sort of an excuse nowadays, and really there doesn’t seem to have been much excuse for the killing of this ‘lean black bear.’”

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20 George T. Angell, ODA 39 (Feb. 1907), 144; and idem, “President Roosevelt,” ODA 38 (Sept. 1905), 50.


In attacking Roosevelt’s hunting, Angell diverged uncharacteristically from the accustomed pattern of American humane advocates emulating British precedents. The management of England’s Royal Society for the Prevention of Cruelty to Animals (RSPCA)—dominated by an aristocratic elite that preserved hunting as one of its exempt privileges—fought off attempts by socialist humanitarians like Ernest Bell, Henry Salt, and George Bernard Shaw to promulgate an anti-bloodsport platform within the organization. In fact, the RSPCA journal published an account of President Roosevelt, commending him as a man who “shoots always as a sportsman, and has done much to protect the animals of [his] country.”

Such distinctions seem to have mattered little to American animal protectionists, and certainly not to Angell. On the occasion of Roosevelt’s April 1905 bear hunt in Colorado, Angell wasted no words about the president’s sportsmanship when the rumor surfaced that Roosevelt had shot a bear turned out of its cage only minutes before his arrival. If the account were true, Angell opined, then the president had done what, “under the laws of Massachusetts, would be punishable by a fine of two hundred and fifty dollars and a year’s imprisonment.” That very month, Our Dumb Animals carried a bitterly satirical poem, “Our Strenuous Hunter,” which scored the President as an ignorant and insatiable killer who conflated prairie dogs with wolves, rabbits with lions, and coyotes with elephants.

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24 “Our Strenuous Hunter,” ODA 37 (Apr. 1905), 153; and George T. Angell, “President Roosevelt Has Shot a Bear,” ODA 37 (May 1905), 162.
Angell also reproduced an opinion piece highly critical of Roosevelt’s adventure, and an editorial comment concerning expenses relating to the trip. One editorial chided Roosevelt for recklessness while recapitulating many of Angell’s own indictments. “The country is in suspense all the time while the strenuous, fearless, reckless man is out heeding ‘the call of the wild.’ He has no business to be out on a wanton killing expedition, anyhow. His taste is the residuum of the barbarian in a highly civilized man,” the writer asserted. “It is not one whit more respectable than a child’s pulling the wings off from flies, or a boy killing songbirds. . . . It is the old, aboriginal, savage instinct, and worse, and more out of place in a civilized, cultivated man than in a naked cave man.”

Another editorial, from the New York Sun, went further, suggesting that many sportsmen were coming to regret and deplore the slaughter of animals. The article predicted the demise of hunting and credited the humane societies with “having helped to turn men’s thoughts to the cruelty of such sport.” The editorialist further noted, “It is remarkable how widely this tenderness of feeling has extended. The subject of making a pastime of hunting and shooting animals is never brought up . . . without drawing out many letters. . . . They come, too, in most part, from men by whom such an exhibition of sentiment would have been regarded many years ago as a confession of effeminacy.”

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25 “President Roosevelt,” and George T. Angell, “Our President’s Travelling Expenses,” ODA 38 (June 1905), 2.

26 The article was reproduced as “Killing as a Sport; Indications of Increasing Sensibility Even Among Sportsmen,” ODA 37 (Jan. 1905), 108.
In fact, a captive bear was waiting for release when Roosevelt, who received a special license from the governor of Colorado to kill any animal he wanted, arrived in the Rocky Mountain town of Newcastle. Town boosters had proposed to receive the president with a procession including a tame bear, "to be let loose and turned into the woods for the President to shoot." The Colorado Humane Society, however, intervened and called off the planned bear chase, "saying the fierce animal only had been in captivity a short time and might gobble up a few children before Roosevelt caught up with it." Ultimately, Roosevelt killed four wild bears on the 25-day trip, recording the details in an essay included in *Outdoor Pastimes*. Reacting to Angell's intense criticism of the president's trip, the superintendent of schools for the District of Columbia excluded *Our Dumb Animals* from the public school system for a few months during the latter half of 1905.27

Humane advocates continually dwelled upon the power of the president's example. In "A Little Talk of and To the President," an essay for the *New York American*, the poet Ella Wheeler Wilcox underscored the links between cruelty to animals and violent human crime. "Noblesse oblige, Mr. Roosevelt," Wilcox wrote. "Your example is doing much to nullify all the efforts of the humane societies all over our land. And whether you believe it or not, you are unconsciously helping to increase crime and cruelty in America."

The Christian Socialist G. D. Herron went further, giving


an entire lecture on Roosevelt’s depravity, in which he called him a symbol of the cultural retrogression that threatened social reform. “He is the embodiment of man’s return to the brute,” Herron suggested, “the living announcement that man will again seek relief from the sickness of society in the bonds of an imposing savagery.”

If his enthusiasm for hunting was a prominent element in Roosevelt’s public reputation, this had been largely his own doing. In chronicling his hunting adventures, his ranching exploits in the Badlands, and his embrace and celebration of frontier life, Roosevelt made himself an apostle of the moral and spiritual uplift that hard-fought existence, manly physical pursuits, and self-reliance could bring. His three books on these experiences were well-received best sellers.

Some of Roosevelt’s trips, burdened by the presence of numerous journalists, officials and others, became “fiascoes,” as one biographer has put it. Roosevelt was aware of public discomfort over his hunting, and was careful to cast it in the best possible light of sportsmanship, scientific endeavor and ennobling spirit. In the wake of the Mississippi farce, Roosevelt worried about the personal humiliation and political embarrassment of failure to kill a bear on his next hunt, and admitted concern about the scrutiny his hunting had garnered, even as he planned an upcoming bear hunt in


Colorado. "I am really at a loss to make up my mind whether it would be possible to take a hunt without having people join us in a way that will interfere with the hunting and without having so much silly and brutal newspaper talk," he wrote a friend.31

Not only did Roosevelt take that Colorado trip, he went bear hunting a third time two years later. In the final hunt, in November 1907 in the Louisiana canebrakes, Roosevelt secured the services of the same guide, Holt Collier, former slave and Confederate soldier, who had guided him five years before in Mississippi.32 The New York Times offered a pragmatic analysis:

[While] not ourselves ready to condemn hunting ... yet we recognize the fact that the killing of animals for sport is a little out of date, and that the people whom it severely shocks justify their dislike for such sport by arguments not entirely compounded of sentimentalism. The number of those who can read accounts of the slaughter of animals is steadily decreasing, while the number of those whom such stories offend is getting bigger and bigger every day. ... Whatever may be thought of that fact, fact it is, and statesmen who are also politicians will ignore it at some danger to the attainment of their ambitions.33

A Missouri editorial was harsher. "Here is a man who stands for the key-stone of the arch of our civilization, expressed in the crystallization of our community relations as a nation, who has not an equal in the animal kingdom for an over-bearing, cruel, savage attitude toward beings weaker than himself," the writer noted. "He kills and find pleasure in it, a pleasure as primitive but by no means as excusable as that of the savage who mutilates the body of his vanquished foe in the observance of a religious rite." The 1907


32 Details of the hunt are to be found in Schullery, Bear Hunter's Century, 219-26, and in Roosevelt's Jan. 1908 Scribner's Magazine article, repr. in Schullery, ed., American Bears, 155-69.

trip also drew the attention and ire of another severe critic, Mark Twain, who satirized the President in an unpublished short story written for the amusement of his personal secretary.  

There is no evidence that Roosevelt ever addressed himself to, let alone retaliated against, Angell's specific criticism. However, he did respond to humanitarian reproach in general, in Outdoor Pastimes, and he spared no words in his caricature of critics:

"There is no need to exercise much patience with men who protest against field sports, unless they are logical vegetarians of the flabbliest Hindoo type. If no deer or rabbits were killed, no crops could be cultivated. If it is morally right to kill an animal to eat its body, then it is morally right to kill to preserve its head." There was even more at stake, he reminded his readers, for "[no] nation facing the unhealthy softening and relaxation of fibre which tend to accompany civilization can afford to neglect anything that will develop hardihood, resolution, and the scorn of discomfort and danger."

"Nature-Fakers" and the Humane Ethic

Roosevelt's hunting was implicated, indirectly, in a colorful controversy over nature writing. During the period 1903-1908, at first behind the scenes but ultimately at center stage, Roosevelt waged battle against the group he dubbed "the nature fakers," a school of nature writers whose sentimental approach and factual errancy offended him.

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34 "President Roosevelt," Weltmer's Magazine, Nevada, Mo., repr. in ODA 39 (Mar. 1907), 152; and William Meriam Gibson. Theodore Roosevelt Among the Humorists: W.D. Howells, Mark Twain, and Mr. Dooley (Knoxville: University of Tennessee Press, 1989), 25. Twain detested cruelty to animals, and made it the theme of several works. Two of his short works, A Dog's Tale (New York: Harper and Bros., 1903) and A Horse's Tale (New York: Harper and Bros., 1907), focus on cruelty to animals, one on vivisection and the other on bullfighting.

35 Roosevelt, Outdoor Pastimes, 337.
Roosevelt's attack on William Long, and his attempt to "certify" the reputable natural history writers of the nation according to his own standards, focused on the alleged manufacture of such incidents as animals performing surgery, the details of predator kills, and other anecdotes that strained credulity. Roosevelt's hunting was sternly criticized as part of the ad hominem exchange that ensued.\textsuperscript{36}

Roosevelt was far more energetic in going after the nature fakers than he was in going after humane critics, and there are several possible explanations for this. First, John Burroughs, the President's favorite nature writer, was raging mad at the "sham naturalists," and asked Roosevelt to become involved. Second, nature fakery was an intellectually attractive debate, which focused on animal consciousness, instinct, evolution, and the particular details of killing, all subjects of interest to him. It was also the case, as Roosevelt once intimated, that at the precise moment of his public entry into the controversy he had felt himself keenly in need of "some diversion." Even so, reluctant to use the prestige and office of the presidency to attack anyone, he followed the dispute for several years before becoming involved, and, when he did so, he tried to accomplish his purposes indirectly, through an interview with Edward B. Clark.\textsuperscript{37}

It is worth noting that the nature fakers' focus on individual animals and their doings, their focus on animal altruism, and their anthropomorphic tendencies carried an implicit threat to the hunter-naturalist who sought to combine the killing of animals with

\textsuperscript{36} The story of the controversy is engagingly told by Lutts, The Nature Fakers. There are other details in John Burroughs, Camping and Tramping With Roosevelt (Boston: Houghton-Mifflin, 1907). Also see Roosevelt's dedicatory preface to Burroughs in Outdoor Pastimes.

a scientific appreciation for them. Such sentimentalizing approaches have often inspired lines of thought that place people at odds with both hunting and with wildlife management policies that endorse it. The vast audiences and enormous popularity of the nature popularizers, as less hostile observers called them, made them a potent cultural threat to the ideology of the hunter-conservationist.

Although their direct interactions appear to have been limited, there were links between the nature fakers and the humane movement. Without doubt, attributions of animal altruism, and related stories of animals lamenting their dead, were well received in humane circles. It was hardly coincidental that the Boston publishing house of Edwin Ginn, stalwart of the American Peace Society, published both humane tracts and some of the contested nature writings.\(^{38}\)

More importantly, Roosevelt, on the one hand, and many humanitarians and nature fakers, on the other, were at odds in their interpretations of evolutionary doctrine and in their constructions of nature and the non-human inhabitants of the natural world. They disagreed in fundamental ways about the proper way to encounter and experience nature, and about human obligations to non-human animals.\(^{39}\) Roosevelt had endorsed a particular conception of Darwinian thought in his embrace of the savage virtues. The pursuit of Darwinistic struggle, in the wilderness, along the frontier, or in the

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\(^{39}\) While not all of the late nineteenth and early twentieth century nature popularizers and animal protectionists had endorsed Darwinism's claim that humans and animals shared a common origin (neither Long nor British anti-vivisectionist Frances Power Cobbe had), many did reflect upon its implications for the human-animal relationship.
international arena, was an essential element in the conservation and enhancement of America's virile strength. Some retention of the primitive was necessary to guard against overcivilization and to ensure the survival of the fittest society.  

Humanitarians, on the other hand, like nature popularizers, sought to cultivate a sense of kinship and intimacy with animals, and regarded more beneficent and non-violent interactions with them as a hallmark of human advancement. They drew very different conclusions from Darwinism. In 1905, the author of one letter to a Massachusetts newspaper not only assailed "the manliness of Roosevelt's hunting," but went further. The writer also laid out a very modern ecological understanding of the practice, citing "the danger of having whole species exterminated" and the lesson of Darwin that "all life is one, all a spark of the Infinite Life." John Kimball's letter invoked a new critique of hunting that would grow in importance, and articulated a new and different ethic of kindness, one informed by Darwin, a modern concomitant to the older ethic based on sentiment and Christian stewardship.  

40 See Nash, Wilderness and the American Mind, 149-53; and Rotundo, American Manhood, 227-32, for discussions of the popularity of identification with the primitive and savage passions. For Darwinism's relationship to the doctrine of the strenuous life, see Bederman, Manliness and Civilization, 184-86.  

"The Traveling Humane Society" and the Roosevelt's African Safari

In March 1908, during the final year of the Roosevelt presidency, Angell admonished a Massachusetts man who planned to set his tame bear "Teddy" loose for the pleasure of hunters that he would be liable to a fine of $250 and a year's imprisonment. In the last year of his own life, Angell, 85, proclaimed his contentment with the fact that, after his long years of propagandizing editorialists and publishers, "a large number of those papers are at present coming to the same opinions which we have entertained in regard to the fitness of Theodore Roosevelt to be president of the United States and a pattern for the youth of our country." 42

As Angell saw his life's adventure coming to a close, Roosevelt was preparing for the greatest adventure of his life. Angell died on March 16, 1909, just one week before Roosevelt's post-presidential African safari began. Scrutiny and criticism of the former President did not fade, however, with the demise of one persistent critic or with Roosevelt's removal to Africa. Other humanitarians carried on, including one whose own celebrity gave her an opportunity to challenge hunting that was available to few persons. Minnie Maddern Fiske (1865-1932), the leading stage actress of the early twentieth century, became a vigorous critic of the Roosevelt expedition, carrying forward some elements of Angell's indictment but adding others. Fiske frequently held press conferences or issued statements in support of the local humane societies in the communities in which she played. Public criticism was the only effective way to

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challenge sport hunting in the Progressive era, since political and legislative actions to stop or limit non-market hunting were entirely impossible. Hunters, as the first to pay any attention to the regulation of wildlife populations, had structured the entire legal, political, and administrative apparatus in each state to prevent interference by any non-enthusiasts.  

Fiske criticized Roosevelt's conduct within the framework of Progressive era notions about character-building. The feminized locus of criticism, implicit in George Angell's role as the man who often spoke for a movement of women, became explicit in Fiske's very public and widely publicized attacks. Her indictment of Roosevelt's conduct typified the increased efforts by Progressive era women to challenge and reorder the conduct of men. Like contemporaneous campaigns for temperance, sexual purity, and reform and elimination of objectionable pursuits like boxing and fraternal orders, Fiske's campaign involved more than just the transgression of the public sphere. It involved the projection of women's views about the proper conduct of men into the public sphere.  

Fiske, sometimes called "the traveling humane society," had been active in humane work for many years already, and was the most prominent advocate for animals

43 The domination of wildlife management law and policy by hunters is documented in Thomas A. Lund, American Wildlife Law (Berkeley: University of California Press, 1980); James A. Tober, Who Owns the Wildlife? The Political Economy of Conservation in Nineteenth-Century America (Westport, CT: Greenwood Press, 1981); and John F. Reiger, American Sportsmen and the Origins of Conservation (Norman: University of Oklahoma Press, 1986). These works differ in approach, but all tend to credit the sportsman with a role in "animal protection." However, these celebrations of sportsmen's work uniformly fail to acknowledge the exclusions that have prevented citizens who do not support consumptive uses from serving within or influencing the administrative mechanisms that govern the fate of wildlife in the United States. This has impeded the development of a full range of protectionist perspectives in wildlife policy.

44 Rotundo, American Manhood, 252-53.
in the United States. She played critical roles in publicizing the campaigns against plumage, fur, and the steel leghold trap, and for the relief of starving and freezing cattle on the western ranges in winter. Fiske's company did a benefit performance in Boston at the Copley Square Hotel for the Millenium Guild, the first American organization with an explicit animal rights philosophy. She printed at her own expense a translated Swedish tract, "A Horse's Prayer to Mankind," distributed in logging camps in Wisconsin and elsewhere where horses were being employed in great numbers. An interviewer once entered Fiske's hotel suite in Pittsburgh to find her presiding over a flock of pigeons who were feeding on crumbs that she had spread on the floor near an open window.\textsuperscript{45}

Fiske had actually played before Roosevelt in Washington in 1906. Her manager, Frank Carlos Griffith, relaying the President's congratulations on the play "The New York Idea," suggested that the approval would have been warmer had she not so often sniped at him about his hunting habits. "Fallacious!" Fiske replied. "A President can't take a vacation from being President. Every time he goes hunting, millions of American boys go hunting, or want to. He can't expect to set a bad example, and vacation in peace."\textsuperscript{46}

The East African safari was an undertaking of quasi-military proportions, comprising the Roosevelts, father and son, Smithsonian staff members, a few white


hunters, several dozen native soldiers, and over 250 porters. This troupe carried the equipment required for specimen preservation, Roosevelt’s ‘traveling library’ of small leather-bound classics, and the normal outfit required for such an adventure. Roosevelt practiced for the trip by shooting at targets and studying casts of animal heads. Insisting upon his right to privacy once out of office, he took steps to ensure it. 47

Roosevelt spent eleven months in the African interior, determined to bag the most formidable African animals: the elephant, rhinoceros, buffalo, leopard, and lion. By the end of the safari, he had personally slain 269 animals, including 9 lions, 13 rhinos, 8 elephants, 7 hippopotami, and 7 giraffes. Together, the Roosevelts, father and son, brought down 512 animals—17 lions, 20 rhinoceri, 9 giraffes, 47 gazelles, 8 hippopotami, 29 zebras, 9 hyenas, and a sampling of other creatures, including the bongo, the dik-dik, the kudu, the aardwolf, and the klipspringer. The total take of the safari exceeded 11,000 animals, comprising 4,857 mammals, 4,000 birds, 500 fishes, and 2,000 reptiles. Theodore recorded the circumstances of death of each animal he himself killed in his diary, diagramming the wounds inflicted. Reports and records emphasized that the animals were being killed according to the scientists' specimen requirements or for feeding the party. In African Game Trails, Roosevelt characterized these kills as restrained. 48

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Responding to the consistent publicity accorded the Roosevelt expedition, Fiske relentlessly denounced Roosevelt as an enemy of humanitarianism. Explaining her position, she wrote, "These concerns simply cannot stand exposure, and although I am not in the least a militant person, I am not in the least an aggressive person . . . I do believe that we must come out before the world in exposing these brutal, unnecessary savageries." Making good on this conviction, at a number of public appearances during the year that Roosevelt was in Africa, Fiske chastised the former president for his harmful impact on the moral character of youth.  

Chicago animal rights advocate J. Howard Moore also condemned the former president as a "megaphonic individual," "obsessed with a desire to kill." If it were not for public opinion, Moore asserted, "it wouldn’t make much difference to him whether he exercised this savage instinct by slaying Spaniards or lions." Future generations of Americans, Moore predicted, would recognize such "bloody expeditions . . . as needless and barbaric."  

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Also joining in the furor was Roosevelt's old nemesis William Long, who added his own assessment of the president's manliness and character. Roosevelt answered such criticism in *African Game Trails*, his account of the safari, published while he was still in Africa. Roosevelt had deplored many forms of unsportsmanlike conduct by hunters in previous writings. Articulating his own views of sportsmanlike hunting, in the aftermath of the African tour, he wrote, "Game butchery is as objectionable as any other form of wanton cruelty or barbarity, but to protest against all hunting of game is a sign of softness of head, not of soundness of heart." It was necessary to kill animals, and game laws had to be based upon "certain facts that ought to be self-evident to everyone above the intellectual level of those well-meaning persons who apparently think that all shooting is wrong and that man could continue to exist if all wild animals were allowed to increase unchecked." 

*African Game Trails*, like Roosevelt's frontier and wilderness narratives, sought to fire men's imaginations about the excitement and virility of the hunt. His portrayal of the animals he pursued was quite unsympathetic; they were there to be conquered, and he never reflected in print upon the meaning of their deaths. Instead, he emphasized the ferocity and danger of the animals he hunted, as if to justify their deaths in the minds of

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51 "Long Says Roosevelt is Neither a Naturalist nor a Sportsman: Doctor Declares Former President Has Never Killed Game Except When No Trouble Was Involved in Act," Chicago Inter-Ocean, 12 June 1909, in Container 114. Fiske Papers.

his readers. He described every shot he fired, and his prose was terse and dramatic. "I broke her neck with a single bullet," he wrote of one bear he shot in Colorado in 1905.53

While evidence of the symbolic import and cultural currency of Roosevelt's hunter identity was abundant throughout his presidency, it seems to have been especially rich by the time of his western political tour, undertaken in summer 1910 after his return from Africa. Numerous cartoons and journalistic references cast Roosevelt as a Nimrod, "slayer of lions, tamer of predatory trusts," who hunted crooks out of public life, and took aim at old guard Republican elephants who headed for the bush at the sight of him. The hunting theme flourished in pageantry, banquets, and other celebrations of his trip as well. In Fargo, North Dakota, Roosevelt watched from his own parade float as a double repeatedly enacted the shooting of bear and deer, stopping now and again to doff his hat to the cheering crowd. The Viking Room at Minneapolis' Radisson Hotel was converted to a jungle scene, with a wax and confectionary sculpture of Roosevelt and the lions and tigers of the African hunt.54

"Shoot with a Camera"

More than a few contemporary naturalists, no longer or never having been hunters, overlooked Roosevelt's hunting in deference to his achievements in conservation

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53 The example is from Roosevelt, Outdoor Pastimes, 92. There are numerous comparable phrases in African Game Trails and other works.

and nature preservation. This was the case with John Burroughs, the President’s favorite naturalist. Another naturalist, the Rocky Mountain sage Enos Mills, once hired by Roosevelt as a forestry lecturer, made his position clear through indirection. At numerous public lectures on forests and the wilderness, Mills underscored his personal ambivalence about hunting, proclaimed his enthusiasm for exploring the wilds without firearms, and constructed an appeal for nature study based on the friendly, harmless character of the wilderness. Despite the fact that Roosevelt’s construction of fierce, predatory nature, fraught with danger, conflicted with his own depiction of an inviting, largely peaceful natural world, Mills credited his former boss with being “one of the best informed men of the age on most subjects, including nature.” However, Mills explained, “Teddy, like other hunters, does not understand the ‘character’ of animals.”

The great exception among naturalists who met Roosevelt’s approval was John Muir, who told Robert Underwood Johnson that he had pulled no punches with the President on their well-publicized trip to Yosemite, asking, “Mr. Roosevelt, when are you going to get beyond the boyishness of killing things? It seems to me it is all very well for a young fellow who has not formed his standards to rush out in the heat of youth and slaughter animals, but are you not getting far enough along to leave that off?” Roosevelt, as Johnson relates, replied, “Muir, I guess you are right.”

Indeed, increasing numbers of Americans shared Muir’s convictions. Numerous alternative ways of going “back to nature” arose during the Progressive era, and some of

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these cast hunting in the most negative light. One of humanitarians' most frequently proposed alternatives was photography. In 1913, Francis Rowley, Angell's successor at the MSPCA, decried Roosevelt's South American trip, which news reports had described as a science expedition that would entail the shipment home of over 1500 bird and mammal skins. "This destruction in the name of science," Rowley wrote, "we do not believe in for a moment. Photographs of wild life brought back would show a much higher courage, a finer intelligence, a nobler spirit and at least a kind heart." Under Rowley's editorial authority, Our Dumb Animals published articles by reformed hunters, and stories about non-lethal means for studying animals. Above all, the magazine extolled the virtues of the camera and other "bloodless" instruments as a means of encountering wildlife. In April 1913, a naturalist augmented the well-established metaphorical slogan "Shoot with a Camera" with a feature on the mechanics of nature photography. The author confidently proclaimed the moral superiority of the camera over the rifle. In the consummation of our efforts to secure good photographs, he asserted, we not only enjoy "the gratification of success, the stimulating outdoor exercise, [and] a better knowledge of nature. . . . [W]e soon lose that manless desire to kill every creature crossing our path."  


Conclusion

In 1906, writing to photographer Herbert K. Job, Roosevelt opined, “If we can only get the camera in place of the gun and have the sportsman sunk somewhat in the naturalist and lover of wild things, the next generation will see an immense change for the better in the life of our woods and waters.”

This wish for “submersion” was as close as Roosevelt would come to repudiation of the pastime he loved. In 1933, just fourteen years after Roosevelt’s death, Eugene Swope, director of the Roosevelt Bird Sanctuary, responded to an inquiry about the apparent contradiction between Roosevelt’s great love for nature and his devotion to hunting. It was clear to Swope that Roosevelt’s accomplishments in conservation would not be enough to make him immune from reproach in the future. Noting the spread, “with unbelievable rapidity,” of the Audubon movement and similar wildlife protection initiatives, in the first three decades of the twentieth century, Swope tried to make a case for Roosevelt’s record in wildlife conservation at a time when the national mood was considerably more ambivalent toward hunting. Reminding his correspondent that Roosevelt’s last adventure was “one of discovery in South America rather than a hunting trip,” Swope asserted that “[h]ad Roosevelt lived ten years longer, I am convinced that he would have generally discouraged hunting, save in rare instances, and would have been active in restricting the sport.”

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60 Eugene Swope to Helen Reed, May 1, 1933, in Theodore Roosevelt Collection, Harvard University Libraries, Cambridge, MA.
While dubious, Swope's speculation suggests that Roosevelt's view of hunting had been overtaken by a different sensibility. Roosevelt's provocation to humane ideals revealed a deepening cultural fault line about the role of hunting in an urbanized America—a role that had been more heavily contested in each succeeding decade. During the course of the twentieth century, alternative ways of encountering animals, an enhanced appreciation for their ecological roles, and a growing respect for their inherent value, all came together as part of the anti-hunting discourse that formed during the era of Roosevelt. Together with other trends related to urbanization and industrialization, they have undermined the position of sport hunting as an uncontested good and a morally defensible activity.\(^6\)

Even so, recreational hunting did not disappear. In rural areas, especially, it thrived throughout the twentieth century, despite the criticism of humane advocates, urbanites, environmentalists, and others. Their disapproval notwithstanding, millions of Americans headed into the woods to kill animals, swayed neither by arguments in favor of animals' interests nor by those which underscored the reflexive impact of killing upon human character.

On the other hand, concern for wildlife has steadily increased during the past century, and come to occupy an important place on the humane agenda. Roosevelt's

\(^6\) It is from this perspective that one recent author addresses criticism of Roosevelt's hunting. Paul Schullery cites a historian who wonders how "a man who loved animals as much as Roosevelt did could still enjoy killing them." Using this example, Schullery treats the current charge of hunting's immorality as an unfair ahistorical judgment, suggesting that modern readers simply do not understand the code of sportsmanship that bound hunters like Roosevelt, and the context in which he and other conservationists worked. Yet even Schullery concedes that such actions as shooting at hawks, eagles and small game merely for target practice, which Roosevelt did, are hard to reconcile with any sporting code. And Schullery ignores Roosevelt's contemporary critics in making his judgment. Schullery, American Bears, 178-79, n16.
status, celebrity, and conspicuous enthusiasm created a context in which hunting and its relationship to the national character could be broadly debated. This gave humane advocates an unusual opportunity to introduce ethical, practical, ecological and other concerns about hunting into public discussion. The expression of anti-hunting sentiment was an extension of the ethic that they had been promulgating in relation to domestic animals for some decades, and their condemnations of hunting reflected the movement's shift toward regard for wild animals as morally considerable beings.
CHAPTER XIV

PRODUCED BY CRUELTY: FUR, FEATHERS, AND THE USE OF ANIMALS IN ENTERTAINMENT

The appeal to consumer conscience, always an important element in the humane repertoire, took on special urgency in early twentieth century campaigns against fur and performing animal abuse. These two issues were intimately tied to public demand and approval. Such uses of animals were not based upon primary human needs but rather upon aesthetic or sensory satisfaction, be it for an article of clothing or an evening's entertainment. Because both these categories of use mainly involved wild animals (entertainment spectacles exploited domestic species as well), the humane movement's response to them was also a part of the larger evolution of its wildlife agenda.

That agenda emerged only gradually as animal protectionists' emphasis shifted from domestic animals to include the inhabitants of field and forest. The movement's ideological basis for opposing trapping and entertainment cruelties began with its concerns about animal pain and human character. In the case of wild animals used in performance spectacle, moreover, it included a growing appreciation for the biological and behavioral needs of individual animals. It also involved the conviction that confinement, debasing tricks, and other conditions of life in vaudeville, zoos, circuses, film, and other venues frequently violated the basic dignity of animals. All of these elements would help to shape the longer development of a humane approach to wildlife issues during the twentieth century.
In their campaigns against these two industries, animal advocates had to make consumers aware of largely hidden abuses. In the end, they secured only limited gains against the cruelties of fur and the entertainment industry. Appeals for their suppression did not gain the broad social support that the campaign against the destruction of birds for plumage garnered. What progress humane groups made was modest. Nevertheless, the efforts made against fur and entertainment cruelties provided a foundation upon which the post-World War II movement would build, and signaled the emergence of characteristically humane concerns about animal pain and the denial of animals’ basic needs and nature. During the second half of the twentieth century, these concerns would alter perspectives and practices concerning wildlife in the United States.

**Trapping Animals and Wearing Fur**

Although the first substantial bequest to a society for the prevention of cruelty to animals came from Louis Bonard, a man grown uneasy about his profits from the fur trade, animal protection organizations did not address the suffering of trapped animals until the first decade of the twentieth century. At that time, it became a regular concern for humane advocates, who began to speak out against the terrible torment animals experienced in the steel jaws of the trap. In time, animal protectionists linked trapping more directly to the popular demand for fur, and they shifted their energies toward consumers, especially women, who subsidized such cruelty through their purchases.

Discussion of trapping and its cruelties mounted during the decade prior to World War I. The Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) was one of the most consistent sources of criticism, and, by the second decade of the
twentieth century, the suffering of animals in traps was a subject of steady commentary in Our Dumb Animals. The MSPCA produced its first pamphlet on the subject, “The Cruelties of Trapping,” in July 1913, after sending an agent out with a camera to document conditions along the trap line. For a time, MSPCA agent Edward H. Packard visited trapping and hunting camps in an attempt to evangelize the occupants.¹

Animal protectionists believed that trapping, like many other cruelties, exerted a reflexive impact upon youthful character. Once the American Humane Association (AHA) began publication of its journal in 1913, references to the steel jaw leghold trap greatly outnumbered references to hunting as a wildlife-related concern that bore on the issue of youthful character. AHA writers condemned trapping as an “inhumane atavism,” and alternatively called for its abolition or its reform. Trapping of “obnoxious vermin” was justified, and trapping of fur-bearing animals was perhaps justifiable, if conducted by some other means than the steel trap. But the participation of youth in trapping, which brought prolonged and excruciating suffering to the animals ensnared, and demoralized the perpetrator, was intolerable.²


To a great extent, the campaign against fur drew on the precedent of the anti-plumage crusade. Although they did not usually originate bird protection campaigns, humane organizations provided steady and persistent support for them. Some of the earliest humane society leaders, including Henry Bergh, George Angell, Emily Appleton, Abraham Firth, Adele Biddle, and Caroline Earle White were honorary vice-presidents of the Audubon Society. In several instances, humane advocates provided practical assistance, letting Audubon societies operate from their organizational headquarters, or helping to defray the costs of a warden's salary.3

From the early 1880s on, Bergh was an active participant in the crusade against the use of birds as decorative adornments for hats. In 1881, the American Society for the Prevention of Cruelty to Animals (ASPCA) attempted to prosecute some men who trapped and furnished birds for the fashion markets. Bergh regularly wrote on the subject of cruel and frivolous fashion. Like other humanitarians, he also came out against the trapping of songsters, another serious problem.4 Animal protectionists confronted other cruelties of fashion during this period as well. During the 1890s, humane societies along the East Coast campaigned to suppress the peculiar fad of wearing live chameleons as


ornaments, relying on public education to dissuade citizens from purchasing such "animate jewelry."  

Feather Fashion and Bird Preservation, Robin Doughty’s history of the campaign against bird plumage fashions, acknowledges the contribution of humane societies to its success. Humanitarians campaigned against all four of the key activities—sport hunting, market killing, boys’ mischief, and millinery demands—that Doughty identifies as responsible for the decline in populations that led to bird protection. Humanitarians stayed with the issue of bird preservation right through the historic legislative benchmarks that culminated in the Migratory Bird Treaty Act of 1916.  

Audubon activists and animal protectionists alike treated the plumage issue as a problem of women’s consumption. Anti-plumage work was an extraordinarily self-reflexive exercise for middle-class supporters of the humane movement, especially women, many of whom wore or had worn feather fashions themselves. Mary Lovell made women’s culpability for millinery demand that harmed birds a principal focus of her work in the Department of Mercy of the Women’s Christian Temperance Union (WCTU). Stage actors George Arliss and Minnie Maddern Fiske issued a public call for


women to inform milliners “that they will withdraw their patronage from any establishment that permits the sale of aigrettes or other plumes barbarously obtained.”

Eventually, the animal protection movement began to frame the fur trapping issue as a problem of demand. As in the plumage campaign, humane advocates directed their appeals to women. In most instances, they assumed, women had purchased furs without real knowledge about the suffering of the animals slaughtered to procure them. The movement could remedy this by disseminating information about trapping. Animal protectionists also believed that women were more likely to want to change.

Humanitarians usually emphasized that their objection was not to the death of animals but to the suffering they endured in the traps. For this reason, humane advocates generally endorsed fur farming as an alternative. The naturalist Ernest Thompson Seton was an active supporter of this approach. At a major animal protection conference in 1913, Seton described his own experiments with the raising of wild animals and their destruction through lethal gas. In time, prominent humanitarians like Caroline Earle White and Minnie Maddern Fiske expressed their support for fur farming as preferable to


the cruelty of trapping.\textsuperscript{9} Gradually, however, advocates came to realize that fur farming was only relatively more humane than trapping. Both living conditions and the methods of killing employed on fur farms left much to be desired. Among other things, the desire to kill while preserving the skin intact frequently led workers to use their feet to crush the animals' chest walls and stop their hearts.\textsuperscript{10}

In 1924, following a suggestion from Thomas Edison, the Chemical Warfare Service of the Army began to investigate the use of poison gas in conjunction with trapping, so that animals would be killed almost instantaneously. Edison had already considered whether or not electricity could be used in a trapping device. He thought that impossible, but believed that a trap whose mechanism broke a canister of death gas was an excellent alternative.\textsuperscript{11}

Humanitarians also paid close attention to the search for a "painless" trap. For a time in the 1920s, the ASPCA had a standing offer of prize money for a humane device, but its expert reviewers rejected the several hundred designs submitted as unsuitable on practical or humane grounds. Dr. Vernon Bailey's wire mesh trap, which he used to capture beavers in his work for the United States Biological Survey, attracted positive


\textsuperscript{10} Mary F. Lovell, "What Fur Trapping Is," \textit{Starry Cross} 34 (Jan. 1925), 8-9; and idem, "The Fur Trade," \textit{Starry Cross} 34 (May 1925), 70. Post-World war II advocates were more sensitive to the extreme suffering on fur farms and would not advance ranching as an alternative.

\textsuperscript{11} Edison's Suggestion to Use Poison Gas in Trapping Animals Taken Up by Army," \textit{N. Y. Times}, 23 Nov. 1923, 1.
attention. So did a refined version of the old time "box trap," which the Biological
Survey also employed.\(^{12}\)

The option of not wearing fur at all had its proponents too. The Millenium Guild
not only condemned the wearing of fur but pioneered in the exhibition of cruelty-free
fabrics as substitutes. This sparked a healthy debate in a movement where not all
adherents had abandoned the real thing. In 1916, Emmarel Freshel put on a fake fur
fashion show at an international conference. In 1923, a display at the AHA convention
featured the simulated lamb, caracal, and Hudson seal fabrics of one textile firm. In
1930, American Anti-Vivisection Society (AAVS) president Robert Logan, in his
capacity as a coordinator of the Animal Welfare Department of the Theosophical Order
of Service, launched a mail campaign promoting the use of alternative fabrics.\(^{13}\)

The campaign to abolish the steel jaw leghold trap gained its best advocate in
Edward Breck (1861-1929), scholar, journalist, naval intelligence officer, and
outdoorsman. In 1909, after a stay in Nova Scotia that gave him an opportunity to study
the practices of trappers there, he had a dramatic change of heart. In *The Way of the

\(^{12}\) "No Humane Trap Prize Award," *NHR* 10 (Apr. 1922), 77; "Will You Stand for Tortures Like
This?" *ODA* 56 (Feb. 1924) 139; "Facing the Facts," *NHR* 13 (July 1925), 10; "The Humane Trapping
156-57; "The Search for a Humane Trap," *NHR* 15 (Apr. 1927), 6; Wilford Sanderson, "A Humane Trap
for Beaver," *NHR* 16 (Feb. 1928), 5; and Richard Craven, "Big Boost for Humane Trapping Movement,"
*NHR* 16 (July 1928), 3-4.

\(^{13}\) "Interesting Information," *Starry Cross* 30 (Feb. 1921), 27-29; "Furs Without Cruelty," *NHR* 11
(Dec. 1923), 237; "Fur and Fur Fabric," *Starry Cross* 34 (Nov. 1925), 167; *Animal Protection Congress*,
Woods (1909), Breck expressed his conviction that in the continued use of traps, “utility has... triumphed over humanity.”

From 1910 on, Breck campaigned with powerful first-hand testimony about the cruelties of trapping. He also began to stage “fabric fur” exhibitions, featuring coats made from silk, mohair, or wool. Breck pulled no punches in his public presentations. On one occasion in early 1925, his description of the pain and suffering that animals suffered in traps provoked a number of fur-clad women to leave a lecture sponsored by a Washington humane organization. He even set up displays at sportsmen’s shows, where he engaged passers-by in debate over the ethics of trapping.

In 1925, Breck founded the Anti-Steel Trap League (ASTL), which published literature on fur and trapping, and offered prizes for humane traps. It was one of the first single-issue focus organizations that the movement produced. The ASTL secured a number of influential supporters, including Minnie Maddern Fiske, Governor Percival Baxter, and Mrs. Gifford Pinchot. The ASTL made special appeals to women, who now enjoyed the ballot, to support legislation at both the state and federal levels to prohibit the use of the steel leghold trap. In 1926, Fiske, the ASTL’s most prominent and vocal


public representative, led a letter-writing campaign asking Mrs. Calvin Coolidge to forego wearing a sumptuous fur bestowed upon her by American fur manufacturers.17

The ASTL achieved two successes, first with the abolition of the steel leghold trap in South Carolina in 1928, and then with the 1929 referendum ballot victory outlawing its use in Massachusetts. However, farmers and trappers combined to overturn the Massachusetts measure the following year. Although Breck passed away soon afterward, his wife Mary carried on for a few more years with the support of Lucy Furman, Mrs. John B. Henderson, and others, sponsoring dozens of anti-trapping measures at the state level.18

There were important links between Mary Breck, Lucy Furman, and Rosalie Edge, whose Emergency Conservation Committee (1929) launched radical challenges to the policies of the National Audubon Society and the United States Biological Survey during the 1930s, 1940s, and 1950s. When Edge launched her attack on the Audubon Society's scandalous indulgence of steel leghold trap use on its Rainey Wildlife Sanctuary in Louisiana, a large number of the protest letters she collected came on humane society letterhead or from self-identified humane advocates. Lucy Furman


introduced the October 30, 1934 resolution decrying the practice, and Breck's widow authored the pamphlet “Blood Money,” which addressed the Rainey scandal.\textsuperscript{19}

The work of the Brecks and their associates thus helped to lay the groundwork for post-World War II campaigns on behalf of fur-bearing animals, and the ASTL was the direct progenitor of Defenders of Wildlife.\textsuperscript{20} In later years, the programs of humane groups working on wildlife issues would combine the ASTL's characteristic concern for eliminating the painful suffering of animals with the Emergency Conservation Committee's bitter skepticism about the ties between commercial interests (gun and sport hunting product firms) and pre-World War II wildlife conservation organizations.

Despite its efforts to end the suffering of wild animals in traps, the humane movement was not in the vanguard of efforts to reevaluate the status of predators, and even some of the most advanced animal advocates did not oppose the destruction of "noxious animals.” In general, animal protectionists excluded both animals thought harmful to humans, and predators (who they sometimes judged by human standards of conduct) from moral consideration.\textsuperscript{21}


\textsuperscript{20} Bennett, “The First Defender,” 423; and Dunlap, Saving American Wildlife, 132. Defenders of Wildlife has become defensive about its well-substantiated lineage.

\textsuperscript{21} On American perceptions of predators, including those characteristic of humane advocates, see Lisa Migbetto, Wild Animals and American Environmental Ethics (Tucson: Arizona State University Press, 1991), 75-93. The transformation of attitudes concerning predators and other "noxious" animals was a critical shift in the history of human-animal relations. However, the principal agents of change were wildlife conservation scientists and animal behaviorists who experienced and rejected the older paradigm of "shoot, poison and exterminate.” While the humane movement did not lead the way in this shift, in the
Still, the fur campaign failed to achieve the same level of success as the initiative against plumage, perhaps because the fur trapping issue did not raise the plumage trade’s specter of extinction. Instead, it involved the destruction of largely unappreciated animal species. Moreover, the revision in attitudes about predators and “trash” species had not yet developed sufficient momentum to influence thought and conduct in the arena of trapping. As a result, few Audubon activists, scientists, conservationists, and environmentalists joined the chorus, limiting advocacy for fur-bearing animals to an insufficiently influential segment of Americans, those animal protectionists disturbed by the intense suffering the trap imposed.

Captive Animals in Entertainment

The appeal to consumer conscience also undergirded humane advocates’ challenge to cruelty to animals in entertainment. In this case, they engaged an area of animal usage undergoing dramatic transformation as the vaudeville act gave way to the circus extravaganza, the Wild West Show, and the filmed performance. Here, too, the movement gained only qualified successes, for the trained animal industry could rely upon its profits, popularity, and powerful friends to secure its position. By the 1930s, however, continuing concerns about the abuse of animals in Hollywood led to the formation of a “watchdog” office, staffed by the AHA, which policed the studio backlots and other venues for evidence of cruelty. Moreover, as in the case of fur, activists’ work...
in the pre-World War II era foreshadowed the robust anti-performing animal abuse platforms of the post-1970 animal protection movement.

At the heart of entertainment cruelties lay the numerous devices and tricks that underpinned the training of animals, including whips, hidden wires, spiked collars and saddles, clubs, pistols, pitchforks, starvation, electric shock, and drugs. It was difficult to secure cruelty convictions because such practices normally occurred in secrecy. Beyond this, the animals used in entertainment often suffered cramped confinement in unsuitable quarters and shipping crates, as well as other hardships of transportation.

Anti-cruelty societies occasionally attempted to prosecute trainers and managers of stage shows or fairs where animals suffered abuse during training or in the course of the performance.\(^{22}\) In a few cases, the humane societies' policy of contact with theater managers apparently succeeded in the limitation or elimination of animal acts. In 1916, for example, the manager of the New Brighton Theater in New York State, after a series of confrontations with trainers over abuse and neglect, banned animal acts from the establishment.\(^{23}\)

The problem had already attracted considerable attention in England and Western Europe. On the continent, demand was high enough to support businesses that specialized in breaking and training animals. It was here, in the training facilities and in the barren cellars or backstage compartments where they were kept, rather than on stages

\(^{22}\) "Trained Animals." *ODA* 7 (Apr. 1875), 84. For instance, in 1883, the Connecticut Humane Society (CHS) halted a scheme to parachute animals out of a balloon at a Fourth of July celebration; CHS, *Ann. R.* 1884, 28. In 1902, the CHS intervened against a stage show that electrified a lion's cage, to enrage the animal at appointed times in the performance; "Case No. 4243," CHS, *Annual R.* 1902, 65-66.

or in arenas, that animals suffered the most abuse. In 1897, a British journalist interviewed one theater manager who supported the abolition of animal shows. Unlike some colleagues, he was dubious about the possibility of training animals through kindness, observing, “Fifty years’ experience has taught me that they are attended with cruelty in varying degrees. I will not go into the question of training by kindness; it is possible in theory, and seldom or never apparent in practice.”

Discomfort over the use of animals in such performances created the kind of concern for humane advocates that the commercialization of children as performers caused. Animal protectionists objected not only to the physical pain and suffering the animals experienced, but also to these spectacles’ degrading influence upon the character of those who witnessed either training sessions or performances. This took on special urgency because so many acts were primarily pitched toward children, for whom, promoters claimed, they would provide valuable lessons in natural history. Performing animal cruelty also posed the threat of emulation that motivated so many humane campaigns.

Every now and then, humane societies were able to convince a judge or magistrate that performing animals were being treated cruelly. In 1913, an ASPCA board member reported that a court had stopped “the performance of a dog jumping forty feet into a net, and having to be pushed before leaping.” In 1915, the Camden, New Jersey,

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SPCA gained custody of a "dodging monkey" used in a carnival act where pleasure-seekers paying a nickel could amuse themselves by throwing balls while the animal tried to avoid being hit.26

The following year, in Philadelphia, the Women’s Pennsylvania Society for the Prevention of Cruelty to Animals (WPSPCA) found a true cause célèbre in the case of Princess, a greyhound puppy starved to emaciation by a trainer. The man had been training animals to jump off of a thirty-foot ladder through the most shocking methods, forcing the starved creatures to mount the ladder in search of a small morsel of meat. The trainer would rope an animal round the neck and then let the dog ascend the ladder, only to yank the rope once the food had been devoured. The dogs, pulled by their feet from the ladder, landed in a net strung across the ground. The man had planned to stage a dramatic fire scene, clothing the animals in firemen’s garb.27

A Philadelphia magistrate fined the trainer after WPSPCA agents went to the man’s home and found evidence of his neglect and abuse. The humane society was helpless when the man demanded the return of his property, however, and all of the confiscated dogs were given back, except for one, Princess, who one of the WPSPCA vice presidents made arrangements to purchase. Some days later, agents discovered the same conditions affecting the dogs at the man’s home. Although humanitarians acting


independently purchased all of the animals whose suffering had come to light in the newspaper, the man could not be barred from owning and training animals.

Once in a while, an animal trainer might confess mistreatment in a moment of apostasy, or frankly concede that cruelty did occur. Thus, Frank Spellman, a bear trainer, confirmed the use of tough methods as well as his disdain for kind instruction in a newspaper interview. Spellman admitted, “In spite of the tall tales that are told about various kinds of animals being trained by kindness ... [there] was never one in history trained for public exhibitions that was not at the early stage of its education beaten into submission.” Spellman thought that even Jim Key, the sagacious horse that humanitarians celebrated, got beaten “when he fails to do his act as it should be done.”28

On some occasions, a local SPCA might be able to confiscate animals or fine a trainer when there was significant evidence of neglect. Sometimes, a charge of cruelty could be successfully brought in one locality when it could not be sustained in another. In other instances, like that of the organ grinder monkey, a humane society might be able to persuade a judge to order the act off of the streets as a public nuisance. Every now and then, an organization could arrest and prosecute trainers who killed their animals in fits of pique or spite, just as it would an ordinary citizen.29 Finally, the killing of an animal trainer sometimes allowed commentators to make the case that a civilized society should

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28 Spellman’s interview with the Kalamazoo Evening Telegraph, 28 Nov. 1906, is reproduced in JQZ 16 (Jan. 1907), 5-6. Anna Harris Smith suspected the same of Jim Key’s training and general discipline. See “Which is Worse,” Our Four-footed Friends [hereafter OFF] 5 (Jan. 1907), 9.

not keep animals in captivity for amusement. Making just this point, Charlotte Perkins Gilman noted, “To die nobly is to be admired; to die usefully is a worthy thing; to die because you can’t help it is at least blameless, but to die doing something unnecessary, inutile, and ignoble seems a pity.”

The campaign against cruelty to animals in entertainment gained support from graphic fictional narratives that revealed the dark side of the trade, like the one Marshall Saunders presented in The Wandering Dog. However, the greatest literary impetus for progress came with the posthumous publication of Jack London’s Michael Brother of Jerry. The book centered on the appalling cruelties suffered by its canine protagonist and other animal performers. London’s preface was a stinging criticism of the use of animals in circus and entertainment acts. He especially deplored the breaking of wild animals and the denial of their true nature by such spectacles.

With the permission of his widow Charmian, the American Humane Education Society (AHES) attached London’s name to a club movement that called for a boycott of performing animal spectacles, just as he had recommended in the book’s preface. The

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32 Jack London, Michael, Brother of Jerry (New York: MacMillan Co., 1917), v-viii. Opposition to the use of animals in entertainment was one of the many causes London espoused. In a short story, “The Madness of John Harned,” London condemned bullfighting. Animal welfare values were not the sole motive force behind his writing, however. London’s use of animals as subjects involved a complex, confused, and distinctive anthropomorphism tied to his belief in Spencerian and Darwinian codes concerning the survival of the fittest. For analysis of London’s views, see Marian Scholtmeijer, Animal Victims in Modern Fiction (Toronto: University of Toronto Press, 1993), 100-7, and Mighetto, Wild Animals and Environmental Ethics, 68-69.
result was an organizational initiative similar to the Bands of Mercy. In this instance, young people pledged themselves to avoid all staged animal acts. The AHES/MSPCA stoked the campaign by publishing a monthly report on entertainment cruelties. Every issue of Our Dumb Animals contained a page or two devoted to exposés, exhortations, and expiatory recantations by those who had participated in the trade.\textsuperscript{33}

Beyond the actual training and performance, humanitarians also objected to the lives that animals led offstage. Performing animals spent most of their lives confined in small cages, transported from place to place, and altogether deprived of their freedom and most basic biological and psychological needs. In the case of wild animals, humane advocates emphasized that they had also suffered the terror and hardship of capture and transport from their natural environments.\textsuperscript{34}

The campaign got a big boost from celebrity support. Dancer Irene Castle, who would go on to a lifetime of service to animals, issued a public letter in support of the Jack London Clubs in which she recounted her personal observations of neglect and abuse in entertainment. Stage actor George Arliss, famous for his film portrayal of Disraeli and a staunch supporter of animal causes, took a strong public stand too. Albert Payson Terhune, a best-selling author of canine literature, underscored for youthful readers of The American Boy that every trick performed by stage dogs was learned through torture, and that every dog in a trained animal act represented five others starved,


\textsuperscript{34} “How Performing Animals Travel and Live,” JOZ 24 (Nov. 1915), 107; and Sydney H. Coleman, “Training Wild Animals,” NHR 19 (July 1931), 18. While providing advanced veterinary treatment for a performing leopard, the MSPCA took advantage of the opportunity to publish a photograph depicting the grossly inadequate box in which the animal spent most of his life. See “The Leopard’s Cage,” ODA 52 (Dec. 1919), 101.
beaten, or otherwise mistreated. Governor Percival Baxter of Maine also deplored trained animal acts and cruelty to animals in the cinema. Moreover, in 1923, Baxter released his letter to the authorities of Lowell, Massachusetts, denying assistance to them in their efforts to secure two bear cubs from the state of Maine for the city’s zoo.  

Surveying the impact of the Jack London Clubs, one humane society leader thought it possible that the United States might one day eliminate “trick animals” altogether. A parallel movement was underway in England, where the Performing Animals Cruelty Act passed in 1925 in the wake of two parliamentary investigations, after being defeated in 1921. The 1925 law required licensures of all animal acts, and provided for revocation and financial penalties in the event of proven cruelty. The law—which applied to animals trained for stage, circus, and film performances—permitted courts to prohibit any training or intended performance likely to be accompanied by cruelty.  

The circus, though never the subject of sustained campaigns, nevertheless disturbed animal advocates, who did what they could to discourage citizens from

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attending the Big Top. In the early years of the twentieth century, the Los Angeles SPCA, among others, successfully prosecuted Ringling Brothers and several other traveling shows for cruelty to animals. In England, too, activity against the circus seemed to have diminished its popularity. In 1919, a North Carolina humane society took a less direct approach, successfully prosecuting a circus for cruelty to the many horse and mule teams who carried the troupe from town to town.

The campaign the MSPCA built around Michael Brother of Jerry had an impressive if temporary effect. Sentiment about the mistreatment of performing animals gained enough momentum in the 1920s that the Ringling Brothers, Barnum and Bailey Circus canceled its large animal acts during the second half of that decade. Billboard assigned credit for this decision to the opposition generated by the Jack London Clubs.

At times, animal protectionists’ critiques of circuses went beyond concerns over cruelty in training, the forced performance of unnatural feats, the conditions under which circus animals lived and traveled, and the demoralization of the spectator. They demonstrated genuine respect for the rights of individual animals. The fundamental injustice of an animal’s use for entertainment was not the treatment that animal experienced but the incarceration itself. “Why should one living creature be robbed of


38 AHA, Ann. R. 1911, 15-16; Caroline Earle White, “Performing Animals,” JAZ 23 (June 1914), 83-84; and “The Pitiful Story of the Performing Animal,” NHR 2 (Sept. 1914), 211.

39 “Look Out for Traveling Circuses,” NHR 7 (Dec. 1919), 239.

his rights that others might enjoy his fate?” asked Nina Halvey. “If the trainer burned his whips tomorrow and threw away his iron tongs and yet kept beasts for commercial exploitation, the moral issue is unanswerable.”

Occasionally, animal protectionists and others expressed their disapproval of the zoo. The zoo was a “‘beast prison,’” Charlotte Perkins Gilman charged, “a coarse cruelty [we] should struggle to outgrow.” Conditions at the Central Park menagerie in New York City drew the condemnation of many sensitive people. Humane advocates underscored the cruelties of trapping and procurement, the boredom and monotony that characterized the lives of many zoo animals, the thoughtless cruelty of the visiting public, and other defects typical of even the largest and best American zoos of the time. As for the “roadside” zoo, its horrors were almost unspeakable.

Animal advocates also tried to combat the growing popularity of Wild West shows, frontier day exhibitions, rodeos, and bullfights. Quite apart from the overt brutality of such spectacles, animal protectionists charged, they depended on many behind-the-scenes cruelties in training and preparation.

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ASPCA mobilized to stop a planned bullfight in New York in late 1921. Among the many protests against rodeo was one by Philadelphia advocates, who deplored the inclusion of one such event as part of the nation’s Sesquicentennial Fair in 1926.44

In the early years of moviemaking, some humanitarians believed that the use of animals in cinema represented a major improvement over the hated vaudeville tradition of animal acts. However, time would soon demonstrate the roseate character of this assessment, as new cruelties emerged with the spread of animal use in the new medium. The policing and prosecution of animal abuse in Hollywood came to occupy a large part of the Los Angeles SPCA’s work. The problem regularly surfaced as a topic of discussion in the AHA’s journal. Under William Stillman’s leadership, the AHA supported the call for censorship, by state or federal authorities, to suppress cruel scenes.45 Not all agreed that censorship was the solution, however, and some emphasized the critical importance of patrons’ opinions. Many followed Jack London’s in *Michael Brother of Jerry*, and recommended that parents take their children out of the theaters.

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when confronted by cruelty on screen, and notify the management of their reasons for doing so.46

In the opinion of humane workers, both stage and cinematic cruelty raised the problem of imitation by impressionable children. Animal and child protection advocates agreed with other reformers that lurid, thrilling, or provocative performances and moving pictures were the seedbed for juvenile delinquency. A Boston boy once stole two baby lions from the Bostock Animal Circus after watching a performance, and confined the two animals in a shed where he tried to teach them tricks. One lion died of starvation before the youth’s parents found him out. On other occasions, the fear of such an occurrence led animal protectionists to move against some productions, as in 1922, when the MSPCA criticized Boy Scout Commissioner Daniel Carter Beard for endorsing “Bill and Bob,” a film that showed two boys in scout-like uniforms trapping a bobcat.47

Quite often, the animal protection community directly contacted the film companies or the National Board of Review of Motion Pictures, seeking to discourage such scenes. In 1916, the National Board of Review issued a circular to producers and directors admonishing them to observe a higher standard of concern for animals. This admonition underscored the fact that apparent cruelty to animals had generated severe


criticism and sometimes resulted in the suppression of certain films in the national market.  

Humanitarians sometimes attempted to prosecute those responsible for particular movies portraying cruelty to animals. In 1916, the ASPCA brought charges under the New York State anti-cruelty statute against the Fox Film Company and a number of individuals involved in one film—the rider, the veterinarian, the writer, the director, and a stage carpenter—for an incident in which a horse was forced to jump into a chasm from a height of forty feet. Each defendant was fined $25.  

For a numbers of years, advocates wrote letters to distributors and theater managers to decry objectionable films. Finally, they moved to address the problem more directly. In early 1924, a coalition of animal organizations sent representatives to meet with Will Hays of the Motion Picture Association of America (MPAA) to discuss the elimination of cruelty in the movies. Hays expressed his support for the establishment of an agency to observe and oversee the treatment of animals in the studios and on location. Further agitation on the question resulted in an investigation by the Christian Science Monitor, which in 1924 made extensive inquiries about cruelty in film production. Producers and others associated with the industry adamantly denied any misuse or abuse of animals, and speculated that some humanitarians had been fooled by the use of

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48 "Censoring Motion Pictures," ODA 49 (June 1916), 8; and "Producing Directors of Motion Pictures Warned Against Cruelty," ODA 49 (July 1916), 24.

dummies and cutaway shots. Trainers emphasized their reliance on kind methods of training.\textsuperscript{50}

But California activists disagreed, on the basis of their ongoing engagement with the issue. While not on location, they claimed, the animals were badly neglected by ignorant keepers. On the set, they were drugged, beaten with whips, pounded with clubs, and strung on wires to pace their movements. Activists charged that hundreds of animals had been killed in films depicting westward migration, battle, and other grand scenes.\textsuperscript{51}

The \textit{Monitor} asked Percival Baxter, retired Governor of Maine, Francis Rowley, and Rufus Steele to form a committee to investigate the charge that animals were treated cruelly in the cinema. They hired an investigator to survey the uses of animals in Hollywood. However, he soon lost the confidence of animal advocates, by insisting on a rigorous standard of evidence that alienated some potential witnesses, and excluding instances of cruelty that had not been proven in court. He also accepted the classification of many animal deaths as “accidents,” although Los Angeles area critics of the industry generally viewed such morbidity as the direct result of “wanton disregard of the welfare of animals.”\textsuperscript{52}


The final committee report concluded that cruelty to animals in film production was common and countenanced in the industry. The Monitor committee recommended the elimination of all scenes where dumb creatures are coerced to perform unnatural and dangerous acts, whether actual cruelties are practiced upon, or foolish stunts are required of, the animal performers. Bull fights, rodeos, diving horses, stampedes of herds of cattle, animals performing dressed as humans, and similar acts degrade the public taste and cause pain to the harmless creatures employed.  

The committee commented further that the filming of scenes in which cruelty to animals is suggested and where dummies are employed also is condemned by us. Although in such cases living animals are not maltreated, deception is practiced upon audiences who are led to believe that living creatures actually are involved in the acts portrayed. The effect of such "faked" pictures is to excite cruelty, and dull their senses both the rights of dumb creatures and to man’s duty to be kind and merciful toward them.

Humanitarians continued to make charges of cruelty to animals in the cinema in subsequent years, and maintained a steady correspondence with Hays’s office.

As Hays had told animal protectionists in 1924, many incidents of apparent cruelty could be represented through "trick photography." In addition, by the 1930s, Hollywood had begun to use fake animals in some instances in an effort to avoid expense, inconvenience, and cruelty. However, reliance on live animals continued, as Hollywood producers quickly came to appreciate the thrills that the sight of wild animals generated for their audiences. After a period of hiring animals from circuses or

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53 “Inquiry into Use of Animals in Motion Picture Production Completed by Investigators,” Christian Science Monitor, 18 June 1925, 1.

54 Ibid.

menageries, several Californian entrepreneurs established their own collections or wild animal farms, assembling a great variety of species.\textsuperscript{56}

Serious problems of performing animal abuse continued unabated until the late 1930s, when scandal surrounding the production of "The Charge of the Light Brigade" (1936) and "Jesse James" (1939) forced another wave of reform through the industry. Over time, preoccupation with Hollywood's influence led to the establishment of an AHA office specifically charged to deal with the issue of cruelty in the movies. That office helped to secure a few gains in the industry, eliminating the use of the "Running W," or trip wire, and the "pit fall," two techniques that claimed numerous equine victims as the cowboy western became an American staple. In 1940, the office secured an agreement with the MPAA that gave the AHA authority to visit all studio sets and locations where animals were being used, and made its representative the arbiter of all matters connected with the use of animals.\textsuperscript{57}

During the period of this study, the steady popularity of zoos, circuses, movies, and stage acts featuring animals insulated them against many of the criticisms that animal protectionists leveled. Public knowledge and credulity concerning abuse in these industries did not expand to sufficient proportions to spur substantial change or reform. Significant progress in identifying and resolving the cruelties inherent in these areas of animal use, as in so many others, would not come until the post-World War II era.


Conclusion

In the last decade of the nineteenth century, Harvard scientist Nathaniel Shaler expressed his view that the example of the SPCAs might usefully be extended to a protective effort for wild species. Even as Shaler wrote, such an expansion of the humane movement’s ideology and its scope of activity was underway. Increasingly, humane advocates did begin to extend their concern for suffering to wildlife, and to argue that wild animals were deserving of greater moral consideration. The movement’s campaigns against fur and animal abuse in entertainment reflected not just its developing philosophy about wildlife issues, but also the complex interplay between humane and consumption-oriented value systems in the early to mid-twentieth century.

Animal protectionists went beyond what their peers in Audubon circles had envisioned, joining the question of wearing fur to the plumage issue, and extending the boycott principle from one campaign to the other. However, the campaign against fur did not achieve the dramatic successes of the plumage crusade. Try as they might, advocates could not persuade sufficient numbers of Americans that fur was as frivolous as feather fashion. Nor could they generate commensurate concern for the unappreciated and non-endangered species who most frequently died in leghold traps as others had been able to do in making the case against the plumage trade.

Anti-trapping and anti-fur campaigners did make some important inroads, however. Early in the twentieth century, they began to investigate and to expose the routine cruelties of trapping. They emphasized its brutalization of youth in response to

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58 Nathaniel S. Shaler, Domesticated Animals: Their Relation to Man and To His Advancement in Civilization (New York: Charles Scribner’s Sons, 1895), 216.
advertisements that encouraged boys to take up trapping as a moneymaking sideline. For a time, they supported fur farming as a lesser evil. In addition, animal protectionists became significant promoters of alternatives to trapped fur, staging “Humanifur” fashion shows and contests for less painful traps. Anti-leghold trap referenda and related initiatives became important hallmarks of their campaign and outreach work. They challenged the shockingly inhumane policies of conservation organizations supposedly devoted to the interests of wildlife.

Humane advocates also questioned the ethics of training and using animals for captive performance. Their opposition did not hinge merely upon the pain, suffering, and neglect that confinement, training, performance, and transportation inflicted upon the animals. Like the fur issue, the use of animals in entertainment reflected the movement’s developing philosophy about wildlife, and the concrete extension of its efforts to incorporate the interests of wild animals into the humane agenda. In addition, it signaled animal protectionists’ increased understanding of man as an ecologically dominant force whose attitude and behavior toward non-human nature merited greater moral scrutiny. Finally, their critique underscored the unnatural and demeaning terms of existence that the entertainment industry imposed upon captive animals.

On occasion, humane advocates tried to apply their enforcement authority to intervene against cruel usage and neglect. However, the movement gained its greatest momentum around this issue by harnessing Jack London’s powerful exposé of the animal training underworld to a massive publicity campaign involving celebrity opposition to the trade and investigative work that sparked newspaper coverage throughout the nation.
Curbing the abuse of animals in entertainment proved a difficult challenge, as the commercialization of leisure and the advent of cinema transformed the issue just as the movement began to address it in earnest. Ultimately, the formidable tasks of documenting and punishing cruelty—and the sheer popularity of such spectacles—limited the potential for progress. The movement did not succeed in leading the public to heightened skepticism and scrutiny about abuses in entertainment, or to an enduring awareness of the cruelties that occurred offstage and behind the scenes.

Despite the limited gains that animal protectionists made in addressing fur and entertainment cruelties, both issues represented the working out of the humane movement's philosophy of concern for wildlife. In their approach to these issues, animal protectionists unmistakably diverged from the conventional utilitarianism of late nineteenth century and early twentieth century conservation organizations, presenting a moral perspective on the treatment of wildlife with few precedents, and helping to build a climate of greater empathy with non-human nature.
CHAPTER XV

HUMANE EDUCATION AND CHARACTER FORMATION
IN THE EARLY TWENTIETH CENTURY

During the first two decades of the twentieth century, humane advocates undertook systematic efforts to institutionalize humane education on a national level. They pursued legislation for compulsory humane education, the formation of kindness clubs, outreach to youth organizations like the Boy Scouts, the creation of a network of professional educators, and the production of appropriate teaching materials. Despite some initial successes, however, the movement failed to establish humane education in such a way as to ensure and perpetuate its incorporation within educational systems. Very few of the programs animal advocates launched proved enduring in their impact. Only modest penetration of the schools occurred, and the burden of other responsibilities, especially municipal animal control, limited the amount of time and energy that organizations could devote to school outreach. The attempt to standardize and unify the elementary and secondary school science curriculum subsumed elements of humane education and nature-study, its environmental counterpart, while rejecting many of their premises. At the same time, an array of competing interests, promoting consumptive uses of animals, took their programs into the schools, further displacing the kindness-to-animals didactic. When a new generation of advocates sought to revitalize animal protection in the post-World War II era, they had to virtually reinvent humane education as a field of endeavor.
Nature-Study, Humane Education, and Youth Socialization

If, as Lawrence Cremin concluded, the period 1910-1925 was the heyday of the movement for humane instruction, the work undoubtedly received a boost from the Progressive-era preoccupation with youthful character. Between 1890 and World War I, reformers of all kinds placed education at the center of their programs of social betterment. The American educational order underwent massive expansion at all levels, and compulsory attendance legislation drew hundreds of thousands of children into the schools. In part, this investment in education resulted from the many changes that industrialism had wrought. Increasingly, the school was asked to assume educative responsibilities that had once been borne within the domestic setting. In the industrial era, with the daily routine of both mothers and fathers centered outside of the household, many expected the school system to fill the breach.¹

Animal protectionists tried to keep pace with this development. From the movement’s earliest stages, humane advocates concluded that the permanent success of their work depended on the interest and involvement of children. They invested time and energy in organizing Bands of Mercy and in the distribution of literature promoting kindness to animals. By the early twentieth century, the instruction of children was an established priority of humane societies.

The fate of humane education at this time was bound up with that of nature-study, a consequential trend in Progressive era pedagogy. Many Americans looked to nature-study to mitigate worries that children could not thrive in an urban society. They saw in

it a means for preserving the beneficial effects of wilderness and nature as a hedge against the degeneracy of modern civilization. Nature-study was part of the response to anxieties stemming from urbanization and industrialization.

The two fields had much in common. Nature-study’s rise and decline—its principal organ *Nature-Study Review* was published between 1905 and 1923—exactly coincided with that of the movement for compulsory humane education. Both nature-study and humane education promised ethical benefits, moral guidance, spiritual inspiration, healthy recreational alternatives to the penny-arcade or the poolroom, and healing affinities with nature. Both focused on non-human nature for their subject matter.

The two fields also faced some of the same obstacles. Each was hampered by the inadequacy of teacher training in methods and content. Each faced the challenge of correlation, the need to provide materials that incorporated humane and nature-study precepts into lessons concerning science, composition, civics, reading, geography, history, art, music, when a specific time could or would not be set aside for them as discrete subjects. Finally, both had to contend with the more powerful trend toward unification and rationalization of the elementary and secondary science curriculum in the United States.

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In part, the nature-study movement was a product of Romanticism, that late eighteenth-century aesthetic sensibility that exalted the natural as an inspiration to individual feeling and emotion. By the mid-nineteenth century, Romanticism had given nature new meaning and value, as a defining element of middle class identity in western industrial societies. Nature-study’s proponents believed that individuals living in an urban industrial society could not do without nature’s ennobling and healing effects.\footnote{Joan Frykman and Orvar Lofgren, Culture Builders: A Historical Anthropology of Middle-Class Life (New Brunswick: Rutgers University Press, 1987).}

In their regard for wildlife, humane education and nature-study were often similar. Professional nature-study educators usually disdained such pursuits as hunting and trapping. One of them, Anna Comstock, anticipated the day when men—properly educated through nature-study—would “enjoy nature through seeing how creatures live rather than by watching them die.”\footnote{Anna B. Comstock. “What Nature-Study Does for the Child and for the Teacher,” Nature Study Review 7 (May 1907), 133-34. For a concurring view, see Guy A. Bailey, “Nature-Study and Humaneness,” Nature-Study Review 13 (Mar. 1917), 90-92.} Nature-study also encouraged the combination of humane sentiment and ecological sensitivity with practical work or assignments.\footnote{“Omaha’s Object-Lesson in Bird-House Building,” ODA 49 (June 1916), 3-4.}

However, while both humane education and nature-study had romantic antecedents, and demonstrated a strong imaginative sympathy with nature and with non-human animals, there were important differences. For one thing, there was a more utilitarian variant of nature study, linked to the interests of agriculture. Cornell horticulturist Liberty Hyde Bailey, an influential figure in Progressive era rural policy, espoused a neo-Jeffersonian vision of country life as regenerative of the nation’s moral
and material greatness. Bailey believed that the schools could spur that revitalization by encouraging an enhanced appreciation for nature. In the 1890s, Cornell became a center for the development of nature-study. The state of New York, hoping to temper the enthusiasm of farmers' children for migration to the city, supported the program.\(^7\)

The utilitarian perspective concerning animals was evident in statutory language and teaching instructions concerning humane education in some states. According to one bulletin,

> The purpose [of humane education] is to contribute to the highest and most enduring happiness of the human race. The temporary desires and pleasures of the inferior animals are to be taken into consideration, rather in view of the effect of their recognition upon human character, than from the standpoint of the positive rights of the animals themselves. . . . The only right anything possesses is the right to be useful. . . . The economic or utilitarian value of animals has thus been emphasized throughout the course.\(^8\)

While their own texts sometimes invoked utilitarian arguments as part of the rationale for animal protection, humanitarians chafed at more extreme examples of objectification that reduced

> the usefulness of animals [to] a sort of inventory of their physical parts and a minute delineation of the ways which ingenious man has found to turn them to his own account. . . . A child by this means is brought to look at a live cow or horse not as a sentient creature which thinks, and suffers, and has preferences . . . but as a temporarily animated collection of knife-handles and spoons, and leather, and glue, and beef, and milk.\(^9\)

More significantly, advocates of humaneness tended to emotionalize the objectives and the content of nature-study work, sometimes sanctioning and encouraging textual material not so easily indulged by others. Strongly religious arguments for animal care, stories of animal fidelity and sagacity, and certain anthropomorphic tendencies at times

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\(^9\) "Notes," *Journal of Zoophily* [I have lost the citation.]
distinguished humane education from nature-study and from the professional science education curriculum that replaced them both by the 1930s. Such perceived credulity offended science and nature-study educators, some of whom openly disdained the humane movement’s instructional material. The author of one history of elementary school science singled out humane and temperance education as representing the worst extreme of “special-interest groups” that had frequently distorted science “in order to force it to contribute to the objectives set up.”

Nature-study and humane advocates found themselves directly at odds in other arenas. Clark University’s Clifton Hodge, author of a widely used nature-study text, actively opposed vivisection regulation legislation in Massachusetts. Ernest Harold Baynes and Ernest Thompson Seton, both nature popularizers who for much of their careers enjoyed friendly relations with animal protection societies, grew progressively aloof from and then hostile toward the humane movement on account of the vivisection issue.

Nature-study did provide useful examples for the development of systematic humane education lesson plans and texts, which began to emerge in the 1890s. Before that time, humane educators had relied upon eclectic accumulations of material, and an array of didactic stories and novels devoted to kindness to animals. Many humane educators...

10 Ovra Ervin Underhill, The Origins and Development of Elementary-School Science (Chicago: Scott, Foresman, and Co., 1941), 122-23. Underhill cited an old anecdote (used by George Angell) whose typicality by the time of his study may be questioned. But see Mary F. Lovell’s claim that “animals are rendered unhappy even by harsh words,” in “Seven Reasons for Being Kind to Animals,” Starry Cross 29 (Nov. 1920), 171.

periodicals included selections for children, and some of these found their way into published works marked for use by Bands of Mercy. In 1883, Abraham Firth, a close associate of George Angell's, published the first edition of *Voices of the Speechless*, a compendium of literary excerpts. This work went through at least four printings in twenty years.\(^\text{12}\)

In the last decade of the century, however, the first manuals and textbooks with systematic humane lesson plans, question and answer sets, and other offerings began to appear. In 1902, the AHA formed a committee to promote the publication of textbooks that inculcated humane ideals, and quickly found common cause with Ginn and Company. The Animal Rescue League's Anna Harris Smith worked closely with the Boston publisher and in 1904 Ginn issued "The Jones Readers." These texts had been submitted for approval to the AHA, which drew up guidelines for submission to the nation's 166 other publishers of children's textbooks. By 1930, about a dozen humane education titles had appeared.\(^\text{13}\)


The Campaign for Compulsory Humane Education Laws

The first discussion of compulsory humane education occurred in Massachusetts in the 1880s, and by 1886 George Angell helped to secure a humane instruction mandate. By the early 1900s, the notion of a national campaign for compulsory humane education began to gather momentum. In 1905, William O. Stillman of the AHA, and Stella H. Preston formed the New York Humane Education Committee to advance a state requirement. In that same year, both Oklahoma and Pennsylvania passed laws providing for moral and humane education. The Oklahoma legislation required humane instruction as part of the moral education of its future citizens, and made it clear that character lay at the heart of such initiatives. Sponsors wanted educators "to teach morality in the broadest meaning of the word, for the purpose of elevating and refining the character of school children . . . that they may know how to conduct themselves as social beings in relation to each other . . . and thereby lessen wrong-doing and crime." The law mandated that one half hour each week be devoted to teaching "kindness to and humane treatment and protection of dumb animals and birds; their lives, habits and usefulness, and the important part they are intended to fulfil in the economy of nature." 14

In 1909, the compulsory humane education movement achieved its most important benchmark, the passage of legislation in Illinois. The Illinois law was the first to include sanctions for non-compliance and provisions for instruction in teacher training.

schools. In November 1915, the AHA adopted a resolution favoring the establishment of compulsory humane education in every state, selecting the 1909 Illinois law as its model. However, of the three states that passed humane education laws in 1917—Maine, Wisconsin, and New York—only New York’s legislation followed the Illinois model. Compliance was tied to public funds, and the Commissioner of Education was directed to publicize the requirement. The bill passed after a carefully planned campaign led by Stella Preston, the ASPCA’s first Director of Education, who also prepared an appropriate syllabus for each grade.

As an instrument of character development, the kindness ethic also served the goal of assimilation. “We teach in our evening schools and Americanization classes,” Morris Siegel, New York City’s director of continuation schools, wrote, “that the humane treatment of animals is not only a matter of right feeling but conformity with the customs of the country and obedience to the law of the land.” In 1919, disapproving what she perceived as “the reign of lawlessness which has followed the war,” Mary Lovell urged her colleagues to push for humane education as an aid to immigrant socialization, and an alternative to immigration restriction. Under the circumstances, Lovell continued, “there is a sentiment in favor of restricted immigration, but there is not enough sentiment in

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favor of dealing wisely with the emigrants already here, which can be done in large measure through right training of their children where there is opportunity, namely, in the public schools."\textsuperscript{17}

William Stillman dreamed of a campaign to secure a federal requirement for humane education, and at least one humane educator thought that the ratification of suffrage would lead to the election of female lawmakers committed to such a proposal. But the process proceeded state by state. In 1920, Kentucky became the eighteenth state to require humane education in its schools, "for the purpose of lessening crime and raising the standard of good citizenship, and inculcating the spirit of humanity." In 1922, similar legislation was proposed in New Jersey, and William Shultz estimated that by that year, twenty states had humane education requirements. Only three, however—New York, Oklahoma, and Illinois—included a provision to punish non-compliance, by withholding state funds for salaries and school budgets.\textsuperscript{18}

Here and there, progress in institutionalizing humane education ensued. Both the Governor and the Superintendent of Education in Pennsylvania endorsed Mary Lovell's work, and the MSPCA's Francis Rowley secured a general endorsement from the United States Commissioner of Education. In Colorado, the State Teachers' College adopted a course of study in ethical and humane education that was directed by the state's Bureau

\textsuperscript{17} "The Alien and Humane Education," ODA 52 (Apr. 1920), 163; Morris Siegel, quoted in National Humane Journal 12 (Nov. 1924), 214; and Mary F. Lovell, "Democracy and Humane Education," Starry Cross 28 (Mar. 1919), 39.

of Child and Animal Protection. For a time, humane advocates made efforts to canvas the meetings of the National Education Association (NEA), and it seems that animal protectionists were successful in their outreach to national and regional teaching organizations, as well as to school system administrators. In 1924, the NEA president endorsed humane education at the annual meeting of the AHA.

Despite such progress, the push for compulsory humane instruction was not necessarily instrumental in ensuring access or influence within the schools. The law was frequently a dead letter in those states where it was approved. Hostile and indifferent superintendents and teachers could ignore the statutes with little fear of recriminations, and effective texts and materials were not always readily available.

Chicago, with its tradition of progressive experimentation in education, promised to be one place in which humane education might gain a significant foothold. But by 1923, Mary Lovell would cast doubt even on the success of the movement for humane education in Illinois. In the late 1930s, Marion Krows, on the basis of her own experience in a small town outside New York City, concluded that the law in her state

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was “unevenly observed,” its enforcement usually contingent on “some superintendent, principal, or teacher with a kind heart, who personally has compelled action.”

In contrast, in Massachusetts, the AHES enjoyed comity with school authorities, and open access, although there was no explicit requirement for humane education. Instead, it came within the charge under Massachusetts law for teachers to “exert their best endeavors to impress the minds of children committed to their care with the principles of justice, humanity, universal benevolence, etc.” Maine provided another special case. In the early 1920s, Governor Percival Baxter, a strong defender of animals, pushed a compulsory humane education requirement through the legislature.

The emergence of the professional humane educator was a natural outgrowth of the compulsory humane education movement. The ASPCA created a humane education department in 1916, and hired Stella Preston as its director. In time, Frances E. Clarke, who first came into contact with the ASPCA as an instructor at the Maxwell Training Institute for teachers in Brooklyn, went on to direct the department. In succeeding decades, Clarke edited half a dozen anthologies devoted to stories and poems about animals, as well as a number of pamphlets. The Maxwell Training School during her

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23 “Humane Education in Massachusetts,” *ODA* 44 (Oct. 1911), 74. “Seven Hundred Teachers,” *ODA* 46 (Dec. 1913), 104, reported that the Worcester School Board closed its schools early one afternoon so that teachers could attend Rowley’s lecture on humane education. On Baxter, see “What We Anti-Vivisectionists Are Doing,” *Open Door* 13 (July 1924), 14.
time there established humane education as an elective course, with credits being granted for proficiency. 24

The stated goal of the ASPCA division was “not to do the humane education work in our schools, so much as to stimulate the work of the schools themselves.” By the beginning of the academic year in autumn 1921, the ASPCA was promoting essay contests within the school system. That summer, the department cooperated with four Lower East Side school districts to measure the effectiveness of humane propaganda with the children of the foreign-born. The activity the ASPCA chose to encourage was the rounding up of unwanted strays. During 1922, the department estimated that it had reached 300 schools in the course of its work. In the summer of 1923, Preston estimated, New York schoolchildren took more than 28,000 small animals from the streets. 25

In 1925, as a tribute to the man whose leadership had stabilized the organization, the AHA announced the formation of the William O. Stillman Foundation. By February 1926, over $5,000 had been collected. By late 1927, plans for the fund included the hiring of a qualified expert to travel from state to state, “enlisting the cooperation of commissioners of education and superintendents of schools in the development of education.” A bequest from Dr. Stillman’s estate boosted the endowment to $15,000 by


January 1929, and a series of leaflets was eventually produced. The missionary work called for does not seem to have materialized, however.26

The Longevity and Impact of the Bands of Mercy

For years, Our Dumb Animals reported extensively on the formation of Bands of Mercy. However, such reports were better reflections of speaking engagements than of actual clubs or groups that went on to continuous activity. Referring to the “sixty thousand branches of our American Bands of Mercy” in 1905, George Angell wrote, “What does this mean? It means that over sixty thousand audiences have been addressed on kindness both to human beings and the lower animals.” Some years later, the ARES reported that over 103,000 Bands had formed between 1882 and 1916.27

Certainly, Angell and his co-workers understood that the inevitable succession of graduating classes would continually jeopardize the future of any given band. Still, Angell proclaimed his confidence that “the influence of no Band once formed will ever be lost. . . . Not only as long as its members live (for they will never forget the kind acts they have been led to do).” Angell claimed that a number of influential people had come to humane convictions as a result of lectures, poetry, and other forms of exposure to the message of kindness to animals. Francis Rowley published a notice of welcome to Massachusetts’s new school commissioner, who had reportedly been a Band of Mercy


member in his youth. In 1922, Rowley estimated that in 40 years of activity, the Bands of Mercy had enrolled over 4,000,000 children.\(^{28}\)

While admitting their positive influence, social scientist William Shultz underscored their "transitory character unless each individual Band is followed up." Where "no attempt is made to encourage them, they soon dissolve, leaving little or no effect upon the children's characters." William Stillman, too, conceded that "they were not as carefully looked after or as rigorously followed up as they might be." Rowley believed that in many cases interest was sustained through the course of one school year at any rate, and that in successive years new bands would form at the instigation of teachers or humane educators who visited the schools again. In some cases, the Bands had enjoyed great longevity.\(^{29}\)

In fact, under Rowley's leadership the AHES launched an ambitious effort to hold the bands together by maintaining humane educators in the field. None of the organizational initiatives of the first decades of the century matched the accomplishments of the AHES in building and sustaining a cadre of humane missionaries during the period 1910-1925. Educational outreach to the schools was especially robust in the pre-World War I years, and the success of the AHES initiatives depended heavily on its field representatives, at least some of whom were paid. In January 1916, Our Dumb Animals

\(^{28}\) "Every New Band of Mercy," ODA 39 (Feb. 1907), 145; "Our New School Commissioner," ODA 49 (Sept. 1916), 56; and "How Long Do the Bands of Mercy Last?" ODA (Mar. 1901), repr. in ODA 49 (Sept. 1916), 62; and "Running Into Millions," ODA 54 (Jan. 1922), 120.

published portraits of twelve of them, and the 1918 Annual Report confirmed that sixteen were in the field.  

The AHES supported its field representatives with a broad selection of humane education materials, including novels like *Black Beauty*. By 1913, the AHES was by far the largest publisher and distributor of humane literature in the world. *Our Dumb Animals* enjoyed a circulation of 60,000 a month. In December 1916, 931 new Bands were reported, the largest figure ever for a one-month period, although one third of these formed in Massachusetts. That same year, Guy Richardson estimated that the AHES had spent over $100,000 on literature and its distribution since 1882.  

Three AHES field workers were African-American, and humane advocates agreed that there was great need of humane instruction among the Negro populations of the South. For many years, Reverend Richard Carroll, F. Rivers Barnwell, and Mrs. E. L. Dixon lectured on the proper treatment of animals within the black communities of South Carolina and Texas, and Carroll spoke at several AHA conventions. The participation of these and other African-American humane workers undoubtedly influenced the steady support for African-American issues within the pages of *Our Dumb Animals*, and, to a lesser extent, the *National Humane Review*. However, while challenging the philosophy

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of discrimination and decrying many specific acts of racial violence (most notably lynching), the AHES was cautious in its operations. Within those areas of the country where legal segregation prevailed, it was a foregone conclusion that the Bands of Mercy would be organized along racial lines. In 1912, Our Dumb Animals reported that the Washington Humane Society had organized a Band of Mercy in every school, with one of three organizers (race unknown) assigned to the 200 “colored schools.”

Once World War I began, the focus of many animal protection organizations shifted to war concerns. Not simply a distraction, however, the war threatened humane ideals more fundamentally as the United States prepared for battle. In the years before America joined the war, humanitarians could point to humane education as a powerful solution to the world’s ills. With the war tearing Europe apart, American advocates cast it as an inoculant against the animosities and prejudices bred by conflict, and the guarantor of peace. But the wartime focus on preparedness also placed humanitarians who had so closely identified themselves with anti-militarism on the defensive. It became increasingly common to cite the powerful example of Abraham Lincoln, who had combined compassionate feelings toward all life—human and non-human—with resolute, pragmatic, and inspired leadership during the country’s most serious crisis. Humanitarians felt vulnerable to the charge that their own educational program would lead to the “softening” of American youth. Rowley met the matter straight on in an editorial. "Should anyone imagine that humane education means a generation of boys

32 “Every School Organized,” ODA 44 (July 1911), 26; and “The Need of Bands of Mercy and Humane Societies in our Southern States,” and “What Becomes of the Mules?” ODA 23 (Apr. 1891), 130.

and girls with all iron sapped from their blood, a generation of cowards and cravens, he only reveals his total ignorance of what humane education is,” Rowley declared. “The spirit of chivalry toward all the weak and defenseless, the hatred of injustice and cruelty . . . will make of the citizen, should the time demand it, a far better patriot and soldier than the selfish, bullying pugnacious spirit that often proclaims not a possible hero, but only an arrant coward.” In any case, once America entered the conflict, war animal relief filtered straight into Band of Mercy work and other humane initiatives like Be Kind to Animals Week. The message of universal peace through humane education was entirely subordinated to patriotic imperatives. The movement’s most vital activity—its outreach to children—was dramatically reconfigured to serve the interests of American nationalism.

Be Kind to Animals Week and Other Publicity Campaigns

Humane education dovetailed with other forms of public outreach during the first decades of the twentieth century. In 1912, Henry F. Lewith, a South Carolina animal protectionist, began to promote the idea of communicating a simple and uniform message in all public interactions—“Be Kind to Animals!” For a year, the AHES followed this program slavishly, distributing 150,000 badges emblazoned with those words. Eventually, the AHA voted to set aside one week each year for a focused effort to broadcast the slogan. First celebrated in May 1915, by 1920 Be Kind to Animals Week had become a principal focus of outreach in the schools, and the major public relations


event of the animal protection movement nationwide. Be Kind to Animals Week incorporated Humane Sunday, observed in England since 1865, in order to encourage sermons and religious observances. Lantern slides were provided for projection in movie houses before the showing of main features, and posters were produced for display by shopkeepers and others. The issuance of supportive proclamations from state governors became routine. In 1919, Connecticut's governor wrote, "The appalling losses of millions of human lives brought about by the barbarity and untold cruelty of the Great War, are a striking reminder of the need of kindness and humaneness not only in men's mutual relationships but in their treatment of dumb animals." 36

Parades and pageants were an important part of Be Kind to Animals Week as well. Bands of Mercy and animal welfare groups frequently participated in these public spectacles. In 1921, President Harding and General Pershing viewed a Washington procession of thirty floats led by the President's dog Laddie Boy. The parade included such other non-human notables as Stubby, the World War I canine hero and Georgetown University mascot, and Jeff and Kedron, Pershing's own mounts. Dogs, horses, goats, and birds all appeared in the parade, organized by four local humane groups. 37

The Be Kind to Animals Week poster contests sponsored by the MIES and AHA drew hundreds of entries from schoolchildren. By 1926, Preston noted, many of the

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world's humane societies routinely sponsored them. In helping to motivate the art lesson, the poster-drawing competition became an important complement to written and oral expositions of humane values, fulfilling the objective of correlating humane education with the regular elements of the school curriculum.\footnote{38}

In the years just prior to World War I, the motion picture became an important adjunct to humane work. In England, the RSPCA and the Blue Cross Society pioneered in this realm with two films, the first concerning Europe's traffic in decrepit horses, the other dealing with military animal relief on the war front. American animal organizations began to produce their own films to advance the goals of humane education, showcase their work of animal care, and promote specific campaigns like war animal relief. In 1915, the New York Woman's League for Animals, working with the Universal Film Corporation, produced one of the first, "The Prayer of a Horse." Sadly, the movie's attempt at verisimilitude appears to have involved real cruelty.\footnote{39}

Regular feature films sometimes reflected the spread of humane sentiment. In "Our Mutual Girl" (1915), starring Norma Phillips, a young woman visits the ASPCA animal shelter and takes a number of homeless dogs away to her country retreat, where they enjoy every comfort. On the way there, the woman intervenes when a cruel driver

\footnote{38} "Prize Poster Contest for schools," \textit{ODA} 54 (Jan. 1922), 119; Stella Preston, "The Development of the Poster in Humane Education," \textit{NHR} 14 (Oct. 1926), 18; and Eugene Zimmerman, "How Poster Competitions Affect Character," \textit{NHR} 15 (May 1927), 3. There appears to have been some sort of self-censorship practiced. Vivisection, pound release, transportation, and slaughter cruelties were not among the range of suggested topics for poster art.

\footnote{39} Ernest A. Dench, "'Be Kind to Animals' at the Movies," \textit{ODA} 48 (July 1915), 18.
beats a lame horse. She telephones the ASPCA and an agent comes to place the man under arrest. An ASPCA ambulance takes the suffering horse away.40

In 1916, the AHES began plans for a film to further its work. In 1920, having spent $4,000, the AHES released “The Bell of Atri,” inspired by Longfellow’s poem about the faithful horse who, abandoned by the heartless knight who had been his master, rings the Bell of Justice to summon the populace to right this wrong. The poem had long been a staple of humane literature. Filmed on the town common of Dedham, Massachusetts, “The Bell of Atri” was subsequently shown in various fora around the country.41

In seeking broader exposure, the movement also relied heavily upon supporters with a national reputation, like celebrities George Arliss, Irene Castle, and Minnie Maddern Fiske, all of whom gave unselfishly of their time. A fourth supporter of national prominence was Percival P. Baxter (1876-1969), lawyer, politician, and Governor of Maine between 1921 and 1924. During his tenure as governor, Baxter frequently put his reputation and office into the service of the cause, and engaged defenders of animal exploitation in public debate. Throughout his life, Baxter’s dogs went everywhere with him. On the occasion of Garry’s death, the governor ordered the state house flags placed at half-mast to remind the public of its duty toward non-human animals. When veterans groups objected to the lowering of the flag in memory of a dog,

40 “The Society in Motion Pictures.” Our Animal Friends 6 (Feb. 1915), 22.

41 “Our Moving Picture,” ODA 48 (Mar. 1916), 152; “Humane Education in New York City,” ODA 54 (Sept. 1921), 58; “The Bell of Atri’ in California,” ODA 54 (Dec. 1921), 102; and C. P. Harris, “‘Wendy’ and ‘The Bell of Atri,’” ODA 54 (Feb. 1922), 144. Angell’s account of the story is presented in “Bell of Justice,” ODA 20 (July 1887), 23. The Louisiana SPCA also produced a film in the 1920s, based on Senator Vest’s “Plea for the Dog.” See “Man’s Best Friend,” NHR 14 (Dec. 1926), 22.
Baxter issued an unapologetic public response. Baxter also experimented with pet-assisted therapy, placing a dog with the 200 prisoners of Thomaston State Prison. Even his farewell message to the people of Maine bespoke his commitment to the prevention of animal suffering. By the late 1920s, Baxter had become a Lincolnesque figure, with anecdotes of his kindness and an essay on his Irish Setters filtering down into juvenile literature.42

Morally Straight: From Band of Mercy Boy to Boy Scout

Because humane education sought to reshape conduct as well as attitude, the Bands of Mercy and related initiatives embraced direct action. Animal organizations freely celebrated individual acts of kindness, and their publications frequently included anecdotes concerning animal rescue and relief by Band of Mercy members. Organizers enlisted the participation of children in a variety of practical efforts to help animals, passing out copies of “The Horse’s Prayer” and Black Beauty, feeding birds, distributing pledge cards, and rescuing stray and injured animals.43


Although early humane education literature had sometimes highlighted cruel or insensitive behavior by girls, by the end of the century, the didactic energy focused almost exclusively upon boys. Eventually, narratives of youthful humane work were consolidated into one idealized character, the Band of Mercy boy. The Band of Mercy boy was not only a repository of humane thought and values, he enacted them in ways large and small at all times. He was an active promoter of humane treatment, gently interceding against neglect of animals through instructive reproach and intervention when adults were present, and conscientious and enlightened action when they were not. The Band of Mercy boy might help a horse eat from an improperly fixed feed bag, provide water to a thirsty animal, or carry an ailing, wounded, or stray animal to the local shelter or veterinary clinic. By 1912, Francis Rowley had even harnessed the Bands of Mercy to the goal of raising funds for the erection of the Angell Memorial Hospital.  

Such focus on the boy intensified during the Progressive era, and some elements of the kindness ethic found their way into the Boy Scout movement. Ernest Thompson Seton and other founders saw scouting as a means of preserving the beneficial influences of wilderness in a modern society. The Boy Scouts became the quintessential Progressive “character factory,” bringing man and boy, and manhood and boyhood, together in a convergent and continuous link. Promoters of the concept hoped that living close to nature, learning woodlore and campcraft, and gaining exposure to frontier skills and values would check the debilitating effects of industrial civilization. Scouting

permitted men to shape the play, thoughts, and habits of boys, and to cultivate the same font of primitive virtues that they sought to retain in themselves.\textsuperscript{45}

At first, humanitarians were encouraged to believe, and did believe, that there was a place for them in the scouting movement, which both the MSPCA's \textit{Our Dumb Animals} and the AHA's \textit{National Humane Review} celebrated. In September 1913, the AHA's journal published two related articles, the first one written by the editor of \textit{Boys' Life} and \textit{Scouting}. Discussing the movement's goals and character, he stressed that it was a patriotic yet non-military order for boys devoted to "body, mind and character." The rifle, he emphasized, "is not a part of their equipment."\textsuperscript{46}

The second feature, written by AHA staff member Sydney Coleman, directly addressed the role of the Boy Scout in humane work. The article took as its goal the practical fulfillment of Scout Rule No. 6, which made humane conduct a standard of behavior: "A Scout is kind. He is a friend to animals. He will not kill or hurt any living creature needlessly, but will strive to save and protect all harmless life." Coleman recommended the participation of scouts in humane society work in their communities, and their instruction in the basic identification of and response to acts of cruelty against animals and children. The scout could be a provider of first aid to injured animals, a rescuer of pets and homeless animals from the vagaries of the streets, and an informal humane agent who could alert police or society representatives to cases of injury or


disability to animals. Coleman mentioned hunting and trapping as specific practices in which Boy Scouts ought not to participate. "Blood sports are far from necessary to train boys in the ways of chivalry and other scout virtues," Coleman wrote. "Teach him to hunt with the camera and confine his shooting to a target and his manliness will be increased a hundred-fold."47

In another article, naturalist Enos Mills registered his approval of scouting's commitment to positive interactions with nature and animals, its anti-militarism, and its character-building results. For his part, Ernest Thompson Seton fretted about what he perceived to be an ever-expanding emphasis on military drills and discipline, taking a stand against the inclusion of a chapter on patriotism in the Boy Scout handbook. This led to discord with Theodore Roosevelt, another supporter and a close personal friend of Chief Scout James West. Roosevelt had charged Seton with nature fakery a few years earlier, and was suspicious of him on other counts as well. In 1915, Roosevelt refused to lend his name to a fund-raising drive for the Boy Scouts of America, citing the infiltration of pacifistic elements bent on "interfering with the training of our boys to a standard of military efficiency." Under pressure, Seton relinquished his affiliation, after which Roosevelt promptly offered his energies to the drive.48


48 Enos A. Mills, "Boy Scouts Prepared for Peace," ODA 47 (July 1914), 35; and Betty Keller, Black Wolf: The Life of Ernest Thompson Seton (Vancouver: Douglas and McIntyre, 1984), 172-79. Some understood that the problem of militarism within the scouting movement had been present from the beginning, certainly in England, where Baden-Powell's participation in the Boer War was well known. On militarism and preparedness within American scouting, see Macleod, Building Character, 178-81.
As it turned out, scouting’s ambivalent relationship to militarism in the World War I period was rivaled by the paradox of its policies concerning animals. In 1911, MSPCA president Francis Rowley discussed reports that scouts in Minnesota had taken guns and traps along with them on a recent hiking excursion. Rowley found this inconsistency in other contexts as well, even in semi-religious journals or periodicals that took advertisements that promoted guns, powders, steel traps, and other equipment to youthful audiences. Rowley “had seen some of them with editorials and contributed articles inculcating kindness to animals on one page and advising their readers on the next to buy the various devices that not only kill defenseless wild life, but wound and torture it.”

For many associated with scouting, as for Roosevelt, there was no necessary contradiction between kindness to domestic animals and consumptive exploitation of wild animals. However, such a philosophy clashed with the humane movement’s efforts to promote the inclusion of (certain) wild animals in the category of those deserving of human kindness. This led to a major confrontation in 1920, when advertisements advocating the commercial advantages of trapping began to appear in The Boy Scout Magazine and other publications aimed at youth. Humanitarians launched a major offensive to combat the ads. Referring to Scout Rule No. 6, Minnie Maddern Fiske asked, “Is the treaty [the Boy Scout] has made with the animal world to be merely a scrap

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49 Francis H. Rowley, “What Does the Boy Scout Movement Mean?” ODA 43 (Feb. 1911), 138; and Francis H. Rowley, “Consistency?” ODA 48 (Oct. 1915), 72. Baden-Powell, of course, expressed a clear commitment to the ideology of domination over nature in Pig-Sticking or Hog-Hunting (1899), celebrating that sport as “manly and tip-top,” a “task of the brutal and most primitive of all hunts—namely the pursuit, with a good weapon in your hand, of an enemy whom you want to kill... you rush for blood with all the ecstasy of a fight to the death.” Baden-Powell is quoted in Richard Ryder, Animal Revolution: Changing Attitudes Toward Speciesism (Oxford: Basil Blackwell, 1990), 134.
of paper? Will his faithlessness lead to other breaches of his manly promises to 'be kind'?" Several months later, Fiske applauded the decision of Boy Scout officials to reject trapping advertisements, calling it "a progressive act." Chief Scout James West sent the AHA a copy of the magazine's editorial board statement that trapping contravened the Sixth Scout Law. However, a statement by Honorary Vice President Daniel Carter Beard revealed that the hunter-conservationist's distaste for commercial exploitation of animals was as much responsible for the decision as any humanitarian principle.\(^5\)

Throughout the period 1915-1925, these contradictions notwithstanding, the humane movement made serious efforts to cultivate a close relationship with the Boy Scouts. The AHES offered a $50 prize for the best essay by a Boy Scout on kind attitudes toward animals, wild and domestic. The MSPCA announced with pride that its veterinarian had been consulted for the development of the "First Aid to Animals" section of the scouting handbook. Humanitarians also called attention to scouts who performed deeds of kindness on behalf of animals. In August 1919, the National Humane Review proudly published a short speech delivered by a Nebraska scout during Be Kind to Animals Week: "The standard of manliness is not only how do we treat our fellowmen, but how do we treat all animate creation?" Animal advocates strove to involve Boy

Scouts in all aspects of their work, conscripting them for "Be Kind to Animals" marches, and in one instance placing them on a humane society's board of directors.  

The kindness ethic seemed to fare better in scouting literature after the war. The Handbook for Boys commended thoughtfulness toward animals as an important scout trait. Animal rescue, birdhouse building, and other humane endeavors were encouraged. “First Aid to Animals” was the subject of a merit badge, one more example of animal care’s being institutionalized as part of a broader ethic of concern.

The Henry Bergh Memorial Foundation

The most important opportunity in the history of humane education in America came in the form of a major gift to Columbia University in 1907. At that time, General Horace W. Carpentier, who served on the Columbia Board of Trustees, gave the university $100,000 for the establishment of the Henry Bergh Foundation for the Promotion of Humane Education. Carpentier, a life member of both the AHES and the ASPCA, had served on the Executive Committee of the latter.

Accepting the gift, Columbia’s President Nicholas Murray Butler established a faculty committee to determine how to use the funds. Its members included Edward T.

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52 “Boy Scouts and Their Dumb Friends,” ODA 56 (Aug. 1923), 46. In the 1930s, the Boy Scout merit badge booklet First Aid to Animals included a biographical portrait of George Angell. See First Aid to Animals (New York: Boy Scouts of America, 1935).

53 A “forty-niner” and one-time Mayor of Oakland who accumulated a large fortune in the western gold rush, Carpentier had previously endowed a chair in Chinese language and literature at Columbia, giving the university $100,000 in 1901. See “General Carpentier Dies at 93,” N.Y. Times, 1 Feb. 1918, 9.
Devine and Samuel McCune Lindsay, professors in the Department of Social Economy in the Faculty of Political Science. In short order, the committee recommended that the income of the fund be appropriated to support the salary of Lindsay himself as Professor of Social Legislation. Lindsay, as General Secretary of the National Child Labor Committee, had drafted the bill that would result in the creation of the United States Children’s Bureau. Lindsay’s interest in social legislation and his relationship to the broader world of “humane endeavor” apart from animal protection profoundly shaped the direction of the foundation.54

Columbia certainly wanted the money, but from the start its officials seemed uncertain of how to employ it to advance General Carpentier’s interests. Soon after the foundation was established, Lindsay’s associate Roswell McCrea told several correspondents that plans were very hazy. In the spring of 1909, the foundation sponsored a course of nine public lectures, all poorly attended. Abandoning this approach forever, Lindsay moved to make the foundation’s central concern the collection and dissemination of information on the progress of humane legislation, employing both graduate students and other associates for the purpose.55

The use of one of the largest gifts ever made in connection with American humane work naturally drew the attention of animal protectionists. Humane advocates seem to have kept an open mind about the foundation’s work at first; however, in 1910,


after the appearance of its first product, Roswell McCrea's interpretive survey, The Humane Movement, they came to believe that the Columbia program was badly off track. McCrea, a protégé of Lindsay and Devine who eventually joined the Columbia faculty as a professor of economics, lamented the lack of reliable information and data concerning the scope of humane work in the United States. Moreover, he did not conceal his skepticism or ambivalence about the vitality and effectiveness of the humane movement's constituent organizations. McCrea devoted less than a dozen of his 325-page work to discussion of trends in humane education. According to William Stillman, General Carpentier himself bitterly condemned the resulting work.  

Two years later, New York activist Diana Belais launched a public attack on Columbia and its use of the bequest. Belais asserted that the terms of the gift had specified more active and practical contributions to the work of animal protection than such scholarly reviews of past humane efforts could provide. Lindsay answered her charge of malfeasance in an interview with the New York Herald, insisting that Columbia had acted to "further such efforts to promote humane education as would normally come within the scope of a university enterprise." The Columbia committee concluded that "the improvement of the instruction of young children in the primary schools in the sentiment of kindliness and consideration for each other and in their duty toward the lower animals would be one means of carrying out the wishes of the donor." Another means, Lindsay suggested, "was in the improvement, unification, and coordination of the

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legislation of the several states of the nation in statutory enactments, giving expression to
the crystallized sentiment of the people on the subject of the protection of animals and . . .
of the aged, of children, and of criminals, in all of which . . . the humane factor plays an
important part.57

Thus, the Columbia committee adopted a broad and convenient definition of
humane education that included the study of benevolent legislation in such areas as
humane society work, prison reform, the care of the poor, and the treatment of
international prisoners. At the same time, it ruled out any notion of a program for
studying children's ideas and attitudes toward animals and the proper methods and
techniques for encouraging humane values. Lindsay implicitly disparaged this approach
with his remark to the 1913 AHA convention that the university was not fitted "to carry
on propaganda."58

An appropriate option within the university was available. Columbia's Teachers'
College was the center of progressive education, granting one third of all doctorates in
education through the 1920s, and might have served as a center for the development,
review, and promulgation of techniques of humane instruction. Had Carpentier's gift
been assigned to Teachers' College for such work, the university could have been a
pioneer in the assessment of humane education's social value and in refinement of its

Animal Course," New York Herald, 6 Oct. 1912, 8; and "The Bergh Foundation of Columbia University,"
Open Door 2 (Nov. 1912), 17.

58 AHA, Ann. R. 1913, 26. Lindsay also spoke at the AHA convention the following year. See
methods and content. As it was, the field atrophied and received little or no attention
from institutions devoted to the study and enhancement of American pedagogy.

Humanitarian complaints resurfaced in the early 1920s as a new Lindsay protégé,
Columbia graduate student William J. Shultz, commenced research for another study.
The Humane Movement in the United States 1910-1922, based on Shultz’s doctoral
dissertation, appeared in 1924, and was conceived as a chronological extension of
McCrea’s work. Shultz made greater effort to account for developments in humane
education than McCrea, asserting as part of his thesis that it had in fact “been the most
important development in animal welfare since 1910.” Still, Shultz’s work offered a
mostly superficial engagement with the subject. Shultz noted that the previous fifteen
years (1908-1923) had seen “a growing movement to include humane education in school
curricula, and to have it taught in an organized manner in the classroom.” At the 1922
AHA convention, Shultz noted, the ASPCA Humane Education department displayed a
banner with the slogan “Humane Education in Every State by 1925.”

The Bergh Foundation remained the subject of ongoing commentary in the pages
of humane journals, and Lindsay himself appeared at the 1923 annual convention of the
AHA to defend its work. Of that occasion, Francis Rowley recorded that queries about
the inappropriate use of the fund, now fifteen years old, went unanswered. Rowley, Mary
F. Lovell, and other humanitarians frequently complained that Carpentier had
contemplated more practical efforts to further the cause, and they deplored the “lack of

59 Shultz. Humane Movement, 121, 129, 140.
actual work to promote humane education” through the foundation in the years since his bequest.60

In fall 1925, humanitarian concern about malfeasance and/or ineptitude in the administration of the fund again boiled over into the press. Writing to Lindsay, New York advocate Georgiana Kendall questioned the statistical, legal, and retrospective emphasis of the several monographs thus far issued. “Barring the compilation of facts generally known,” Kendall lamented, “so little, if anything of value seemed to have been done to further General Carpentier’s educational program of disseminating by lectures, prizes, and publications the humanitarian principles he had so deeply at heart.” At the October 6 annual meeting of the AHA in Toledo, delegates adopted a resolution protesting the university’s failure to honor the donor’s wishes. Nicholas Murray Butler publicly denied any malfeasance.61

President Butler was brief and non-responsive to inquiries about whether there was any likelihood that Columbia would expand its efforts in the realm of humane education of youth. “A great many persons seem to misunderstand the nature and purpose of this fund owing to the fact that it was named in honor of Henry Bergh,” Butler informed one humane advocate. “The use which is being made of the fund is in precise accordance with General Carpentier’s wishes and was arranged with his full knowledge and approval.” Butler and Lindsay never shared with their correspondents any record of


61 “Columbia Accused of Failure with Fund,” N. Y. Times, 7 Oct. 1925, B.
the agreement with Carpentier to corroborate their personal vouchsafes that the donor's wishes were being followed.\(^6^2\)

Thus, apart from the staging of a series of lectures in 1911 on the range of humane topics outlined by Lindsay, the outcome of the Columbia gift involved the production of eight monographs, six of which surveyed animal protection work and legislation. These included the works by McCrea and Shultz, Lindsay's own *Legislation for the Protection of Animals and Children*, Floyd Morse Hubbard's two digests of anti-cruelty law, and Marion Sotemen Krows's *The Hounds of Hastings*, a breezy local case study of humane work. Hubbard's digests were dry compendia of humane legislation. Krows covered general humane activity in her book but devoted one chapter, "Bending the Twig," to humane education. The other works authorized by Lindsay focused on the treatment of prisoners.\(^6^3\)

The Columbia initiative was a missed opportunity. Had the gift been differently deployed, it might have centered on the review and validation of teaching methods and content, on the resolution of differences between nature-study, science education, and humane education, and on the institutionalization of kindness to animals in the

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\(^6^2\) Georgiana Kendall to Samuel McCune Lindsay, Sept 8, 1925, in Lindsay Papers, Box 36; "Miscellaneous" Folder, and Belle Eddy Storrs to Nicholas Murray Butler, Dec. 30, 1925, and Nicholas Murray Butler to Belle Eddy Storrs, Dec. 31, 1925, in Lindsay Papers, Box 36, "S" Folder.

curriculum. William Stillman believed that a more appropriate use of the fund would have been for the formation of “a national school for educating humane workers [and especially humane educators] along humane lines.” Indeed, as early 1909, Hugo Krause, Superintendent of Chicago’s Anti-Cruelty Society, had written Lindsay’s associate Roswell McCrea with a similar recommendation.64

At least a few researchers believed that humane education was a proper subject for academic investigation in the pre-World War II era. In 1931, concern for animals found its way onto the agenda of the Conference of Educational Associations, whose members came together annually to discuss educational theory and practice in Great Britain. That year, Susan Isaacs, chairman of the British Psychological Society’s Education Section, spoke about her research concerning childhood socialization and attitudes concerning animals. Her method, applied in a small Cambridge school during the years 1924-1927, permitted children the greatest possible freedom to pursue their own interests.

In her research, Isaacs paid special attention to the conflicting tendencies toward cruelty and kindness to animals that she observed in children. “The problem of dealing with the contradictory impulses of the child is more difficult because of the great inconsistencies of grown-up standards,” Isaacs wrote. “They are surprisingly confused and contradictory, and it is worth while trying to realize what effect they may have on the

minds of children who are struggling to order and control their own conflicting impulses.\textsuperscript{65}

Isaacs proposed that educators should strive "to make a positive educational use of the child's impulses" so that children could be helped to reach "a more satisfactory psychological solution for their own internal conflicts." This method of instruction, she asserted, would become "an active influence in the building up of a positive morality of behavior towards animals, going beyond the mere negative standard of not being unkind to them, and expressed in an eager and intelligent interest in their life-histories, and a lively sympathy with their doings and happenings."\textsuperscript{66}

Isaacs's investigations yielded some compelling results, based on her openness concerning two areas of common contention, "[the] order in which plant and animal life should be dealt with, and [the] fields of fact which are acceptable to the little child, and educationally valuable."\textsuperscript{67} She argued that the study of animals was a more genuinely biological discipline than botany, noting that emphasis on the latter had frequently been based on the desire to instruct children—indirectly—on the sexual function.\textsuperscript{68} Isaacs also sought to challenge dogmas surrounding what facts children should be taught, and by what means. Her special focus was on children's exposure to the death of animals, and

\begin{itemize}
\item \textsuperscript{65} Susan Isaacs, "Humane Education of Young Children," in Conference of Educational Associations Report 1931, 80. For a full account of her research concerning children and their exposure to animals, see Susan Isaacs, Intellectual Growth in Young Children (London: George Routledge and Sons, 1930), 150-70, 178-213.
\item \textsuperscript{66} Isaacs, Intellectual Growth, 164, 166.
\item \textsuperscript{67} Ibid., 159.
\item \textsuperscript{68} Ibid., 168-70.
\end{itemize}
on dissection, a practice she gave her young subjects limitless opportunities in which to participate. The children she observed "showed greater sympathy with the living animals, and more consistent care, after they had 'looked inside' the dead ones, and fewer lapses into experimental cruelty," Isaacs reported. "In other words, the impulse to master and destroy was taken up into the aim of understanding. The living animal became much less of an object of power and possession, and much more an independent creature to be learnt about, watched and known for its own sake." Isaacs found that the children moved steadily towards the non-interfering, observational attitude of many modern naturalists, and developed a humane outlook and sense of responsibility toward their pets and towards animals in general.

Obviously, these findings, gathered in one school, could not be considered broadly representative or conclusive. Nevertheless, the very singularity of the approach taken by Isaacs and her colleagues makes one thing clear. Fruitful research on children's psychological development and its bearing on the methods by which an attitude of respect and interest in animals could be inculcated had, despite the attention and resources directed toward the objects of humane education, been a neglected pursuit.

Conclusion

Virtually unlimited faith in the influence of humane education was a keystone of animal protection in the United States between 1866 and 1932. The humane movement pinned its hopes on education as the remedy to cruel treatment of animals by future generations. In the early twentieth century, arguments in favor of increased emphasis on

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69 Ibid., 165-66.
education as distinct from practical relief work for animals surfaced regularly. If actively pursued, the emphasis on humane education promised to shift the balance of humane work. As an Our Dumb Animals editorialist, probably Rowley, optimistically predicted, "more and more societies organized for the prevention of cruelty to animals will turn to the work of humane education . . . as their widest and most important field of service. Train the heart of the child aright, and the cruelty from which animals suffer will end far more quickly than by punishing the ignorant and cruel man."\(^{70}\)

In some ways, this editorial foretold the long-term decline of humane advocacy in the United States, as the burdens of shelter and hospital work, animal control obligations, and law enforcement cast many other initiatives, including humane education, to the margins of activity. In 1922, Francis Rowley speculated that the promise of immediate results was what kept so many humane advocates involved in direct relief of animals rather than humane education of future generations.\(^{71}\)

Whatever the case, humane education did not become more central to the work of SPCAs in the years that followed; by the era of the Depression it had greatly diminished. What survived was the simple lesson of kindness to pets, carried into the schools by SPCA staff members and volunteers who continued to enjoy access to the earliest grades of elementary school. The transformations that eliminated the abuse of horses and other humane concerns from Americans’ daily experience rendered obsolete much of the earlier practical education concerning animal welfare. At the same time, the movement’s

\(^{70}\) "Humane Education—The Need of the Hour," ODA 52 (July 1919), 26.

\(^{71}\) "Running Into Millions," ODA 54 (Jan. 1922), 120.
educational focus, normally centered on acts of individual cruelty, failed to touch upon newer and often more controversial forms of animal use. Both self-censorship and the constraints imposed by educational institutions prevented humane education from reaching into the realm of the new cruelties—institutionalized uses of animals that were well beyond the experience and influence of most individuals. Undoubtedly, too, the disillusionment wrought by war, depression, and other events deflated the grand claims and expectations expressed by Gilded Age and Progressive era animal protectionists.

These considerations render the success of the campaign for compulsory humane education legislation highly ironic. Its clear relationship to moral instruction and the inculcation of good citizenship was endorsed in state houses all across America. Paradoxically, however, the determination to see such laws passed was not matched by commensurate effort to see them honored. In many states, the legal requirement for humane education proved to be a dead letter, and in 1919 one MSPCA author (probably Rowley) challenged local humane societies to keep the issue alive before their boards of education. The humane education initiative was only ever as strong as the network of supporters it garnered. In states like Rhode Island, where an independent branch of the AHES was formed and remained viable for some years, continuing progress was recorded. In general, however, the cadre of SPCA activists committed to humane education dwindled, and efforts to see its principles enshrined in the curriculum of teachers' institutes and colleges seem to have failed.72

72 “Compulsory State Humane Education,” ODA 52 (June 1919), 24; and “R. I. Humane Education Society,” ODA 52 (July 1919), 26.
Ultimately, the difficulty of penetrating local and regional school system bureaucracies proved insurmountable for a movement with limited resources and other concerns and responsibilities. Yet the blame for such failures should not be laid simply on the doorstep of the humane movement itself, for the impact of countervailing forces was decisive. The classroom and the educational system were the subject of increasing struggles during the twentieth century, and the question of how humans ought to encounter and treat animals was implicated in several of these. Humanitarians were not the only ones with an interest in animals. There were 4-H Clubs, industry associations, science education groups, religionists, and alternative perspectives within nature study that also fought for a stake in shaping modern American education. Many of these interests promoted consumptive uses of animals that were increasingly at odds with humane imperatives.\(^\text{73}\)

Both nature-study and humane education declined in the face of a professionalizing field of science education. That decline is not so much a story of failure on the part of their respective advocates as it is the story of how they were displaced and/or subsumed by a gathering trend toward unification of the science curriculum in the public schools. The rise of a professional science education cadre, committed to the unification, rationalization, and standardization of American science curricula, crowded out both nature-study and humane education, incorporating some of

their elements but ridding them of their romantic notions of affinity with nature and non-human animals. By the 1930s, the term “elementary science” had subsumed “nature-study,” and humane education as a discrete subject of instruction was on the wane.  

The anti-cruelty movement’s overall loss of influence and lack of vitality in the interwar period also had its effect. Humane education suffered as much as any area of organized animal protection from the absence of enlightened and energetic leadership, and the loss of a receptive public. By World War II, organizations were using badly dated humane education materials, if any. Among other tasks, postwar animal protectionists had to ‘start from scratch’ in resurrecting humane education.

This said, humane education in the middle decades of the twentieth century certainly advanced its goals of furthering the ethic of kindness to animals. Some humane education programs, normally attached to major humane societies, survived the movement’s sterile mid-twentieth century decades. While these tended to focus on the treatment of companion animals and the benefits of keeping pets, they nevertheless reinforced the simple message of kindness to animals as an important standard of individual conduct. This work strengthened decades of effort aimed at promoting personal rectitude in dealings with animals. Whatever the level of success on other fronts of humane work, wanton acts of individual cruelty against animal pets have come to be seen as the signs of a maladapted and sick personality. Conversely, a kind disposition toward such animals is considered an important attribute of the well-adjusted

74 As Philip J. Pauly suggests, the “abstract rationalism” of biology instruction in the higher grades and in university courses also left little room for the empathy-building emphasis of nature study and humane education approaches. See Pauly, Biologists and the Promise of American Life, 174.
individual. Humane education has certainly reinforced such ideas about the healthy social and psychological development of humans. Indeed, it is doubtful that such awareness could have coalesced in the absence of a movement that accepted this perspective as a commonplace, and pursued extensive measures to carry the lessons of kindness to generations of American youth.

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75 Today, empirical studies confirm the link between hostile treatment of animals and violence against humans, and even without those studies, this link has long been an intuitive conclusion for many Americans. See Randall Lockwood and Frank R. Ascione, eds., Cruelty to Animals and Interpersonal Violence (West Lafayette: Purdue University Press, 1997).
CHAPTER XVI

HUMANE REFORM AND THE PROBLEM OF VIVISECTION

The use of animals in experiments was the most contentious issue that engaged the attention of humane advocates between 1866 and World War I. Some wanted to abolish it, while others sought to control and regulate the practice. Scientists, on the other hand, rejected both approaches and chose to brook no interference whatsoever. During the period encompassed by this study, almost every campaign to abolish, limit, or—through inspection or other means—regulate vivisection, failed, largely because of the scientists’ superior cultural and political influence. The unfortunate legacy of this confrontation—a complete lack of authentic oversight bearing on the use of animals in research, testing, and education—was to last until 1966, when the Laboratory Animal Welfare Act received the approval of the United States Congress and President Johnson signed it into law.

Concern about vivisection had its roots in the same eighteenth-century trends that set the stage for the broader interest in cruelty to animals. By the latter half of the nineteenth century, the desire to spare animals from suffering came squarely into conflict with the goals of a scientific medicine that increasingly relied on experimentation. Those who used animals in physiology demonstrations offended the cardinal principle of humane ideology, that the deliberate infliction of painful and prolonged suffering was morally wrong. This led animal protectionists to sponsor legislative campaigns,
prosecutions, undercover investigations, and exposés designed to abolish, limit, or bring vivisection into disrepute.

The tension surrounding experimentation plagued organized animal protection in the United States from its earliest days, making the humane cause more controversial than it might otherwise have been. In addition, the issue greatly complicated practical humane work, as the growing enterprise of experimental physiology spurred an ever-higher demand for animals from pounds and shelters. By seeking to acquire animals for experimental use, scientists attacked humane advocates on their home ground.

Albert Leffingwell and the Regulationist Philosophy

The fact that vivisection had the strong support of increasingly influential medical scientists alarmed animal protectionists. They took particular offense at the increasingly widespread practice of classroom vivisection, fearing that impressionable young observers could easily be socialized into cruel habits. In the 1890s, the American Humane Association (AHA) campaigned against exposing young students to cruelty in science education, reflecting the influence of Albert T. Leffingwell, M.D. (1845-1916), the nation’s most active medical critic of animal experimentation during the years 1885-1915. From 1880, when he first took up the question, until his final days, Leffingwell consistently advocated the regulation of vivisection, not its abolition. ¹ Leffingwell was involved with most of the half dozen reform-oriented societies that sprang up between 1897 and 1907. He testified at many state and federal hearings during the period 1896-

¹ Susan Lederer, almost uniquely among historians of medicine and science in the United States, has taken the regulationist approach seriously; see Subjected to Science: Human Experimentation in America before the Second World War (Baltimore: Johns Hopkins University Press, 1994), 34-35.
1910, providing ammunition for regulationists and abolitionists alike, and pro-
experimentation advocates considered him their most formidable adversary.²

After receiving a medical degree from the Long Island College Hospital in 1874,
Leffingwell studied medicine further in Europe. For a time, he used animals for teaching
demonstrations in physiology at the Brooklyn Polytechnic Institute. However, a
remonstrance from the institution’s president, David H. Cochran, led Leffingwell to
reevaluate his position and to undertake a thorough investigation of the subject.
Following the controversy generated by Henry Bergh’s 1879-1880 campaign to prohibit
vivisection in New York State, Leffingwell wrote an article for Scribner’s, arguing that
finer distinctions could be drawn between the worst kinds of abuse and those experiments
that involved no pain or distress.³

A vegetarian, Leffingwell distinguished himself from those humane advocates
who objected to any scientific usage whatsoever but tolerated the slaughter of animals for
food. “To object to killing animals for scientific purposes while we continue to demand
their sacrifice for food,” he observed, “is to seek for the appetite a privilege we refuse the
mind.” In “a world of butchering of animals for food, for sport, for clothing, for
adornment, and for convenience,” Leffingwell wrote on another occasion, “to expect that

² William Williams Keen to Walter Cannon, 26 Nov. 1910, Keen to Cannon, 12 June 1911, and
Keen to Cannon, 11 Sept. 1911, William Williams Keen Papers, American Philosophical Society (Keen
Papers, APS).

discussed his early thought and activity in “Opposed to Vivisection in the School Room,” Brooklyn Eagle,
12 Apr. 1900, 7; “For Restriction and Limitation,” Outlook 76 (9 Apr. 1904), 877; “Vivisection Reform,”
Vivisection Reform I (Feb. 1910), 6-9; and An Ethical Problem (New Haven: C. P. Fanell, 1914), xi-xiii.
society will prohibit even the most painful forms of scientific research and let all the rest exist is to expect the impossible."⁴

Leffingwell conceded that vivisection provided valuable knowledge in physiology, although he was more skeptical of its contribution to therapeutic medicine. He firmly opposed the infliction of pain for the presentation of well-established facts in classroom demonstrations, but sanctioned all experiments or demonstrations conducted with a recognized anesthetic, including those that ended with the termination of an animal’s life. Original investigations that necessitated the infliction of pain, Leffingwell believed, should only be permitted under the strictest supervision, comparable to that instituted in Great Britain in 1876.⁵

The 1880s proved to be a barren decade for legislative action concerning vivisection, after Bergh in 1880 and White in 1883 abandoned such efforts.⁶ By 1892, however, Leffingwell helped to place the issue onto the agenda of the AHA, which until that year had mainly focused on cruelty in livestock transportation. At its convention, AHA delegates adopted Leffingwell’s position, in a resolution bidding the states to prohibit all painful procedures used simply for the demonstration of established knowledge, thereby formalizing a change in strategy and ideology that would mark the

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⁴ Leffingwell, “Does Vivisection Pay?” 399; and idem, “For Restriction and Limitation of Vivisection,” 877.


⁶ On White’s retreat from such initiatives between 1883 and 1889, see Craig Buettinger, “Women and Antivivisection in Late Nineteenth-Century America,” Journal of Social History 30 (June 1997), 866.
post-Berghian challenges to vivisection. After 1892, outright abolition would rarely be the subject of legislative campaigns. Moreover, regulation won the support of longtime leaders such as White and George Angell.7

The AHA’s focus on classroom use of animals in medical schools, colleges, and high schools reflected Leffingwell’s respect for the approach embodied in English legislation, which prohibited teaching demonstrations with animals. As early as 1884, he pointed out that Austin Flint’s classroom presentations at Bellevue Hospital Medical College, which reproduced Magendie’s excruciating exposure of the spinal cord of a dog to illustrate the functions of the spinal nerves, would not have been permitted under Great Britain’s 1876 Cruelty to Animals Act.8

In 1894, under Leffingwell’s leadership, the AHA appointed a committee to sample educated opinion concerning vivisection. The organization’s circular letter elicited 2086 responses from prominent educators, physicians, clergymen, and social leaders. Among the many who opposed classroom vivisection were William Dean Howells, Frances Willard, Lady Henry Somerset, and William T. Harris, the United States Commissioner of Education. But the scientists queried generally regarded the practice as useful.9


The AHA resolution appeared as part of Leffingwell’s essay on “Vivisection in America,” an appendix to the American edition of Henry Salt’s Animals’ Rights. In this essay, too, Leffingwell underscored the possibility of abuse, given the absence of any legal limitation or formal supervision, and deplored the increasing secrecy that surrounded experimentation in many institutions. Inspection and oversight would clarify the issue by helping to establish the facts, particularly regarding the infliction of pain in experiments or demonstrations that promised little practical value. “Men will differ,” Leffingwell wrote, “regarding the justification of research where pain is not involved; but never need the advocacy of use bewilder us into blind condonation of revolting abuse.”

To the scientists’ claim that calls for supervision impugned their character, Leffingwell offered the fiduciary analogy of a university treasurer who refused to issue receipts and vouchers to account for his expenditures; “Why so many precautions against prodigality of money, and such acute sensitiveness towards the slightest impediment against prodigality of pain?” Only by emulating the British example, he argued, could America avoid the well-chronicled cruelties of continental laboratories. His declared hero in advancing the case for strict supervision of vivisection was Herbert Spencer, whose comments on the subject Leffingwell displayed on the wall of his study.

In subsequent essays, Leffingwell dealt with the spread of classroom vivisection to high schools. Ultimately, he concluded, “No experimentation upon living animals which involves the sensation of pain, or the flow of blood, should ever be shown to

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11 Leffingwell, “Vivisection in America,” 163-64; and idem, “Shall Vivisection Be Restricted?” Popular Science 50 (Dec. 1896), 266.
classes of students in schools. There are no compensating advantages to the positive dangers the practice involves. There are no scientific truths necessary to be known, which may not be fixed upon the memory of any pupil without this risk."^{12}

By the mid-1890s, Leffingwell had begun to engage defenders of vivisection in regular exchanges about the need for regulation, actively challenging misrepresentations of his views. Although the scientists usually lumped all their opponents together as uncompromising foes of vivisection, Leffingwell consistently articulated a philosophy of openness and oversight and conceded the value of some experiments.^{13} Moreover, Leffingwell refused to serve the anti-vivisection societies in any official capacity. Leffingwell disagreed with their positions, and believed they had "made mistakes," but he also credited them with having kept a difficult issue alive while enduring considerable personal abuse. "I am not an anti-vivisectionist," he told the 1895 AHA convention, "for I believe in the practice, when it is rigidly guarded against all abuses, limited to useful ends, and subject to public criticism and the supervision of the law." While Leffingwell was quick to point out that he had "never written a line against vivisection when surrounded by adequate safeguards against cruelty or abuse," anti-vivisectionists like

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White and Mary Lovell did not feel that there were irreconcilable differences between them.\footnote{Buettinger, "Women and Antivivisection," 859; Leffingwell, An Ethical Problem, 217-18, 329; and idem, Does Science Need Secrecy? A Reply to Professor Porter and Others (Providence: 1896). This last address, and the statement to which he responded, were published by the Boston Transcript the previous year, see "Concerning Vivisection," Boston Transcript, 13 July 1895, 13; and "Does Science Need Secrecy?" Boston Transcript, 28 Sept. 1895, 15. Leffingwell reiterated his position in AHA, Ann. R. 1901, 57. On the attitudes of White and Lovell, see "Comments and Reflections," JOZ 6 (Oct. 1897), 109.}

At Lovell's instigation, the Women's Christian Temperance Union (WCTU) strongly supported the AHA initiatives, fearing mass exposure to classroom cruelty would create an entire generation of desensitized students who might prove a menace to others.\footnote{Union Signal, 8 Nov. 1894, 1; and "Twenty-Third Annual Convention Report," Union Signal, 3 Dec. 1896, 5. The WCTU promoted its own version of moral and scientific education, through state-level requirements for compulsory temperance instruction in the schools. See Philip J. Pauly, "The Struggle for Ignorance About Alcohol: American Physiologists, Wilbur Olin Atwater, and the Women's Christian Temperance Union," Bulletin of the History of Medicine 64 (Fall 1990): 365-92.} Animal advocates engaged in humane education campaigns also fell in behind the AHA initiative, convinced that the routine use of live animals in classroom experiments would undermine their own efforts. White's 1893 campaign to amend Pennsylvania's 1869 anti-cruelty law to prohibit such usage failed. However, in 1894, the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) succeeded in securing a ban on vivisection in Massachusetts elementary and secondary schools, a rare legislative victory in this arena.\footnote{"Proposed Amendment," JOZ 1 (Dec. 1892), 184; "Society News," JOZ 2 (June 1893), 88; and "Vivisection Discussed," Public Ledger, 27 Apr. 1893, 3. On Massachusetts, see "The Brutalization of Childhood," JOZ 3 (May 1894), 77; and "Society News," JOZ 3 (June 1894), 83. While it undertook very little action, even the ASPCA in the post-Henry Bergh era expressed concern over the issue. See "Has Cat-Dissecting Become a Mania in New York Schools," New York World, 25 Mar. 1900, 8-9.}
The Battle Over Regulation: 1895 - 1915

Leffingwell's philosophy also shaped the course of federal and state legislative initiatives between 1895 and his death in 1916. However, it was not the charge that classroom vivisection would desensitize young people that captured attention. It was the far more volatile claim that the unchecked and unregulated use of animals would inevitably result in the unethical use of human subjects, and that it had already done so. In the argument that some humans might wind up as fodder for medical experiments or as unwilling victims of unauthorized procedures by doctors they had trusted, humanitarians found a compelling issue.  

As early as 1884, Leffingwell cited the potent example of Magendie's questionable procedure on a cataract patient to illustrate "how greatly the zeal of the enthusiast may impair the responsibility of the physician and the sympathy of man for man." By the 1890s, such concern was widespread among humane advocates, who expressed growing fears that medical doctors, desensitized to the suffering of innocent creatures, might find it easier to take the next step, to continue their experiments upon vulnerable classes of human beings. Society's failure to impose restrictions on vivisection, and the toleration of unchecked cruelty to animals, would hasten the day when experiments on human beings could begin.  

17 Lederer, Subjected to Science, 6, 16.
In fact, Leffingwell and other critics of vivisection were among the first to identify an area of limited but egregious abuse in American medicine at the turn of the century—the performance of non-therapeutic experiments on human patients. The most notorious cases of human vivisection that came to light involved the use of orphans and other disadvantaged children. The concern for vulnerable populations that had led humane societies to take up the defense of animals and children now surfaced in an alarming context.\(^{19}\)

Between 1896 and 1900, adopting a strategy previously used by the anti-slavery and temperance movements, humane advocates made three attempts to pass legislation to regulate animal experiments in the nation’s capital. Several times, these bills were accompanied by similar initiatives that aimed at the unethical use of human subjects in non-therapeutic procedures. Washington was a major center of research and testing, home to many government laboratories that used animals. The regulationist initiative proved threatening enough to draw a new generation of experimental physiologists into the defense of vivisection.\(^{20}\)


As Leffingwell noted, the District of Columbia proposals did not encompass scientific inquiries concerning antitoxins, inoculation, and other bacteriological investigations. They did not interfere with tests of drugs or medicines. They called for the licensing of experimenters and the limitation of sites where experiments could be conducted. In addition, they required the use of anesthetics during the entirety of any experiment, and stipulated that any animal experiencing or likely to experience pain after the procedure be humanely killed before recovery. The legislation prohibited all painful classroom demonstrations. Finally, the cat, dog, horse, ass, and mule were excluded from use unless the experimenter could certify that no other animal would do.  

Dr. William Welch (1850-1934) of the Johns Hopkins University Medical School coordinated the campaigns to defeat the federal bills advanced in this period, and he did so masterfully. While the regulationist bills had little or no chance of passage, Welch and his colleagues treated each one as a critical threat to the reputation and future of medical science. The defense of animal experimentation was part of a larger project to vindicate the value of laboratory science in medicine, and to educate legislators, medical professionals, and the public alike about the new fields of bacteriology and immunology.  

Although there was the rare occasion on which a scientist might concede the desirability of substituting “legal regulation for individual discretion,” the most common

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attitude taken in all of the battles over experimentation was that such oversight was the first step toward total suppression. Yet advocates did not so much see regulation and restriction as part of an opening wedge as a transitional palliative, as the mission statement of one regulationist organization made clear:

[Vivisection] cannot be prohibited at this time. We believe the day will come when science will find a way to do all that is now accomplished by this means, and to do it without recourse to cruelty. In the meantime, we do believe that it is possible to overwhelmingly reduce the number of victims sacrificed by very unscientific experimenters and to insist on the use of such anesthetics as shall prevent suffering.

Through this approach, the statement continued, over the long term, the subject could “be put to death painlessly.”

Medical experimenters, on the other hand, saw the matter differently. The extreme hostility and skepticism that many supporters of the bill demonstrated toward any animal use, Welch suggested, left scientists no choice but to oppose any attempt to impose a system of oversight that might be controlled by such parties. Welch also argued with conviction that the federal bills would result in the prohibition of certain necessary procedures.

Medical scientists frequently relied upon the argument that no competent supervisory body existed. Admittedly, the regulationist proposals were rudimentary,
incomplete, and in some particulars poorly conceived. Moreover, they placed sweeping oversight over government laboratories that served the interests of the entire country with a group of local officials from the District of Columbia. Nevertheless, the District of Columbia bills were in step with the times. In fact, the proposals’ resonance with Progressive-era ethos of regulation and rationalization probably accounted for some of the support they received. During the successive legislative attempts of 1896-1900, six Supreme Court justices and a substantial number of clergymen, academics, and physicians endorsed the regulationist approach.  

While dwelling on the obvious imperfections in the rudimentary system of regulation laid out in the bills, Welch and his colleagues overstated the case with their claim that regulation was unworkable. If the scientific community had acquiesced to some kind of oversight, an acceptable cadre of qualified professionals (like those veterinarians who would comprise the core of the Department of Agriculture’s meat inspection services) could surely have been trained for the task. In the same vein, scientific objections about the anesthesia requirement might have been resolved by further refinement. But the scientists would have none of it.

At the same time, defenders of experimentation were perfectly capable of misrepresenting the impact of regulation. Nowhere was this truer than in their persistent claims that the Cruelty to Animals Act of 1876 had severely crippled British physiology

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27 Welch, “Objections to the Antivivisection Bill,” 288; and Welch, “Argument Against Senate Bill 34,” 1243.
and experimental medicine. This was a claim they usually underscored with an 1898 letter from Lord Lister and anecdotes about others who left Great Britain to conduct their work elsewhere because they were unable to secure licenses to do so at home.\textsuperscript{28}

By 1904, after resounding defeat, the AHA had abandoned the issue of vivisection, and moved on to other priorities. However, other organizations launched serious campaigns in the states where animal protection was strongest—Massachusetts, New York, and Pennsylvania. In these arenas, too, Leffingwell's regulationist philosophy exerted great influence. The typical formula involved initial introduction of the bills and successive modifications from year to year in order to meet objections by the remonstrant parties. Advocates also sought to strengthen their prospects by conscripting

\textsuperscript{28} Welch, "Argument Against Senate Bill 34," 1325-27. Medical historian Gerald Geison concludes that anti-vivisection sentiment and the Cruelty to Animals Act of 1876 played very little role in retarding English physiology. Anti-vivisection, Geison asserts, exerted its most deleterious impact on English physiology before 1870. Paradoxically, he argues, passage of the 1876 Act "may have done English experimental physiology more good than harm." Gerald L. Geison, "Social and Institutional Factors in the Stagnancy of English Physiology, 1840-1870," Bulletin of the History of Medicine 46 (1972): 35-36. Although it had the sanction of England's most important humane organization, the RSPCA, the Act did not really satisfy anyone. Moreover, the leaders of the Association for the Advancement of Medicine by Research (AAMR) successfully persuaded the Home Secretary to rely upon their expertise in administering the Act, regaining, in Richard French's words, "an all-important degree of autonomy for the medical scientists." The AAMR worked exclusively in the interests of scientists. Experimental medicine increased exponentially in the years following the passage of the Act, as did the number of licenses issued and experiments performed under its aegis. See French, Antivivisection, 218-19. French's discussion of accomplishments in experimental medicine implicitly denies claims that the Act retarded British medical science; see pp. 392-405. The evidence for evaluating the impact of the Act is very slender, but on the whole it supports the idea that it was only scanty enforced during its first thirty years of operation. Home Office reports provided no indication of how many license applications it denied outright, or revoked for violations. On the other hand, experiments conducted under Certificate A, which released scientists from the obligation of providing anesthesia, increased at a phenomenal rate. In 1907, doubts concerning the efficacy of the Act necessitated a second Royal Commission on the subject. See French, Antivivisection, 170-76. On the Royal Commission of 1906-1912, see Albert Leffingwell, The Vivisection Controversy: Essays and Criticisms (London: London and Provincial Anti-Vivisection Society, 1908), 224-44; and John Vyvyan, The Dark Face of Science (London: Michael Joseph, 1969), 66-79.
stronger or more enterprising legislative sponsors, or by hiring more effective legal counsel.\textsuperscript{29}

The Massachusetts campaigners were badly overmatched by the many institutions committed to vivisection in that state. Although every year's legislative campaign brought a few headlines, there was no danger of any of the bills passing out of committee. In a few years, the main proponent of the bills, the New England Anti-Vivisection Society (NEAVS), drew back to a more insular and sectarian medical critique of vivisection, and gave up trying to secure legislation. The MSPCA, though it continued to decry abuse, did not campaign actively on the issue.

Pennsylvania was a different story. Not only did it witness important legislative battles over vivisection, pitting major institutions and enterprising animal organizations against one another. It also saw the first serious attempt to prosecute vivisectionists in court, and a significant round of controversy over pound access and pet theft. The involvement of Caroline Earle White, an able campaigner and the head of both the Women's Pennsylvania Society for the Prevention of Cruelty to Animals (WPSPCA) and the American Anti-Vivisection Society (AAVS), also ensured that events in the state had the full attention of humane advocates and animal experimenters in other parts of the country.

In the 1890s the University of Pennsylvania laboratories were using 25-50 dogs a week, and, like most other nineteenth-century experimental institutions, it advertised for

\textsuperscript{29} Some details of these campaigns are in Saul Benison, A. Clifford Barger, and Elin L. Wolfe, Walter B. Cannon: The Life and Times of a Young Scientist (Cambridge: Harvard University Press, 1987), 171-86.
dogs in local newspapers. The opportunity to supply animals attracted young boys and unemployed men without scruples, and regularly resulted in allegations of pet theft. During the first decade of the twentieth century, the problem of animal theft increasingly drew the attention of humane societies in the larger urban areas. Not all stolen dogs were sold for vivisection; those of good breeding were sometimes spirited away by kennel dealers, and thieves also sold animals individually to other citizens. Nevertheless, animal protectionists felt certain that advertising by the medical schools encouraged an illicit trade.\(^3\)

Indeed, given this system of procurement, people's companion animals frequently did end up in research laboratories. A university medical school would buy dogs from any persons who brought them to the door, without attempting to determine the animals' pedigree or possible ownership. In 1908, Harvard physiologist Walter Cannon, troubled by the persistent accusation that university laboratories were willing to purchase stolen pets, issued a set of voluntary rules for the reduction of such incidents. Attempting to defend the university against such a charge, a Penn physiologist assured Philadelphians that the laboratories wanted only curs, not family pets, for their work.\(^4\)

In Philadelphia, citizens seeking lost or stolen animals regularly visited the university kennels, a practice the WPSPCA and the AAVS encouraged. During the same period, humane advocates began to address the problem from the supply side,

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\(^3\) "Comments and Reflections," JOZ 2 (Jan. 1893), 1, 4-6; "What Humane Workers are Doing," Our Fourfooted Friends 5 (Nov. 1906), 2; and Anna Harris Smith, "A Stolen Dog," Our Fourfooted Friends 7 (Oct. 1908), 11-12.

encouraging the police to pursue dog thieves. For a time, the Philadelphia police cordoned off access to the university’s medical research department in order to bring this illicit dog traffic under control. In 1913, the WPSPCA gave a gold watch to the police officer who secured the year’s largest number of convictions for dog theft. Despite such approaches, citizens continued to find their animals in the custody of the Penn kennelmen.32

In 1909, White and her colleagues generated considerable support for a bill that would have limited classroom use of animals to instructors only. In addition, the proposal required experimenters to keep a careful account of the animals they used, the purpose of their experiments, and information on whether or not they had administered anesthesia. Scientists quashed the legislation with the help of Republican political boss Boies Penrose.33

Experimenters used their political influence again in 1911, when the humane movement in the state succeeded in the passage of "The Right of Entry Bill," authorizing search warrants. The bill provided that a constable, police officer, or humane agent could enter any building on the suspicion that cruelty to animals was taking place therein.

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33 AA VS, Ann. R. 1910, 6; Keen to Cannon 10 Mar. 1909, Keen Papers, APS; and Benison et al., Cannon, 286-87.
Frank Rutherford of the Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA) told the press that his organization hoped to use the new power to reach cruelty in such out of the way places as coal mines. However, experimenters took no chances, and the bill as approved specifically provided that no warrant could be issued for entry into premises where scientific research was conducted or where biological products were being produced.  

A legislative hearing on several bills in early 1913 was inconclusive but notable for the statements of Samuel Geyer, kennel keeper at the University of Pennsylvania, and Henrietta Ogden, a humane worker who had secured access to the kennels over a long period. Geyer related that he had complained about inadequate conditions for a long time but that his superiors had paid no attention.

The House committee did not report the bills. In June, however, in another pioneering action, the WPSPCA acted on Geyer's revelations to institute a prosecution. Dr. Joshua Sweet, assistant professor of surgical research at the University, and five other professors were indicted under the 1869 cruelty to animals statute based on sworn affidavits by two sisters, Henrietta and Bertha Ogden. The Sweet trial marked the first instance in which an animal experimenter faced cruelty charges before a judge and jury in an American court of law. Having discovered cruelty, White noted, "we should not feel..."

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35 "Jumping Hard on Vivisection," Phila. Star, 26 Feb. 1913, and "Awful Horrors of Vivisection Told on Hill," Phila. Star, 9 Apr. 1913, Lee Papers, Vivisection SBK 5. Testimony from the hearing is reprinted in the JOZ 22 (Apr. 1913), 61-62, and JOZ 22 (May 1913), 76-78, and 22, 6 (June 1913), 92-94. Geyer's employers had suspected his loyalty for some time; see Pearce to Flexner, 12 Apr. 1913, Pearce Folder #1, Simon Flexner Papers, American Philosophical Society, Philadelphia, PA [Flexner Papers, APS]. The kennel keeper turned his keys over to a Penn supervisor in the corridor after the hearing.
justified when bearing the title of a Society for the Prevention of Cruelty to Animals, in passing it over on account of the prestige of the University, and at the same time prosecuting any poor man who because of poverty may put too heavy a load upon his horse or drive him when in an unfit condition for work."

The case centered on Geyer’s clandestine collaboration with the Ogdens. For several years, Henrietta Ogden had been paying Geyer for animals in order to prevent their vivisection, find them homes, or provide a painless death. Over two years, she estimated, she had purchased some 800 dogs. Eventually, however, university officials discovered her collusion with the kennelman and barred her from the premises. For six months thereafter, she had passed through a hole in a fence in order to gain access to the kennels.

When the case went forward, the prosecution did not include allegations of cruelty in the performance of experiments, and the WPSPCA did not contend that vivisection itself was illegal. The trial began on April 15, 1914 in the city’s Quarter Sessions Court; the City Hall courtroom was packed. The prosecution relied on testimony from Geyer, who said that dogs went without medical care and treatment for days after being experimented on, and that they were fed garbage and rotting table scraps.


from the university kitchens. The WPSPCA contended that the experimenters housed dogs, their stomachs removed or their backs crushed, in a crowded room with many others, where they were left to lie on a cement floor strewn with sawdust. Geyer also told of several animals who never received the help their unfortunate circumstances seemed to require. Sweet testified in his own defense, and the court ordered three women ejected after they hissed at some of the defense counsel's comments.38

For humane advocates, the high point of the Sweet trial came with Judge Amadee Bregy's charge to the jury, in which he declared that

the law of Pennsylvania does not allow pain and suffering, torment or torture to be inflicted upon dogs for any purpose except the relief of the suffering of the dog itself. They have no right to torture a dog or violate the law as I have read it to you for the purpose of scientific information. The law says that any person that does a thing as I have read it to you, that is, if a person is guilty of wanton and cruel torture of an animal, shall be guilty of a crime. The law does not say they shall not be guilty if they do it for a scientific purpose. Scientific purpose does not excuse cruelty.39

The charge was all the more stunning because Judge Bregy had excluded testimony and evidence about vivisection and the rationale for some of the procedures being performed, underscoring that the experimenters were on trial for alleged cruel treatment after the operations. The WPSPCA's counsel publicly declared that the judge's explication was a clear declaration that vivisection itself was a crime under state law, and that the


WPSPCA would soon begin to issue warrants for scientists who experimented on animals.\(^{40}\)

The case took a different turn, though, when after many hours of deadlock, the jurors reported that they saw little prospect of reaching a common verdict. One man, it seemed, refused to discuss or to express his opinion of the case with fellow jurors. Besides this, there was confusion as to the meaning of "wanton." With no verdict after 46 hours of deliberation and balloting, Judge Bregy discharged the jury.\(^{41}\)

Plans to retry Sweet and to try his colleagues never went forward. However, Caroline Earle White felt encouraged, because for the first time a court had declared that there was "no legal permission for experimentation upon animals, that whenever it is accompanied by what is proven to be cruelty, we can prosecute and punish under the general State law against cruelty."\(^{42}\)

On the other hand, press reaction to the trial was decidedly hostile toward the WPSPCA, and Cannon, Flexner, and pro-vivisectionist doctor William Williams Keen believed that it had hurt the anti-vivisection cause.\(^{43}\) Researchers publicly claimed

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\(^{40}\) "Judge's Charge Hits Vivisection," \textit{N. Y. Times}, 18 Apr. 1914, 3.


\(^{42}\) "Notable Prosecutions," \textit{JOZ} 23 (May 1914), 67.

victory in the Sweet affair, believing that newspapers around the country had rallied to their cause by calling into question “the whole hazardous business of attempting to interfere with the beneficent processes of experimental medicine.” Rallying to the doctors, the New York Times noted that “even if guilty, the cause of animal experimentation cannot suffer.” Nevertheless, even without a conviction, the implications of Bregy’s interpretation alarmed experimenters all over the country. The potential for prosecution under extant anti-cruelty statutes in Pennsylvania and other states was an unpalatable risk, and it became an immediate priority. In state after state, experimenters began to seek amendments exempting vivisection from coverage under the laws against cruelty to animals. 44

Of all the state level arenas in which vivisection reform surfaced, none exceeded New York in its complexity. 45 The situation in New York was complicated by the presence of competing organizations and approaches, a factor that led to confusion, rivalry, and occasional bitterness. New York was also distinguished by the presence of the Rockefeller Institute, founded in 1904 as an institution devoted to biological research, much of which involved animals. From the start, the Institute was a lightning rod for the

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45 On the New York campaigns, see Bernard Unluy, “‘The doctors are so sure that they only are right’” The Rockefeller Institute and the Defeat of Vivisection Reform in New York, 1908-1914,” in Darwin H. Stapleton, ed., Creating a Tradition of Biomedical Research (New York: Rockefeller University Press, forth coming).
controversy over vivisection; its founding directly sparked the formation of several new animal organizations.  

The first of the new groups, the Brooklyn-based Society for the Prevention of Abuse in Animal Experimentation (SPAAE), formed in 1907. The SPAAE built its regulationist position around Leffingwell’s ideology, and its principal goal was to bring vivisection in New York under legal control. Its director was an attorney, Frederick Bellamy, and its advisory group included Leffingwell, naturalist John Burroughs, and social gospel minister John Haynes Holmes. Antoinette Gazzam, a woman of independent wealth from Cornwall, New York, paid its operating expenses.

During its 1908-1914 lifespan, the SPAAE’s object was to “secure legislation which shall restrict the growing practice of vivisection as to limit it to competent experimenters, place it under such control as shall prevent unnecessary cruelty to animals, and render abuse a misdemeanor, without hampering the legitimate advancement of science.” To effect these purposes, Bellamy drafted what was to become the Davis-Lee bill, in 1908. For several consecutive sessions, the Davis-Lee legislation sought to establish conditions concerning the use of animals. It called for the use of anesthesia in experiments, although it provided exceptions for tests of food and drugs, inoculation experiments, studies concerning the communicability of disease, investigations of recovery from surgery, and several other procedures. It prohibited the


performance of experiments for demonstrating facts, when not conducted "as part of the
course of study in a regularly incorporated college, or laboratory." Finally, it called for
two annual reports, "stating in general the methods and anesthetics used, the number and
species of animals used, and the nature and result of such experiments performed during
the previous six months," to be filed with the State Commissioner of Health. Entry to
laboratories, and the right to initiate prosecution, could only be gained from a Justice of
the New York Supreme Court upon the presentation of affidavits or other persuasive
evidence.48

The SPAAE's position was greatly strengthened by the endorsement of the
American Society for the Prevention of Cruelty to Animals (ASPCA). In a development
that greatly alarmed New York area experimenters, the Davis-Lee bill received the public
support of the ASPCA Board of Managers, which had grown very wary of the vivisection
issue since Henry Bergh's death in 1888. During the period 1908-1912, however, with
the founder's nephew, Henry Bergh, Jr., once again active on the board, the ASPCA
expressed cautious support for the principle of regulation that would not interfere with
"reasonable, proper, and necessary investigation."49

By 1910, however, the ASPCA's internal debate over vivisection had grown
contentious. The ASPCA board included at least one staunch opponent of vivisection,

48 Society for the Prevention of Abuse in Animal Experimentation [SPAAE], 1907-1909 Report
(1910), 30-32.

49 "Henry Bergh Would Restrict Vivisection," N. Y. Herald, 16 Aug. 1908, American Society for
the Prevention of Cruelty to Animals Archive, New York, NY [ASPCA-NY], SBK 12: 66. Relevant
correspondence and other statements of the ASPCA's support are reprinted in SPAAE, 1909-1911 Report
(1912), 15-16, 20-21, and 37-41. The quotation from its 1908 resolution is from the SPAAE's Vivisection
Reform 1 (Feb. 1910), 13.
Rush Hawkins, and several strong advocates of vivisection reform, notably Jefferson Seligman. After board members voted to support a regulationist bill, Bergh spoke out against a proposal calling for a standing committee to investigate the conduct of animal experiments in New York State. Bergh's recommendation did not prevail, as President Wagstaff and other ASPCA board members joined the SPAAE in calling for a statewide commission to investigate the practice of vivisection in New York. The ASPCA would repeat this call in 1911 and 1912, when versions of the SPAAE bill again came before the legislature. Despite his counsel of caution, Bergh went along with the decision and frequently served as the ASPCA's spokesperson on the subject.

The other society active at this time was the New York Anti-Vivisection Society (NYAVS), incorporated in 1908 by Diana Belais (1858-1944). Belais was the most combative of critics to emerge in the wake of the Rockefeller Institute's founding. In the early years of her activism, she showed a knack for publicity, which she gained perennially through her "Open Door" rhetoric, which became so powerful in the debate that animal experimenters eventually co-opted it. Belais grew less effective as the years passed, lapsing into an insular medical sectarianism that left her with few supporters and


fewer friends within the established organizations. But in her first years of activism, she was a force to be reckoned with.  

Just as the SPAAE initiative got underway, Belais launched her own legislative campaign, providing for inspection of laboratories by a committee of persons appointed by the state's Board of Regents, half of whom were to be drawn from the roster of the NYAVS. Belais also began a determined campaign against Davis-Lee. Her active opposition to Davis-Lee would hurt its chances in the years ahead, due to the confusion and ill will created by two competing bills that treated the same question.

Notwithstanding the scientists' efforts, the Davis-Lee bill, endorsed by 700 doctors within the state, was favorably reported out of the New York Senate Judiciary committee, the first time that a restriction bill had ever been released from committee anywhere. Leffingwell and Bellamy both testified, and the reporting of the bill occurred despite attempts by the Medical Society of the State of New York to promote withdrawal of the doctors' endorsements, and the discord created by Belais's NYAVS, whose bill calling for an inspectorate died in committee. Early adjournment of the legislature


54 SPAAE, 1907-1909 Report, 9, 15-16. Belais seems to have either alienated or avoided cooperation with other people working on behalf of animals. Sue Farrell's Vivisection Investigation League (1911) began as a splinter faction of the NYAVS. When a number of groups working on the vivisection issue formed the Interstate Conference for the Investigation of Vivisection in 1912, Belais's organization did not participate, nor was she involved with the 1913 Washington conference that brought together most of the other active anti-vivisection and vivisection reform advocates.
frustrated attempts to move Davis-Lee through a comparable committee in the New York Assembly.  

The SPAAE’s Davis-Lee legislation surfaced during the 1908-1909 session as well, along with the Brough-Murray bill, Belais’s proposal, again demanding an inspectorate one half of whose members were to come from the NYAVS roster. This time, Bellamy secured endorsements for Davis-Lee from over 27 humane societies in the state. However, neither bill made it out of committee, as the New York Medical Society rounded up a strong panel of witnesses, including the Rockefeller Institute’s Simon Flexner, to testify at the March 1909 hearings. Again, the confusion arising from two conflicting bills complicated the situation.

Ultimately, the scientists were less worried about technical-legal challenges than the breaking of ranks. In particular, the 1908-1909 campaign elicited a notable statement of support from William James, himself an experimenter, who expressed his approval of a regulatory framework and his skepticism about the ability of scientists to police themselves without oversight. He issued his letter after a personal exchange with Leffingwell. “Against any regulation whatever I understand the various medical and scientific defenders of vivisection to protest,” James noted. “Their invariable contention, implied or expressed, is that it is no one's business what happens to an animal, so long as the individual who is handling it can plead that to increase science is his aim. This contention seems to me to flatly contradict the best conscience of our time.” Although

55 The foregoing discussion is based on SPAAE, 1909-1911 Report.

his scientific colleagues were aware of James’s longstanding sympathy for that position, his public endorsement of regulation was a severe blow. Walter Cannon, James’s former student, was especially wounded by his one-time mentor’s charge that researchers were acting without candor.57

Although supporters of the SPAAE and ASPCA certainly would have preferred to see their bill considered separately from those sponsored by the NYAVS, they could not manage it. The consideration of both bills jointly within legislative committees played into a key strategy of the state’s pro-vivisection forces, their refusal to acknowledge any differences between the regulationist SPAAE and other groups concerned with vivisection, especially the NYAVS. The assignment of both bills to the same hearing made it easier to lump together all proposals as equally unreasonable. Indeed, Flexner and other scientists did not hesitate to adopt this position in their direct communication with animal advocates.58

Whatever the aims of animal organizations, or the suspicions of the scientists, the legislative sponsors of such legislation did not support abolition. Instead, they expressed their desire to place the right to conduct experiments into the hands of competent professional men operating in accredited institutions. In the same vein, some key supporters of vivisection reform, like John Haynes Holmes, consciously distinguished

57 “Prof. James on Vivisection,” New York Post, 22 May 1909, 4; and Benison et al., Cannon, 198-201. Leffingwell discussed the letter and his meeting with James in An Ethical Problem, 119-222. James expressed an early opinion on vivisection in an unsigned editorial, “Vivisection,” Nation 20 (1875), 128-29. Leffingwell and other critics were aware of James’s support for their position at least as early as 1901; see JOZ 10 (Feb. 1901), 5.

58 “Anti-Vivisection Laws are Demanded of Legislature,” N. Y. Herald, 9 Mar. 1911, Lee Papers, Vivisection SBK 3; and Flexner to Frederick Bellamy, 7 Feb. 1913, and Richard M. Pearce to Frederick Bellamy, Feb. 1914, Box 3, Folder 9, RU-UV, 600-I.
between the SPAAE approach and one rooted in dogmatic anti-vivisection in deciding whether or not to retain membership in various societies.59

Ignoring or discounting such perspectives, the pro-experimentation community held nothing back in its attempt to quash legislative threats. Animal experimenters’ principal argument was that all restrictive bills should be opposed as “the entering wedge” for a full-blown campaign of abolition. New York’s scientific community also attacked proposed legislation by arguing that the 1876 Cruelty to Animals Act had severely inhibited medical progress in that country.60

From the scientists’ perspective, the ASPCA’s active support for regulation was the most threatening dimension of the era’s legislative campaigns. In February 1909, three ASPCA board members—Henry Bergh, Gordon Bell, and Jefferson Seligman—met with Flexner and Columbia University physiologist John G. Curtis to exchange views. The scientists took the position that “any restriction on vivisection, no matter how slight, would seriously hamper scientific research.” The ASPCA representatives countered with their view that while vivisection was very likely “free from unnecessary cruelty” in the hands of experimenters like Flexner and Curtis, the probability of abuse by others was nevertheless very high, and certainly difficult to stop under the present statute. With some gravity, the committee members reported, “The doctors are so sure that they only


are right and that no one else knows or can know anything about it, that they impressed your committee as imbued with a dangerous enthusiasm.”

After this encounter, the ASPCA committee recommended a system of licensure, a board to pass upon the qualifications of applicants, inspect laboratories, and require and maintain full detailed reports of laboratory procedure. The committee counseled against support for the limitation of classroom demonstration, believing that “vivisection is necessary also to demonstrate to students, facts already known.” In this particular, the ASPCA backed away from the longstanding position articulated by Leffingwell, which of course conformed to England’s Cruelty to Animals Act of 1876.

In a critical letter to the Times in January 1911, Bergh, Jr. underscored the fact that the ASPCA arrived at its policy after a series of attempts to persuade scientists to support “such legislative measures as would do away with the abuses, but not interfere with the reasonable practice of vivisection.” These efforts had failed because of the scientists’ “oft expressed ironclad intolerance of any proposed restrictive legislation whatsoever.” In the aftermath of the scientists’ attack on a bill “merely asking for an impartial State inquiry into the practice of vivisection, as at present conducted,” the ASPCA’s efforts “to effect any reforms through the cooperation of the medical fraternity ceased,” in favor of “active measures to secure that protection to our dumb wards against the infliction of all needless suffering which had justly been denied to them.”

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61 ASPCA Board Minutes, 14 Jan. 1909, MB 6, 70-71; and ASPCA Board Minutes, 11 Feb. 1909, 75-76, MB 6, ASPCA-NY.

62 ASPCA Board Minutes, 11 Feb. 1909, 76.

63 Bergh, “In Fight to Stay.”
As it turned out, the ASPCA did not stay in the fight. In 1911-1912, the ASPCA participated in one more year of activism to gather signatures and generate support for the SPAAE legislation. After that, recognizing the futility of trying to overcome an increasingly influential cadre of researchers who flatly refused to be regulated, the ASPCA left the fray. More importantly, neither the ASPCA nor any other organization took steps to perpetuate the campaign for vivisection reform once the SPAAE passed from the scene several years later.64

On its own, the SPAAE waged the fight for one more legislative session. As it happened, this was the last run at regulation coordinated by the SPAAE or any other group in New York State. The organization disbanded after this final campaign and was heard from no more. Albert Leffingwell, its principal ideological inspiration, passed away in 1916. Like the SPAAE and the individuals who supported it, the demand for vivisection reform evanesced; it would not resurface again until the 1950s.65

After a decade of effort, vivisection reform had run its course. Only the NYAVS and the VIL remained, and the former, especially, grew ever more dogmatic and shrill in

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64 ASPCA Board Minutes, 5 Oct. 1911, MB 6, 162-63; and ASPCA Board Minutes, 9 Nov. 1911, MB 6, 164-65, ASPCA-NY. There was at least one critical change within the Board of Managers that may have contributed to the decision. In the latter half of 1911, a contentious debate about Alfred Wagstaff’s continued service as President erupted, leading to a special meeting at which members turned back a proposal backed by Jefferson Seligman, to make the presidency a full-time paid position. In the aftermath of this setback, Seligman, a supporter of vivisection reform, resigned from the Board. See “The Special Meeting,” ASPCA Bulletin 2 (May 1911), 56-57; ASPCA Board Minutes, 9 Feb. 1911, MB 6, 142-43; and ASPCA Board Minutes, 11 May 1911, MB 6, 147-48, ASPCA-NY.

its condemnation of vivisection and modern scientific medicine. Diana Belais pushed the NYAVS toward a new strategy, supporting bills that exempted the dog from experiments. The humane societies that had fallen behind the SPAAE proposals for reform now abstained from further participation, leaving the field almost exclusively to Belais’s organization.\(^{66}\)

Flexner believed that the ASPCA’s withdrawal from the issue after the 1910-1912 campaigns was a critical turning point. That retreat made it possible to maintain that there was a legitimate humane movement, which accepted the necessity of vivisection, which could be distinguished from the unreasonable anti-vivisectionists, who rejected it. The SPAAE’s proposals, drawing support from the more staid and moderate animal organizations, had denied Flexner and his colleagues this important and strategically useful claim.\(^{67}\)

While the participation of the ASPCA deeply troubled the scientific community, the AHA, headquartered in Albany, remained aloof from the conflict. After Stillman became its president in 1904, the organization ceased to campaign on the issue and its pamphlets on the subject went out of print. Stillman was anxious to avoid controversy and kept his dealings with vivisection reform advocates to a minimum. While he never offered an unequivocal endorsement of vivisection, Stillman acknowledged some of its

\(^{66}\) Funding for the SPAAE probably collapsed. In 1910, Antoinette Gazzam, who supported the organization after her mother’s death, was the subject of lurid headlines after being sued by another woman for alienation of her husband’s affections; “Theft of Love by Miss Gazzam Costs $50,000,” New York World, 17 Jan. 1910, and “Miss Antoinette Gazzam’s Own Story,” N.Y. Herald, 17 Jan. 1910, Lee Papers, Vivisection SBK 2. In a 1914 N.Y. Times article, Bellamy was listed as counsel to the Vivisection Investigation League; “Why Go to the Legislature?” N.Y. Times, 25 Feb. 1914, Lee Papers, Vivisection SBK 6.

\(^{67}\) Simon Flexner to Cannon, 24 Nov. 1924, Cannon Folder #6, Flexner Papers, APS.
medical benefits, and at least one defender of experimentation quoted him as having had “too positive and satisfactory [an] experience with serum treatment to doubt its extraordinary curative value.”

For the scientists, driving a wedge between critics of vivisection and the broad mainstream of animal protection societies was an important priority. From about 1909 onward, William Williams Keen attempted to dissuade prominent citizens from serving as honorary vice presidents of the AHA. Unbeknownst to Stillman, Keen exerted his personal influence with President Taft, who threatened withdrawal of his patronage if the AHA permitted any discussion of vivisection at its international conference in 1910. In a move that angered some other humane advocates, Stillman assured the president that the subject would not be on the agenda, and deflected all efforts at the conference to raise it. Moreover, Stillman played into the hands of the scientists, making overtures to reassure them that the AHA would pose them no trouble. At the height of the

68 In 1901, Stillman declared himself in favor of strict regulation, although there is no evidence that he ever campaigned on the issue; see AHA, Ann. R. 1901, 58-59. For his quote concerning antisera, see S. G. Brabrook, “Vivisection of Dogs,” Boston Herald, 2 Sept. 1908, Lee Papers, Vivisection SBK 1. In late 1879 and early 1880, “W.O.S.” defended vivisection in an exchange of letters published in a Saratoga newspaper. See Henry B. King, “Vivisection Again,” undated letter, Daily Saratogan, ASPCA-NY, SBK 8: 213. Upon his assumption of the presidency, Stillman’s main goals were to establish the AHA as a stable organization and to encourage the growth and cohesion of its smaller member societies. For many of these groups, vivisection was not a concern. They were small operations in communities with no vivisection, just trying to raise money to sustain their most basic programs, manage local animal control, secure and improve their facilities, and build their endowments.

controversy over vivisection regulation and the composition of the 1910 conference, he invited Flexner, Keen, and (apparently) other medical scientists to join the AHA.  

Stillman’s humane colleagues may not have known about his recruitment of experimental scientists to membership. But they were not deceived about the AHA’s retreat from any active role in pursuit of reform. In 1910, Mary F. Lovell, a longtime officer, challenged Stillman to assume responsibility for securing laws to guarantee public access and inspection.  

In early 1914, J.B.Y. Warner and Frederick Bellamy of the SPAAE went much further. The two issued a circular letter to AHA members, deploping the organization’s refusal to consider any aspect of the vivisection issue during its October 1913 conference in Rochester. What had happened, they wondered, to the organization’s earlier and fruitful inquiries concerning animal experimentation and human experimentation? “Can the great American Humane Association afford to put itself on record as refusing in its so-called and much advertised ‘Open Forum’ even the discussion of any phase of this problem,” they chided, “while it devotes hours of its time to the discussion of such trivial subjects as the proper number of ‘ventilating holes in a work horse’s feed bag’ or the ‘best size of street drinking trough’?”  

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70 Flexner joined; see Flexner to Keen, 9 Nov. 1911, and Keen to Flexner, 2 Dec. 1911, in Keen Folder # 1, and Nathaniel J. Walker to Flexner, 8 Nov. 1911, AHA Folder, Flexner Papers; and Keen to Cannon 16 Dec. 1913, Cannon to Keen, 18 Dec. 1913, Keen Papers, APS.  

71 Mary F. Lovell, “An Anomalous Position,” JOZ 19 (Nov. 1910), 127-28. As late as 1912, Lovell, Leffingwell and White were listed as AHA directors.  

Vivisection Reform as a Divisive Issue

In the Progressive era, humane advocates who challenged animal experimenters had to confront the rapidly expanding cultural authority of medical science, and the increased political power and influence guaranteed by such éclat. Medical researchers could proudly claim that science was delivering on its promises, and they did so within the aura of credibility conferred by the period's reliance on experts. Moreover, at precisely the same time that scientific medicine was coming into its own, many anti-vivisectionists and humane advocates were adopting positions at odds with other reform movements. Differences of opinion with the sponsors of certain public health programs, for instance, left some animal advocates isolated from other movements, and created the perception that they were opposed to vital human interests. Over time, its affiliation with sectarian medical beliefs also worked to marginalize the cause. A conviction like anti-vaccination, for example, placed anti-vivisectionists at odds with reform organizations allied with the United States Children's Bureau, which promoted inoculation therapies.  

If it is difficult to gauge the popularity of anti-vivisection, one can at least say that at the time of the movement's greatest vitality it was not popular enough to overcome the influence and favor that medical scientists enjoyed with federal and state legislators. By this time, too, the experimentation community had built a network of influence that made it a relatively simple matter to ward off both regulationist and anti-vivisection initiatives. Participating scientists, backed by wealthy and established institutions, were often well-known and well-connected men. Researchers usually managed to kill off threatening

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bills in committee before they ever reached the assembly floor where, presumably, constituents might have secured the support of their elected representatives for inspection, oversight, investigation, and other measures.\textsuperscript{74}

Even so, vivisectors took nothing for granted. Diana Belais's 1912 call for an “Open Door” was a compelling catchphrase that disturbed and haunted scientists. Although Belais did not prove effective in the legislative arena, her slogan hung over the debate for many years. In 1920, the medical scientific community actually co-opted the “Open Door” slogan that Belais first promulgated. Under their own “Open Door” policy, research institutions would permit “responsible” officials from animal organizations to tour their facilities. As it turned out, this was not the beginning of a new epoch, as most visitors to laboratories found some strings attached. Contested accounts of laboratory visits, requested or made, make it hard to determine the extent to which an “Open Door” really existed, but the door was never really open to all parties.\textsuperscript{75}


Efforts to combat anti-vivisection also took the form of censorship. On a number of occasions, experimenters persuaded sponsors to exclude anti-vivisection exhibitions from fairs, exhibitions, and other forums. Such exhibits were a special provocation to pro-vivisection advocates, who believed the exhibits highly effective while remaining critical of their inaccuracies. Thus, it became a high priority to suppress them wherever and whenever possible, cutting off one avenue of communication with the public.76

The grant of suffrage to women was an even more serious concern, and Cannon and Flexner worried that anti-vivisectionists might “attempt to stampede the new voters into a hostile attitude toward animal experimentation.” Experimenters took satisfaction in the vote of several women’s clubs to reject resolutions condemning the use of animals in science, which had become an anti-vivisectionist priority.77 Referenda in California and Colorado tested both the question of popular support for vivisection and the influence of woman suffrage. Despite the concern they caused, several initiatives in California

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(1915 and 1920) and one in Colorado (1922) failed by two to one margins, ending concerns about the impact of women’s voting.78

In a pro-active strategy, advocates of experimentation sometimes penetrated the directorate of humane societies to ensure that vivisection did not come onto the agenda of any organization operating near a research institution that used animals. It was not always necessary for researchers themselves to sit on those boards, however. By the 1930s, the Rockefeller Institute had its own factor on the ASPCA board of managers, Secretary Richard Welling, a Wall Street attorney uneasy about the ASPCA’s positions, who frequently consulted with representatives of the Institute in order to neutralize support for regulationist proposals.79

In some cases, experimenters went further, attempting to compel relinquishment of impounded animals for use in research, testing and education. In communities with medical research institutions, however, the AHA’s Stillman thought that pound access campaigns would have a negative result for scientists, by lining up more and more humane societies against experimentation. It would certainly be bad from a practical standpoint. If local legislation mandated the turnover of animals from pounds and shelters, Stillman believed many societies would give up municipal animal control.


79 Johns Hopkins University president Daniel Coit Gilman joined the Maryland SPCA with precisely this aim; see Gossett, “Welch,” 400-1. On the ASPCA situation, see Alexis Cartel to Flexner, 3 June 1932, Richard Welling to Peyton Rous, 7 July 1932, Rous to Welling, 5 Oct. 1932, and Welling to Rous, 25 Apr. 1934, Folder 3, Box 18, RG-600-1, RAC.
returning the pound facilities to the horrible conditions that prevailed before animal organizations took them over.  

The fight over pound animals, always controversial, intensified after World War I, as biomedical research expanded. By the early 1920s, experimenters were less hesitant to seek access to pound animals, a convenient, cheap, and limitless supply. A test campaign in St. Louis emboldened the national research community. Before long, researchers around the country were pursuing pound access aggressively. In 1923, Columbia University researchers even approached the ASPCA with a proposal to take unwanted animals for use in experiments.

Never confident of unequivocal public support for their work, animal experimenters acted defensively and even deceptively well into mid-century. For example, in the more than two decades of his tenure at the Journal of Experimental Medicine, beginning in 1921, the Rockefeller Institute’s F. Peyton Rous altered the details, numerical figures, illustrations, and descriptions of experiments likely to provoke anyone concerned with the welfare of animals. On occasion, too, researchers quietly took

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80 “A Retrograde Movement,” JOZ 16 (Feb. 1907), 20; and “Pound Dogs and Medical Research,” JOZ 26 (May 1917), 58.

measures to address the issues that their critics had identified, without publicly
acknowledging the source or validity of such criticism.82

Yet this evidence of self-consciousness on the part of experimentalists does not
warrant scholarly claims that posit great continuity and a robust anti-vivisection impulse
between 1920 and 1950. Certainly, right through the early 1930s, bills to secure dog
exemption surfaced in a few state legislatures—notably New York's—more or less
annually. However, none of these made it out of committee, nor did they generate great
alarm on the part of experimenters.83

Nothing like the mobilization necessary between 1896 and 1914 was required,
and, by the early 1920s, researchers were confident that they needed to spend only an
afternoon or two at the state house to quash such initiatives, informed by vigilant
observation of the anti-vivisectionists' publications and activities. "I no longer fear the

82 Lederer, "Political Animals," 69-79; Benison et al, Cannon, 183-85; and Lederer, Subjected to
Science, 73.

83 Lederer, Subjected to Science; and Diane Beers, "A History of Animal Advocacy in America:
Between 1910 and 1920, borrowing from the English movement, American anti-vivisectionists shifted their
emphasis toward dog exemption bills. Not all advocates believed that singling out the dog for protec-
tion was appropriate. Dog exemption never went anywhere, at either the state or federal levels. See "Differ on
English Vivisection Bill: Regret Expressed Here That Measure is Only to Protect Dogs," N. Y. Herald, 15
Feb. 1911, Lee Papers, Vivisection SBK 3; Cannon to Keen, 5 Mar. 1915, Keen Papers, APS; "A. V.
Exhibit Notes," JOZ 24 (Apr. 1915), 60-61; Margaret M. Halvey, "Report of Recording Secretary," JOZ 25
(Feb. 1916), 26; Robert R. Logan, "House Bill 1130," Starry Cross 28 (Apr. 1919), 51; "Anti-Vivisection
Notes," Starry Cross 28 (Nov. 1919), 167-68; "Having Fun," Starry Cross 29 (Feb. 1920), 19; "Anti-
Vivisection Bill Doomed at Albany," New York Journal, 8 Feb. 1922, Lee Papers, Vivisection SBK 7; and
outcome of any hearing which may be given to these people,” Cannon wrote Flexner in 1925, “but I still think it is important to keep careful watch of them.”

Most historical works addressing the subject have examined the implications of anti-vivisection for the development and evolution of medical science. Within a historiography of the humane movement, however, vivisection might be framed as one of the arenas in which the status of animals, and especially companion animals, was being contested between 1870 and 1930. Humane advocates were not just battling over the value, meaning, and future of experimental physiology; they were also supporting a particular vision of the status, function, and worth of non-human animals. Kindness, mercy, and a sense of duty toward animals were in critical conflict with an emerging paradigm of scientific medicine that accompanied the advent of a complex industrial order. Nowhere was this contradiction more evident than in the division of companion animals into two groups—those who would be humanely cared for or destroyed, and those who would be experimented upon. From the earliest, animal experimenters politicized shelter work by demanding the surrender of dogs and cats. Pound seizure thus assumed both practical and symbolic importance for humanitarians and their adversaries. Ultimately, of course, modern medical science provided the only arena in which the premeditated infliction of pain and suffering upon dogs and cats was tolerated and protected by the law.

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84 Flexner to Irving Fisher, 9 Nov. 1913, Fisher Folder # 1, Cannon to Flexner, 7 Nov. 1925, Cannon Folder # 6, and Frederic S. Lee to George W. Whipple, 17 June 1917, Frederic S. Lee Folder # 1, Flexner Papers, APS.
While the vivisection issue did not cause much open conflict within the humane movement, it did generate tensions that divided animal advocates and prevented the development of a coalition strong enough to promote successful reform. The AHA's abandonment of the vivisection issue after William Stillman took over from Albert Leffingwell as president was a key juncture. Stillman assumed control with the goal of making the AHA the national voice of humane societies throughout the land. He acquired extraordinary influence over the organization's management, and the AHA acted more upon Stillman's own priorities and inclinations than on any coherent or democratically agreed upon agenda. There was no real deliberation within the AHA about policy in regard to experimentation. Stillman pursued friendly contact with experimenters that almost certainly would have antagonized his humane colleagues had they known about it. His decision to withhold support for any measures concerning vivisection played into the hands of research advocates by removing the humane movement's principal umbrella organization from any active participation in the debate.

To its credit, the AHA at least had a history of engagement with federal initiatives. The same could not be said of the major humane societies, whose "lukewarmness" on the vivisection issue Caroline Earle White lamented in one of her last editorials. She specifically named the three pioneering organizations—the ASPCA, MSPCA, and the PSPCA—as having failed to initiate regulatory legislation in the United States Congress, speculating that concerns about their popularity and financial base might
have inhibited their energies. Anti-vivisection, White noted, had become the province of less influential organizations dominated by women.85

Tellingly, the situation in Pennsylvania—where White was a dominant figure in both an anti-cruelty society and an anti-vivisection group—changed dramatically upon her death. As long as she was alive, the WPSPCA and the AAVS were closely allied, with overlapping management. There had never been any obvious tension in the arrangement, and on occasion there were real advantages. White initiated the prosecution of Sweet under the authority of the WPSPCA, taking advantage of enforcement power that the AAVS lacked. Yet the distancing of the WPSPCA from the AAVS commenced almost immediately upon her death. The two organizations that had worked together closely under her leadership, drifted apart, no longer sharing quarters, management, or journal.86

Under Francis Rowley, once a strong regulationist, the MSPCA also moved steadily away from engagement with the issue, despite occasional expressions of concern about unnecessary cruelty in experimentation.87

These developments notwithstanding, the split between humane societies and anti-vivisection advocates was not the result of serious disagreement over the ethics or

86 The WPSPCA was the subject of a bitter factional dispute during the last year of White’s life, and this dispute, which did not concern vivisection, might also account for the divergence between the WPSPCA and the AAVS, with which all of White’s strongest allies remained active.
the utility of vivisection. Nor did it represent broad enthusiasm about animal experimentation within the humane community. Humane societies did not so much join in the repudiation of anti-vivisection as acquiesce to the local political pressures brought to bear upon them by university researchers and government authorities. In some cases, a failure to cooperate could have meant total revocation of their authority over local pounds and/or municipal animal control. The risk of losing any stake in the reform and humane operation of these functions was too great.88

The Defeat of Anti-Vivisection and Vivisection Reform

Between 1890 and 1920, vivisection's critics advanced a number of initiatives to restrict or regulate animal and human experimentation. In the 1890s, humane advocates leveled a well-publicized indictment of classroom vivisection that politicized the use of animals in painful demonstrations of known facts. In the following decade, they pursued federal and state legislation aimed at restriction and regulation, and both anti-vivisection and vivisection reform gained considerable publicity even as they failed to register the political victories their adherents sought. In these initiatives, animal protectionists combined their ambivalence about experimentation's cost to non-human animals with a potent charge of human vivisection.

In almost all cases, however, animal advocates failed, while scientists determined to prevent any external oversight or restrictions of animal use succeeded. Despite the scientists' public claims and private anxieties, neither anti-vivisection nor reform-

oriented approaches ever seriously threatened animal experimentation. Although the
movement to control vivisection gained modest momentum during the 1890s, and
retained a critical influence for several decades longer, its adherents suffered decisive
losses in virtually every one of their political initiatives.

Some historians argue that experimenters did institute internal reforms, through
the mechanism of Walter Cannon's AMA Council on the Defense of Medical Research,
 founded in 1908. One of Cannon's first acts as its head was to promulgate a set of
voluntary codes for circulation to laboratories around the country. In developing the
code, Cannon was motivated by his desire to blunt anti-vivisectionist criticism as well as
to convince legislators and the public that the medical community was earnest about self-
regulation. However, beyond the initial endorsement of the institutions to which Cannon
appealed, we lack historical evidence of compliance with higher standards of animal care
within these institutions. Without documentation, there simply is no ground for the
claims of the medical science community to a long tradition of successful self-
regulation. 89

By the time Cannon resigned his position as coordinator of the AMA committee,
the regulationist societies had disbanded, and the AHA and the major urban humane
societies had thoroughly backed away from the issue. A few anti-vivisection
organizations, gaining large bequests, certainly survived, but they pursued an insular
course, corresponding with their faithful members but having very little impact on public

89 Lederer, "Controversy in America," 250; idem, Subjected to Science, 73; and Benison et al,
Cannon, 190-91, adduce—without evidence—that the code was successfully implemented. Nicolaas Rupke
disagrees. See Nicolaas Rupke, "Introduction," in Nicolaas Rupke, ed., Vivisection in Historical
debate. In 1919, the AAVS, the most established, had only a few hundred members.90 Diana Belais carried on, but with very little public impact, and folded her organization in 1932, citing battle fatigue and lack of funds. A decade later, the Vivisection Investigation League, Sue Farrell’s splinter group, died with her.91 Meanwhile, the growth of animal use in research, testing, and education exploded during the middle decades of the twentieth century.

The decline of anti-vivisection and vivisection reform encompassed a sequence of related events in the political, scientific, and cultural spheres. It was not the instant recognition that experimentation was beneficial—stemming from the rabies treatment, or the diphtheria vaccine, or some other development—that ensured its acceptance. The establishment and legitimization of vivisection as a scientific enterprise in the United States was an extended process that began in the 1890s, when the first significant breakthroughs attributable to animal experimentation were trumpeted, and the first sustained legislative challenges against it were defeated. The progression of events was complete by the mid-1920s, when the threat of state-level referenda carried out after women gained the right to vote subsided, and the dramatic use of dogs by Banting and

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90 It was especially galling to experimenters that the anti-vivisection societies were able to ensure their survival as bequests in support of their work came in; see Walter B. Cannon to Keen, 21 Feb. 1910, Keen Papers, APS. They also worried about targeted bequests to humane societies made in support of antivivisection objectives, like the major gift of Brigadier-General Rush Hawkins to the ASPCA. See Cannon to Flexner, 17 Dec. 1920, Cannon Folder # 2, and Cannon to Flexner, 20 Nov. 1924, Cannon Folder # 6, Flexner Papers, APS; “Vivisection,” N. Y. Herald, 18 Nov. 1920; “Hawkins’ Gift Said to Be Unrestricted,” CSM, 24 Nov. 1920, 4; “Anti-Vivisection Hawkins Bequest,” CSM, 13 Dec. 1920, 10; and “Lotta and the Press,” Starry Cross 33 (Oct. 1924), 148. In 1924, the AAVS had enough money to purchase a building with display windows, situated between the University of Pennsylvania and a slum district whose inhabitants frequently brought animals to the medical school gates; Starry Cross 33 (Apr. 1924), 53-54. On the AAVS membership, see Robert R. Logan, “President’s Address,” Starry Cross 28 (Apr. 1919), 54.

Best persuaded many observers that even man’s best friend must not be exempted from invasive experiments. The whole course of discoveries and benefits presumed to result from animal experimentation over this same of time made Americans receptive to the argument that it was essential.\(^2\)

However, public approval alone was not enough. It was still necessary for researchers to codify a positive right to research and the exemption of experimental institutions from anti-cruelty statutes. Moreover, they still needed to secure the defeat of proposals for investigative commissions, reporting mandates, inspectorates, anesthesia requirements, dog exemptions, and any kind of scrutiny by government agencies or humane advocates. Experimenters could not feel fully protected until after the threatening federal and state-level initiatives of the period 1900-1914 were defeated, the prosecution strategy embodied in the Sweet case was closed off, and the referenda held under woman suffrage turned back. Only when all of these routes to regulation and/or restriction were proscribed could experimenters rest easy.

Historians of science and medicine, by and large, have not been kind to the critics of vivisection, perhaps because many of those who became active in either anti-vivisection or vivisection reform tended to be skeptical and dismissive of the actual or potential benefits of animal experimentation. Although such critics were not alone in

expressing their doubts, this tendency has led some authors to cast them as anti-modern, anti-science, and misguided.  

Sometimes, no doubt, this may have been the case. However, in making such judgments, contemporary scholars have overlooked, just as the scientists did, the important distinctions that such critics drew between their respective positions about the appropriate methods and extent of regulation or restriction. Historical scholarship consistently slights the moderate factions, leaving them out of the story or characterizing their approach as an “entering wedge” strategy. A more careful consideration of the reforms humane advocates proposed complicates such portrayals, showing that those who wanted to place vivisection under legal control raised ethical questions that—in recent years—we have taken up in earnest. In important respects, they were ahead of their time, neither anti-modern nor dogmatic. Indeed, they sought the kind of regulatory framework that the federal Laboratory Animal Welfare Act (1966) and subsequent revisions imposed half a century later. They were ahead of their time in asking for external oversight of experimentation, an approach that eventually gained the approval of many scientists, legislators, and members of the public at large.

93 This is the approach one might expect from admiring chroniclers of experimental physiology and scientific medicine. See Thomas A. Woolsey, Robert E. Burke, and Susan Sauer, “The Playwright, the Practitioner, the Politician, the President, and the Pathologist: A Guide to the 1900 Senate Document Titled Vivisection,” Perspectives in Biological Medicine 30 (1987), 235-58; Benison et al, Cannon; and Michael Bliss, The Discovery of Insulin (Toronto: University of Toronto, 1982). Actually, an individual’s attitudes toward animal research more readily correlate with his/her attitudes toward animals than with his/her faith in science. In a series of studies conducted between 1979 and 1982, individuals who expressed concern about animals, regardless of their feelings about science and scientific progress, were more likely to be concerned about animal use in research, testing, and education. See H. Takooshian, “Opinions on Animal Research: Scientist vs. the Public?” PsyETA Bulletin (Spring 1988), 5-9. As Susan Lederer and Patricia Gossett point out, anti-vivisectionists’ skepticism about the fruits of bacteriological science, especially inoculations, were shared by many other Americans, including physicians. See Lederer, “The Controversy over Animal Experimentation in America, 1880-1914,” 242; and Gossett, “Welch,” 417-18.
A more balanced historical scholarship would also acknowledge that some of the claims and arguments put forward by researchers in the battles over vivisection were deceptive or plainly wrong. They routinely mischaracterized the details of regulationist proposals in order to discredit them. They overstated the nature, extent, and impact of British regulation. Finally, they would never publicly admit, as they sometimes conceded to one another, that not all anti-vivisectionist charges were ill founded. Ultimately, animal experimenters killed off reform measures that would have required them to register their facilities, obtain licenses, and provide statistics concerning the species and the numbers of animals used, and particularly those used in painful procedures. Determined to oppose all surveillance and accountability, they emphasized the benefits of experimentation as a trump card against any genuine scrutiny or oversight.

In 1914, an ailing Albert Leffingwell presented his final thoughts on the subject in An Ethical Problem, intending the work to be his own valedictory. Unfortunately, the book proved to be a valediction for the cause to which he had devoted almost four decades. Leffingwell's hopes that someone else would pick up the torch he had carried were disappointed, as half a century would pass before others took up the case for regulation, and overcame the spirited opposition of the medical and scientific community. By that time, scientific claims for complete freedom and autonomy in the conduct of research could be tested against a longer record of allegations concerning poor conditions and neglect of animal welfare in medical experiments and institutions. By then, too, the

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94 Keen to Cannon, 6 May 1910, Keen Papers, APS.

95 Joseph Lawrence to Peyton Rous, 13 Feb. 1933, Folder 6, Box 15, RG 600-1, RAC; and Gossel, "Welch," 407-8.
need for such oversight was urgent, and the argument that there were ethical norms that society itself, rather than the medical science community alone, must determine, impose, and enforce, fell on more receptive ears.\footnote{Leffingwell, \textit{An Ethical Problem}, xiv–v.}
CONCLUSION

BARRIERS AND FRONTIERS

Organized animal protection in the United States arose in the wake of dramatic changes associated with industrialization and urbanization, which increased the visibility and severity of animals' treatment in a variety of contexts. Concern for animals had important pre-Civil War antecedents in moral philosophy, religious thought, law, and pedagogy. In addition, the movements to abolish slavery and corporal punishment stigmatized physical violence, creating a framework in which cruelty to animals could be perceived as a social problem needing redress. Slavery's abolition also removed legal and conceptual barriers to the development of a movement to protect animals from cruelty. In the post-war years, reformers across the country took action, attempting to address animal suffering in transportation, recreation, fashion, food production, science, education, household management, conservation, labor, and commerce.

However, even as humane advocates launched their work, cruelty to animals manifested itself in unprecedented forms and unanticipated circumstances, reflecting a profound transformation and diversification of animal use. The humane movement, given the limitations on its resources and political influence, found it difficult to keep pace, and its progress slowed dramatically during the early decades of the twentieth century. Animal protectionists won widespread support for those elements of their program that targeted the elimination of private, individual acts of cruelty, and kindness to animals became a cherished attribute of the modern personality. But pressing their
standards in such areas as vivisection or animal agriculture, where the use of animals was escalating and taking new forms, was more difficult.

Although he advanced very few ideas about animals, Henry Ford's impact was significant. Fordism's focus on mass production and mass consumption had serious implications for animal usage, ushering in a series of technological and scientific developments that intensified and rationalized the use of animals in a range of areas, and cultivating and satisfying ever-greater demand for the products of the industrial slaughterhouse and the medical-scientific complex. Even as Fordism relieved equine misery, replacing the horse with the motor vehicle, it increased the burden of suffering that other species had to bear.

Against emerging powerful interests in meatpacking, agriculture, transportation, and industrial and medical research, organized animal protection proved no match. Other interests, like the growing fur and garment industry, could re-invest accumulated profits into advertising their products all the more. In many cases, whole categories of use were accorded explicit exemptions from coverage under statutes designed to prevent cruelty to animals. Some of animal protection's failures were all but inevitable given the power and determination of its adversaries, and the many fronts on which it had to contend.¹

Despite the historically distinctive quality of its claim that animals mattered, animal protection in the United States was not a radical movement. Very few

¹ Overlooking these developments, James Turner suggests that, by the end of the nineteenth century, an adjustment in worldview had taken place, and that the humane movement, static in both thought and action, had simply advanced as far as it could. This assessment, itself static, overlooks the fact that nothing was settled, as an economy in transformation introduced novel and unfamiliar forms of exploitation. See James C. Turner, Reckoning with the Beast: Animals, Pain and Humanity in the Victorian Mind (Baltimore: Johns Hopkins University Press, 1981), 122-23.
participants went as far as English socialists Henry Salt and Edward Carpenter in
indicting capitalism itself as a threat to animals, nature, and people. Certainly, the
humane movement failed to embrace or popularize a trenchant political economic
critique of animal use in industrial America. With hardly any exceptions, humanitarians
shied away from too direct a challenge to the core values and motivations that
underpinned commercial, institutional, and industrial exploitation of animals.²

Nevertheless, the movement did make some progress. Even as the larger society
rejected or resisted the more extreme strains of humanitarianism, like vegetarianism and
anti-vivisection, by the middle decades of the twentieth century many had embraced the
kindness-to-animals ethic as a general principle for the treatment of domestic animals.
The ethic was absorbed, in varying degree, into the Boy Scouts, the nature-study
movement, and the elementary school curriculum. The idea of treating certain animals—
especially companion animals—humanely, gained broad cultural acceptance, even if this
notion did not always result in practical benefits to animals in many areas of use.
Americans celebrated acts of kindness to animals, and condemned wanton abuse, pitiless
sadism, or uncaring neglect. In time, empathy with animals became an important index
of healthy psychological development, and cruel treatment a signal of potential
sociopathic behavior.³

² William Stillman condemned political radicalism, while Mary Lovell called Eugene Victor Debs
1916), 252; “Our Social Future,” NHR 7 (July 1919), 130; and “A Conspiracy Against Civilization,” NHR
7 (Dec. 1919), 231; and Mary F. Lovell, “All Prisoners and Captives,” Starry Cross 29 (Nov. 1920), 164.

³ On psychology’s recognition of cruelty to animals as a strong predictor of the antisocial or
sociopathic personality, see Randall Lockwood and Frank R. Ascione, eds., Cruelty to Animals and
Interpersonal Violence: Readings in Research and Application (West Lafayette, IN: Purdue University
This said, the humane societies encountered significant resistance whenever their activities threatened commercial or entrepreneurial interests that depended upon animal usage. Industrial agriculture, medical, scientific, and product testing, and other institutionalized forms of animal exploitation were shielded from anti-cruelty prosecution by explicit statutory exemptions or common practice. The material imperatives of modern society, and the culture it produces, worked to constrain and moderate the expansion of humane sentiment.

By 1930, the same course of modernization that helped to bring the animal protection movement into being rendered it largely irrelevant. Eventually, this process incorporated animals within vast systems of commodity production, removing them from public locations—where cruelty could be seen, deplored, and challenged—and into new settings where it was less visible and less amenable to redress. The layers of protection offered by institutions, bureaucracies, and explicit legal exemptions made it ever more difficult to reach and regulate inhumane practices. It was not so much a case of movement failure as of the growing invisibility of cruelty and the ironclad immunity of some of the contexts in which it could routinely occur.

The Diminution of Animal Protection Reform

While the forces of modernization reshaped the contexts of animal use, making it more difficult for the humane movement to accomplish its goals, they did not comprise the only impediment to the progress of organized animal protection. In the Progressive era, the strength of the movement’s connections to other reforms diminished. Animal
protection fell out of step with the general shift toward scientific and professional reform that characterized the period 1890-1920.

To some extent, the humane movement's cautious attitudes about modern science, and its strained relationships with members of the scientific, medical, and veterinary communities, lay behind this development. The cultural authority of science as an instrument of social progress surged during the Progressive era, gaining enthusiasts in almost every realm of reform. Other movements of the early twentieth century acted quickly to align themselves with scientific methods, and the goals of professionalization, rationalization, and administrative efficiency that characterized so many reform causes rested firmly on the assumption that all social problems could be resolved through the application of systematic, logical, and informed analysis.

Humane advocates had a more ambivalent feeling about science and its values, for they did not see it being deployed in the interests of animals' basic psychological and biological needs. Instead, they saw scientific knowledge being put to use to objectify and further exploit animals in agriculture, medical research, fur production, and other fields. For the most part, medical scientists and veterinarians worked to enhance animal productivity, not animal well-being. The rapprochement between animal protectionists and scientists that Nathaniel Shaler, Wesley Mills, and others hoped for never occurred.4

Critics of animal experimentation in particular objected to the troubling materialism of medical science, and viewed its ascendance in the gravest terms. The

4 Shaler, Mills, and several other scientists who sympathized with the general goals of humane treatment thought anti-vivisection in particular an immoderate excess, an unreasonable extension of concern for animals. See my discussion in Chapters VIII, XV, and XVI; Nathaniel S. Shaler, Domesticated Animals: Their Relation to Man and To His Advancement in Civilization (New York: Charles Scribner's Sons, 1895), 211-14; and Turner, Reckoning with the Beast, 100.
divisive effects of debates over vivisection, pound animal access, and related matters undoubtedly limited the potential for cooperation between the scientific and humane communities. In all likelihood, this helped to delay the development of the science of animal welfare—the qualitative and quantitative measurement of animals' behavior, physiology, and psychological and physical well-being—that has become so pivotal to contemporary deliberations concerning their treatment.  

Advocates' ambivalence about science probably contributed to the decline of its relationships to other reforms, some of which, while not viewing science unproblematically, were nevertheless powerfully shaped by its principles. Many women's organizations in the early twentieth century, for example, relinquished what Nancy Cott describes as "the emphasis on womanhood, the proudly sex-defined sentiment that had powered so many earlier associations." De-emphasizing the distinctive qualities of women as moral standard-bearers, and, in the words of Craig Buettinger, their "moral authority as Christians and mothers," suffrage advocates embraced practical arguments based on social science and assumptions of rational efficiency for according women the vote. Proponents were especially wary of the anti-vivisection issue, in part because it sometimes surfaced as an argument against the

5 During the period encompassed by this study, animal welfare science primarily consisted of sanitary and hygienic measures.

wisdom of granting women the vote. When it did occur, humanitarian hopes that universal suffrage would secure the success of humane legislation went unrealized.\(^7\)

Animal protection’s relationship with temperance waned during this period, too, as prohibitionists squarely aligned themselves with the cult of efficiency. They successfully identified alcohol with increased risk and lower productivity in the workplace, serious health problems, family destabilization, widespread political corruption, and the scourge of prostitution. Like suffragists, anti-alcohol campaigners also threw themselves single-mindedly into political work in support of a constitutional amendment. After 1913, national prohibition became their principal preoccupation.\(^8\)

Even the survival of strong affinities or alliances with feminism or child protection would not likely have helped animal protection during the post-1920 years, as both of these movements faltered. Feminism fractured into competing camps, became an important target for reactionary forces, and grew weaker during the interwar period. For its part, temperance foundered on the shoals of the nation’s failed experiment with Prohibition.

Nor did animal protection forge a viable relationship with environmentalism, one of the twentieth century’s most important reforms. As a Gilded Age movement concerned with the pain and suffering of animals, and the harmful effects of cruelty, animal protection had more in common with anti-slavery, child protection, and the


movement to abolish corporal punishment than it did with the conservation of forests, land, and natural resources for human use. The dominant thread of environmentalism was Gifford Pinchot's scientific utilitarianism, not John Muir's romantic protectionism, and its lack of concern for the suffering of individual animals undermined any prospect for rapprochement with the humane movement.

Perhaps the most telling marker of the waning fortunes of animal protection was its divergence from child protection, which in its early years had relied heavily upon the organizational structures of animal protection. Child protection greatly eclipsed concern for animals in the Progressive era as the historic links between the two causes unraveled. With the emergence of professional altruism, a major split within child protection developed. This pitted "strict constructionists," faithful to the narrow mission of child rescue, against a more liberal faction committed to the principles of modern social work. Most of the strict constructionists remained within the orbit of the American Humane Association (AHA), whose president, William O. Stillman, was part of an older generation of child rescue advocates who believed that the societies should restrict their work to law enforcement. The New York Society for the Prevention of Cruelty to Children (NYSPCC), under the enduring influence of Elbridge T. Gerry, led the

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9 The child, as Robert Wiebe has noted, was at the center of the era's social reforms. Robert Wiebe, The Search for Order 1877-1920 (New York: Hill and Wang, 1967), 169.

organizations that embraced this view. Such groups laid emphasis on the swift removal of children from homes in which they were found to be suffering from cruelty.\textsuperscript{11}

Members of the other faction, led by Carl Carstens and the Massachusetts Society for the Prevention of Cruelty to Children (MSPCC), allied themselves with the broader environmentalist approach of modern social work, including a commitment to study all of the many social conditions affecting child welfare. Gradually, most of the child protection societies, including the societies for the prevention of cruelty to children, embraced this perspective.\textsuperscript{12} The new paradigm emphasized preventive and remedial measures that addressed the circumstances in which children were raised. The family and the home environment became subjects of study and the focus of treatment. The old approach—which involved removing children from their homes in order to spare them from cruelty—came into question. In the evolving debate over child welfare, the AHA and its member societies associated themselves with an archaic paradigm that eventually went out of favor.

Quite apart from changing trends in child welfare, the attempt to combine child and animal protection generated continuing tensions and problems of priority for those organizations that continued to pursue both objectives. Disagreement over how to allocate the Rochester Humane Society's limited resources resulted in the formation of separate organizations in 1897. After political trouble with socialist Mayor Victor

\textsuperscript{11} Gerry reviewed the NYSPCC's work in AHA. Ann. R. 1911, 9-15.

Berger, the Wisconsin Humane Society abandoned its child protection function. In Chicago, the Illinois Humane Society's increasing preoccupation with the problems of children led to the formation in 1899 of the Anti-Cruelty Society, specifically devoted to animal protection. A few years later, a similar schism within the Ohio Humane Society sparked the formation of the Hamilton County Society for the Prevention of Cruelty to Animals.13

The unwieldy and undesirable character of dual-purpose work was very evident in the responses gathered by Columbia University's Roswell McCrea for his 1910 survey of humane organizations. A large number of respondents complained that it was no longer possible to combine the two objects. The humane society model, one SPCA official noted, was mainly useful in those smaller cities and towns "where the volume of business is small or the support not strong enough to operate two distinct societies successfully."

Through the first two decades of the twentieth century, the two concerns remained unified in communities and rural areas where support for two independent agencies was insufficient or impractical. Similar considerations governed the state board model, employed in Colorado, Minnesota, Montana, Washington, West Virginia, Wisconsin, and Wyoming.14


14 See William Love (Connecticut Humane Society) to McCrea, 24 October 1908, M. J. White, California Society for the Prevention of Cruelty to Children to McCrea, 27 October 1908, and Matthew McCurrie (San Francisco Society for the Prevention of Cruelty to Animals) to McCrea, 26 October 1908, in
Unwilling or slow to adapt, the anti-cruelty organizations steadily diverged from the mainstream of social welfare. It is especially revealing that the humane movement was not closely involved in the campaign for the establishment of the United States Children's Bureau, an idea that emerged from the settlement house community. First taken up as a platform by the National Child Labor Committee in 1906, by 1912 the Children's Bureau was a reality. William O. Stillman of the AHA, John D. Lindsay of the New York Society for the Prevention of Cruelty to Children, and other humane movement leaders opposed the Bureau. They were suspicious of what they perceived to be its focus on research, its diversion of attention from the practical problems of the neglected and abused child, and the potential threat of a centralized federal agency that might one day come to dominate and control the nation’s child welfare work.

Very few of the child welfare organizations that formed after 1910 joined the AHA; most opted instead to affiliate with the National Conference of Social Work, which had a division devoted to children. After 1912, the Children's Bureau itself became the center of child welfare work. These developments curtailed relationships between humane societies that incorporated both child and animal welfare and the preponderance of child-centered organizations. Ultimately, child welfare was incorporated into

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"Miscellaneous Correspondence," Lindsay Papers, Box 36. McCrea discussed the question in The Humane Movement: A Descriptive Survey (New York: Columbia University Press, 1910), 136-38. For a survey of the work of state boards, see Shultz, Humane Movement, 76-84.

professional social work, and into the bureaucratic structures of the state. The divergence between the two movements was complete.  

The relationship of animal protection to the Progressive era’s most ambitious attempt to rationalize charitable giving is also revealing. Humane societies did not gain from the advent of the Community Chest, a precursor to the United Way that sought to coordinate philanthropic support through federated solicitation and allocations of funds in the interests of efficiency. The drive to make social philanthropy less wasteful and thus more attractive to corporate constituents led to the coordinated intensive, centralized fundraising approach of the Community Chest. But this consolidation did not benefit societies for the prevention of cruelty to animals. In some cases, they made no attempt to gain inclusion, believing they could garner more support through independent appeals. In other instances, however, animal organizations were specifically excluded from participation on the grounds that societies providing aid to people were superordinate.

The Middle Decades

Except in fulfilling municipal animal control functions at the community level, the humane movement was not a vital enterprise after 1930. There was a lapse of activity

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16 Shultz, Humane Movement, 192, 196-97, 223-24; and Muncy, Creating a Female Dominion, passim. By 1954, the AHA’s child protection division had badly atrophied. See “Vincent De Francis,” American Humane (Apr. 1977), 8.

and vitality between 1920 and the mid-1950s, after which a range of new organizations and opportunities reinvigorated animal protection, and the modern animal welfare, animal rights, and animal liberation ideologies emerged. Nevertheless, there were a few threads of continuity that linked the two eras.

For a time, in the early 1920s, the AHA made an attempt at rationalization and professionalization, employing a “Humane Revivalist” to assist in the formation and reinvigoration of humane societies throughout the country. However, the AHA’s revitalization efforts did not blossom as William Stillman had hoped. Moreover, Stillman’s greatest priority—the creation of a training school for the professionalization of shelter and humane society work—went unrealized.

In November 1924, after Stillman’s death, representatives of the AHA met with a few prominent independent advocates to chart a course for animal protection. Together, they decided, in Minnie Maddern Fiske’s words, “to take up one by one the reform of long-persisting ‘super-cruelties,’ ... the unnecessary atrocities in our methods of slaughter, the starving to death of four million range cattle yearly, and the prehistoric

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18 Both Lisa Mighetto and Susan Lederer discuss the post-World War I evolution of the animal protection movement. Mighetto is more persuasive in her argument about the gains made in wildlife protection during the 1930s and 1940s than Lederer in her claims about the vitality of anti-vivisection during the same period. See Lisa Mighetto, Wild Animals and American Environmental Ethics (Tucson: Arizona State University Press, 1991); and Lederer, Subjected to Science, 103.

19 Richard Craven, who went on to a long career with the AHA, held this position for a time. See “Building Up the Movement,” NHR 8 (Jan. 1920), 20; “A Demand for the Humane Revivalist,” NHR 8 (Mar. 1920), 51; and “Organizer Tours the Pacific Coast,” NHR 8 (June 1920), 114-15. Some societies recruited trained workers from the ranks of the police and fire departments. For instance, Thomas Freel, superintendent of the ASPCA between 1907 and 1917, had retired from the New York Fire Department after twenty-five years. See “The Late Thomas Freel,” NHR 2 (May 1914), 132.
antiquated methods involved in the capture of fur bearing animals.”20 As it turned out, the movement made progress in only one of these areas during the decade, gaining some publicity with its attacks on the steel leghold trap. Even on this front, animal protectionists did not come close to suppression of the trap or the fur trade. Moreover, the other “super-cruelties” thrived, revealing the movement’s inability to deal with them. The 1920s campaigns to mobilize the movement around such diverse issues as humane slaughter, anti-trapping, and the abolition of animal use in entertainment foundered, and the influence of anti-cruelty reform in American life waned until the time of its post-World War II revival.21

The movement’s contraction did not mean the total extinction of a broad-gauge vision of justice for non-human animals, however. Elements of that approach survived here and there, albeit in attenuated and diminished form. Even during the movement’s most quiescent decades—the 1920s, 1930s, and 1940s—a few individuals and organizations kept the broader strains of concern for animals alive, continuing to raise the topics of inhumane slaughter, vivisection, trapping and wearing fur, entertainment abuse, and hunting. Animal protectionists also promoted “alternatives” to animal exploitation in research, food production, fashion, hunting, trapping, and other pursuits. In this respect,

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21 In his Columbia University study, William Shultz expressed his view that the humane movement was in its infancy outside of a half dozen metropolitan urban areas. In the rest of the country, moreover, it rested on very fragile foundations. To the contemporary reader, however, both Shultz’s The Humane Movement in the United States, and Sydney Coleman’s Humane Society Leaders, published the same year, left the impression of a movement steadily losing vitality. See Sydney H. Coleman, Humane Society Leaders in America (Albany: AHA, 1924); and William J. Shultz, The Humane Movement in the United States (New York: Columbia University Press, 1924), 28, 53-53.
too, the work of mid-twentieth century advocates constituted a seedbed for animal protection reform in the post-World War II period.22

Thus, for example, humane slaughter legislation, usually cast as a signal achievement for post-World War II animal protection, drew on significant continuities with the past. When the rejuvenated movement of the late 1950s secured passage of the federal Humane Slaughter Act (1958), it was in fact consummating an effort that had begun in the period 1910-1930 under the leadership of Francis Rowley and the Humane Slaughter Committee of the AHA. The issue remained on the agenda of both the AHA and the Massachusetts Society for the Prevention of Cruelty to Animals in the interceding years, and, while the movement had not gained much ground, it had never entirely relinquished its concern.

The cause of wildlife protection actually witnessed significant gains in the middle decades of the century even as the plight of domestic animals worsened. Enlightened attitudes toward predators, along with the emergent science of ecology, transformed wildlife protection in the United States. For the most part, this development owed more to the work of a handful of naturalists than to the activities of the humane movement. At the same time, animal advocates’ steady opposition to gunning, slaughter, and painful

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22 The AHA, the AHES, the Anti-Steel Trap League, the Emergency Conservation Committee, the Millenium Guild, hundreds of humane societies, a few vegetarian organizations, and half a dozen antivivisection societies all remained active during the period under discussion. In England, the League Against Cruel Sports served a similar function as a repository and incubator for more progressive convictions about the treatment of animals. See Hilda Kean, Animal Rights: Political and Social Change in Britain Since 1800 (London: Reaktion Books, 1998), 185-87.
traps did exert some influence on the evolution of mid-twentieth century environmentalism.\textsuperscript{23}

To a great extent, their voluntary assumption of responsibility for municipal animal control consumed the energy, time, and resources that humane advocates might have devoted to other issues. The challenge of dealing with companion animal overpopulation in the major urban areas thrust humane organizations into a municipal housekeeping function that overwhelmed them. The costs of maintaining shelters, clinics, dispensaries, and hospitals, and the attending responsibilities of educating the public about companion animal care, precluded serious investment in combating the cruelties animals suffered in the production of food, fur, medicine, consumer goods, and other products.

Even the AHA became inexorably bound to the work of municipal animal control. In May 1930, Stillman's successor, Sidney Coleman, came to New York to manage the


The observation of wild animals, during the course of the century, has become a mass leisure activity that in many respects competes with and/or displaces hunting on the part of many Americans. On the shift to observation as a popular pursuit, see Peter J. Schmitt, \textit{Back to Nature: The Arcadian Myth in Urban America} (New York: Oxford University Press, 1969); Greg Mitman, \textit{Reel Nature: America’s Romance with Wildlife on Film} (Cambridge: Harvard University Press, 1999), and Derek Bouse, “The Wilderness Documentary: Film, Video and the Visual Rhetoric of American Environmentalism” (Ph.D. diss., University of Pennsylvania, 1991). Perhaps it is logical that the ethic of kindness, and its accompanying preoccupation with individual animals and their suffering, gravitated toward wildlife concerns. Humans were not so reliant upon wild animals as upon domestic ones, so there may have been greater room for reconsideration and paradigm shift in this area of the human-animal relationship. Even here, though, it was not easy to translate shifting general attitudes into direct policy, for the hunting community had secured a firm lock on all of the institutions of wildlife management, a hold it maintains. The humane movement’s influence on environmentalism calls to mind the phenomenon of “social movement spillover” that sociologists have posited to explain the connections between the women’s and nuclear disarmament struggles. David S. Meyer, and Nancy Whittier, “Social Movement Spillover,” \textit{Social Problems} 41 (May 1994): 277-98.
ASPCA, while retaining his presidential and administrative responsibilities with the AHA. Coleman arrived just in time to oversee an expanded Depression-era workload that saw the ASPCA handling thousands of abandoned animals every month. The situation in New York was not unique. The collapse of the nation’s economy swelled the stray population during the 1930s as individuals and families in distress either relinquished animals or turned them out into the streets.\(^{24}\)

The decentralized character of the movement probably hurt its chances for maintaining vitality during a period of waning interest and opportunity. The close relationship that emerged between humane society shelters and the municipalities in which they operated reinforced a localism that curtailed a broader vision and range of activity to promote animal protection—both nationally and beyond the realm of dogs and cats. Centralization, whatever its deficits, favors organizational stability, coordination, and expertise, all of which might have helped to sustain both the broader humane ideology and a higher level of activity during the middle decades. Centralization might also have resulted in a single-minded focus on one key goal or strategy for a national movement.\(^{25}\)


The humane movement certainly survived the middle decades of the century, but it did not do so in any robust condition. The mid-century crises of depression and war, and the massive expansion of animal use in agriculture, garment production, scientific medicine, and industry, were among the factors that limited the movement’s social and political opportunities. The larger humane societies gradually relinquished their broad-based vision, and many elements of the work atrophied in the 1930s and 1940s. Only in the 1950s did new social, political, demographic, cultural, and economic conditions, growing ecological awareness, and the “rights revolution” wrought by the African-American freedom struggle provide a fertile ground for the renaissance of animal protection and the resurrection of its broad agenda.26

The Challenge to Anthropocentrism

To some modern observers, nineteenth- and early twentieth-century animal protection—like early conservation—appears highly utilitarian and anthropocentric. In part, this perception stems from humane advocates’ occasional reliance on rhetoric emphasizing the practical benefits of prudent and judicious use of animals. Their support for the view that cruelty was a debasement of human character worth challenging even when expressed against mere animals, with the potential to escalate toward human interpersonal violence, presented yet another anthropocentric rationale.

For many citizens, the movement's appeal undoubtedly did lay with one or another of these views. Yet undue focus on such arguments hinders a full appreciation of animal protection's legacy. In emphasizing a greater harmony between human beings and non-human animals, humane advocates played a key role in the erosion of anthropocentrism even as very few of them fully transcended it. They argued that individual animals mattered, and that their mistreatment was a matter of grave moral significance. They valued animals as something other than property, and promoted a sympathetic identification with animals' capacity to suffer, which, they argued, was the vital criterion for moral and legal consideration. They attempted to apply animal protection laws regardless of an animal's ownership or commercial value, and to use them to prevent the infliction of pain, suffering, neglect, and abandonment. And frequently, they framed their claims for moral responsibility toward animals in terms of animals' rights against humans.²⁷

Literary scholar Marian Scholtmeijer has suggested that sympathetic concern for animals may itself smack of anthropocentrism. "What if humanity in fact serves its own feelings of superiority by taking pity on animals? What if gentleness to nonhuman creatures is the ultimate expression of humankind's pretensions to moral dominance over nature?" Because we humans cannot help but frame issues from our human perspective--the only one we really know--Scholtmeijer's is an essentially inescapable charge. But it can be noted in reply that even those advocates who explicitly contested

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anthropocentrism—like J. Howard Moore or Henry Salt—viewed the question (at least in part) as an issue of human improvement. There is no necessary opposition between the proposition that preventing cruelty to animals is good for them and the one that holds that it is good for us as well.28

It is also clear that the notion of "protection" that animal advocates advanced was notably less utilitarian and anthropocentric than that which prevailed within the veterinary profession, one that generally emphasized the economic costs of animal disease, and equated animal health and well being with maximum productivity and rates of reproduction. This approach to animal welfare, adopted by most users of animals, continues to undercut contemporary discussions of animals' treatment in agriculture, fur farming, the laboratory setting, captive situations, and the wild.29

With few exceptions, the leading figures in American animal protection were pioneers of action rather than philosophy. Humane advocates challenged abuse and cruelty in an astonishing variety of contexts—public and private, and acted inventively and energetically to prevent and reduce animal pain and suffering. In addition, they were notably insistent upon extending consideration to all species, not just dogs and cats. The early societies prosecuted cases of cruelty to rats, pigeons, elephants, pigs, monkeys,

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28 Marian Scholtmeijer, Animal Victims in Modern Fiction (Toronto: University of Toronto Press, 1993), 85. I think it undeniable that animal protectionists' human-centeredness was considerably more positive in its implications for non-human animals than conventionally anthropocentric attitudes and conduct had been in the years before the humane movement emerged.

turtles, and a number of other species. Their actions show them as the architects and advocates of an important revision in human-animal relations, active champions of the proposition that animals had interests which humans were bound to respect.

Historian Roderick Nash suggests that early humane advocates were to today’s environmentalists as the abolitionists were to the civil rights activists of the 1960s. He applauds nineteenth- and early twentieth-century animal protectionists for their challenges to anthropocentrism. While their approach was inadequate in certain respects, Nash notes, they nevertheless “took the pioneering steps,” by “widening the ethical circle beyond its conventional fixation on humans.”

For his part, Nash situates the development of concern for non-human animals and the natural environment in the context of an unfolding and ever more inclusive tradition of Anglo-American liberalism. However, by casting its course as one of inexorable and unrelenting progress, Nash repeats the errors of some hagiographic studies of animal protection. The liberalism he celebrates has generally operated under the view that enlightened sensitivity and meliorist optimism can be marshaled toward the elimination of injustice. Yet, as the example of racism makes clear, such an approach cannot easily succeed in the case of systemic and

30 ASPCA, Ann. R. 1892, 5; and ASPCA, Ann. R. 1898, 37. The historical evidence clearly contradicts the claims of Keith Tester that the animal protection movement has only sought to extend rights to “nice, cuddly mammals.” See Keith Tester, Animals and Society: The Humanity of Animal Rights (London: Routledge, 1991), 16.

deeply rooted beliefs and practices that are continually reproduced and sustained throughout a given culture.\textsuperscript{32}

If anything, the ideological and practical structures of animal exploitation are so universally enculturated that it might easily be said to surpass racism in its trenchancy. Pressures toward objectification have always been (and they remain) high. Human dependence upon animals has not subsided during the past one hundred years; rather, it has intensified and evolved to encompass a highly variegated range of uses. New forms of animal exploitation continue to emerge, and should certainly qualify any simple narrative of progress in the work of animal protection.

Conclusion

In 1897, historian William Lecky, attempting to define cruelty, suggested that there were two types, “the cruelty which springs from callousness and brutality, and . . . the cruelty of vindictiveness.” One hundred years later, Keith Thomas restated Lecky’s position, not quite precisely, describing “the cruelty which comes from carelessness or indifference; and the cruelty which comes from vindictiveness.” Contemporary specialists in animal welfare would more likely describe the first form as one that stems from thoughtlessness, lack of refinement, or actual ignorance of an animal’s needs, and the second as a form of malice.\textsuperscript{33}


In the modern era, however, a third type of cruelty has emerged, systemic or institutional in form, which cannot be readily explained by carelessness, ignorance, indifference, or malice. Instead, it is the result of industrial-scale usage of animals and an accompanying level of objectification that reduces them entirely to their utility to humans, with little or no regard for their most basic interests. Such cruelty goes beyond prior understanding and definition of the term.

When cruel conduct toward animals first came within the ambit of human law, it typically involved acts of a public character that were shielded by an argument of private privilege. General concern for the mistreatment of animals was judged to override proprietary interest like that asserted by animal fighters, teamsters, dairymen, pigeon shooters, butchers, or shopkeepers found to have neglected or abused animals in their care. Over the years, that standard has even been applied to acts of a private character, i.e. those taking place outside the public's view.

We continue to operate under largely the same legal framework. However, while it has been possible to apply anti-cruelty laws to both the public and private mistreatment of companion animals, and to acts of public cruelty that violate presumed standards of good treatment, it has been almost impossible to uphold the principle of kindness in relation to those pursuits seen as important to human interests, and in those large-scale industries beyond the reach of individual conduct and control. Today, the major forms of cruelty involve concealed practices that are shielded by assertions of necessity or

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purported public consent. In many instances, the perceived imperatives of human social, material, and scientific progress have overwhelmed any concern for the corollary suffering of non-human animals. Moreover, animal users have made very determined efforts to gain exemption from anti-cruelty statutes, insulating themselves from serious attempts to regulate or limit abuse, neglect, and other forms of mistreatment.34

Today, as a post-industrial society takes shape, humans continue to exploit nonhuman animals in a range of old contexts and a number of new ones. As always, declared human interests--some grotesquely trivial and others seemingly essential--drive this process. Over the course of the past century, human reliance on animals has involved ever-greater levels of diversification, exploitation, dependency, disease, and risk, and an accompanying intensification of scientific and veterinary practices that help to mediate these various uses and their consequences. In many areas, there are no signs of abatement.35 We are caught in a dynamic process in which the impulse to protect animals clashes with our massive material reliance upon them. Technocratic and utilitarian assumptions and practices remain locked in oppositional tension with

34 Philip Jamieson has described the same situation in terms of sentiment as opposed to political economy. "The differential protection of animals embodied in legislation appears to be directly proportionate to the strength of the human/companion animal bond. Those animals that perform a companion role as human pets and with which we form our closest emotional attachments are those which have received the most extensive protection under animal cruelty legislation. Specific exemptions have operated in relation to our activities with respect to food and research animals, our relations with these animals not being characterized by the same personal and familial ties that characterize the human/companion animal bond and for whom no clearly defined public sentiment analogous to that arising from that bond exists." Philip Jamieson, "Animal Welfare Law: Foundations for Reform," Between the Species 8 (Winter 1992), 7.

compassionate feelings and inclinations in the early twenty-first century, and, together, they continue to drive the debate over animals’ status and treatment.

Many contemporary philosophical approaches to the question—like animal rights, animal liberation, animal welfare, and the feminist ethic of care—depart from the philosophy of humane treatment called for by nineteenth- and early twentieth-century campaigners. These modern philosophies call for dramatic reassessment of our relations with non-human animals, and do not typically rest upon arguments invoking scripture or the likelihood that cruelty to animals has the potential to escalate into interpersonal violence. Instead, they emphasize rational analyses of the basis for animals’ claims against humans, utilitarian calculus of the competing interests of humans and animals, and/or sympathetic identification with animals as members of an oppressed group.36

On the other hand, many people, and especially some of those whose practices have come under fire in recent years, adhere to a static view of humaneness—that animals are ours to use so long as we do so humanely, not causing them any undue suffering, and that even painful usage is permissible in the interests of a compelling human benefit. This leaves a lot of room for the justification of harsh uses of animals, and allows people of good and ill will alike to cast themselves as faithful to the humane ethic.37 However, humaneness, even as a reformist notion, seeking to mitigate the worst excesses of animal use but leaving the essential domination over animals intact, always contained seeds with


37 David Sztybel has described this and other variants of “animal welfare” in his contribution to the section, “Animal Rights,” in Bekoff and Meaney, Encyclopedia of Animal Rights and Animal Welfare, 44.
greater potential, and its adherents pushed for its furthest extension when and where they could. Sometimes, this entailed advocating the avoidance of products that involved the worst forms of animal suffering. At other times, it comprised proposals for sweeping reform of cruel and clumsy methods of slaughtering animals for food. So long as we do use animals, animal advocates argued, we should do so humanely. But we should also not be complacent about that use. We should actively seek to reduce, mitigate, and eliminate their suffering and, when possible, their deaths. Animal protectionists’ approach to humaneness was more dynamic than many contemporary claimants to the humane ethic would allow. The animal protection impulse, like the notion of human liberty, was restless, migratory, and expansive, moving across issues and the boundary of species over time. It is still on the move.
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