

# Deconstructing “eco-terrorism”

rhetic, framing and statecraft as seen through the Insight  
approach

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Since 1979, the Animal and Earth Liberation Fronts have claimed thousands of attacks worldwide targeting property, yet remained relatively impervious to infiltration, disruption and arrest. Since the disclosure of the State's targeted surveillance and prosecution of these movements - labelled the "Green Scare" by activists - a matrix of juridical, legalistic and political mechanisms has criminalised forms of political dissent. In order to apply an emergent method of conflict analysis to the subject of the violent non-State actor, the Insight approach is utilised to examine how counterterrorism strategy serves as an articulation of the State's epistemological framework. Though examining the State as an entity capable of synthesising experiences and generating a perceived "threat", one can examine a resulting juridical "defense". Utilising the Insight approach to conflict mediation as developed by Bernard Lonergan, Robert Fitterer, Cheryl Picard, Jamie Price and others, one can understand the State's threat perception, narrative construction and finally, policies that emanate from such a conflict understanding.

**Keywords:** eco-terrorism; rhetoric; framing; statecraft; Insight approach

## Introduction

From its English roots, the Animal Liberation Front (ALF) emerged in the United States on 14 March 1979 when clandestine activists self-identifying with the ALF moniker broke into the New York University Medical Center and seized one cat, two dogs and two guinea pigs from the facility with the goal of removing those animals from sites of experimentation and human-centric utility. Since 1979, the ALF and its environmental offshoot, the Earth Liberation Front (ELF), have claimed scores of attacks worldwide, including several thousand in the United States. While the movements and networks that collectively constitute the ALF/ELF and their affiliated splinters have been relatively impervious to infiltration, disruption and arrest, the US federal government has made investigation and prosecution of these groups the number one priority in its domestic war on terrorism.

Since the mid-2000s, with the disclosure of the State's targeted surveillance and criminalisation of these movements, activists have been quick to label the prevailing political environment as the era of the Green Scare (Lovitz 2010; Potter 2011) - drawing obvious linkages to the surveillance and prosecution of leftist activists in the century prior.

The Green Scare, as diagrammed by legal scholars and activists, is a matrix of juridical, legalistic and political mechanisms designed to criminalise a specific form of political dissent - providing a dis-incentive for oppositional political engagement by activists. One of the key pillars of this strategy of dis-incentivising is the creation of the Animal Enterprise Protection Act (AEPA) (1992) and its subsequent manifestation as the Animal Enterprise Terrorism Act (AETA) (2006).

In the interpretation of such manoeuvres by the State, it becomes necessary to establish the logic for such asymmetric treatments of particular social movements. According to a report published by the Department of Homeland Security-affiliated National Consortium for the Study of Terrorism and Responses to Terrorism (START), between 1990-2010 there have been 145 “ideologically motivated homicide incidents committed by far-right extremists in the United States” (START 2012), including Timothy McVeigh’s bombing of the Oklahoma City federal building, which killed 168 people. These 145 murders by rightwing social movements amounted to 348 deaths (START 2012), yet the START report detailing these attacks maintains the language of *extremist*, not *terrorist*. Throughout the report, the word *terrorist* is conspicuously absent.

With the United States’ contemporary history of *lethal* violence from anti-abortion, neo-Nazi/skinhead/white supremacist, sovereign citizen/militia and affiliated movements, why would the State focus its juridical lens and powerful rhetoric on those campaigning without casualty for the animals and trees? The most obvious answer to this illogic is that the State’s attention is due to the manner in which such movements actualise dissent, and the hegemonic ideologies that they challenge. In the case of the ALF/ELF, these direct action movements serve to inscribe an ethic of protest that challenges State power by producing non-State *sanctioned* violence - even if that violence is directed against inanimate property. It is at this site, where non-State actors generate non-sanctioned force and destroy capital enshrined in the protections of private property, that statist efforts to demonise and defame are established (Bowers, Ochs, and Jensen 1993, 14). If these movements had chosen to maintain tactical and strategic toolsets that fall within normative methods of political contest (e.g., marches, leafleting, picketing), the State would likely ignore participants and reserve its rhetorical weaponry for a more potentially de-stabilising subject.

The following analysis examines how terrorist framing and the larger Green Scare exist as an articulation of the State’s epistemological framework and its lived experience of State-personhood. Through this model, which understands the State as an entity capable of synthesising experiences and generating a perception of “threat”<sup>1</sup> (of activism), one can examine a resulting “defense” developed within the realm of the law. Utilising the Insight approach to conflict analysis as developed by scholars, including Lonergan (1992, 1998, 2004), Fitterer (2008) and Picard (2010, 2011), one can understand the State’s threat perception, its narrative construction, and finally, the policies that emanate from such a conflict understanding. The analysis contained herein attempts to adopt the Insight approach in order to undertake a critical, inter-

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<sup>1</sup> Throughout this analysis, Insight approach terminology, including theoretical contributions of Lonergan, Picard, etc., will upon early usage be marked with quotes and cited, and subsequently treated in plain text. Despite the normative deployment of terms such as “horizon”, “common sense”, “bias”, “group bias”, “dramatic bias”, “practical intelligence”, “dire future”, “suppressed wonder”, “threat” (as in threat-to-care or apprehension of threat), “defend response” and so on, their inclusion throughout is referential to their applications within the vernacular of the Insight approach.

pretive analysis of the Green Scare.<sup>2</sup> Through Insight’s method of conflict mapping, the approach will be embraced to diagram, interpret and interrupt State discourses concerning terrorism and conflict. The contributions of the Insight approach to the fields of peace and conflict studies, as well as terrorism studies, will be made apparent as one explores the role of narrative, cognition and experiences of trauma in the creation of new conflicts and conflict responses. The aim here is to extend Insight’s application to an analysis of statecraft and by doing so, offer a challenging case study for consideration.

## 9/11 and the rhetoric of “eco-terrorism”

The framing of the social protest movement championed by the ALF/ELF has led to the criminalisation of its actions through aggressive prosecutions that politicise misdemeanour acts of criminality (e.g., vandalism, theft, trespassing, arson, etc.) and reconstruct them as federally prosecutable acts of terrorism. The narrative constructed by the State - discussed throughout as the “eco-terrorist” labelling - is the product of the State’s understanding of its own threatened position, its own “apprehension of threat”<sup>3</sup> (to borrow language from Insight). To illustrate the State’s threat narrative, one need only examine the language used to describe these movements (e.g., the ALF and ELF), which at present have carried out thousands of criminal acts targeting property but consciously avoided injuring or killing people (Borum and Tilby 2005, 212; Leader and Probst 2003, 44; Loadenthal 2010; Taylor 1998, 3, 8). Comparatively, within the same time frame (1977-2011), the antiabortion movement alone has killed eight people, been involved in the attempted murder of 17, and carried out 41 bombings, 175 acts of arson (and 100 attempts), 663 bioterrorism threats, 420 death threats, four kidnappings and 524 incidents of stalking (NAF 2011). On the other hand, according to the Department of Homeland Security (DHS), while “animal-rights and environmental extremists are the most active domestic extremist groups, white supremacists and militias are more violent and thus more likely to conduct mass-casualty attacks” (DHS

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<sup>2</sup> Although this study will focus on only select aspects (e.g., AETA, “ag gag”, rhetoric) of the State’s criminalisation of dissent, the Green Scare exhibits a host of repressive mechanisms used to silence, discipline and prosecute. These include high-security political incarceration at sites such as Communications Management Units, the convening of state and federal grand juries, conspiracy indictments, infiltration and provocation by security forces (human intelligence), electronic surveillance (signals intelligence), forensic analysis, military-style home raids by state and federal authorities and inter-departmental investigations by FBI, Bureau of Alcohol, Tobacco and Firearms (BATF), Joint Terrorism task Forces and other organised bodies. These methods have been detailed, in texts provided by Potter (2011) and Lovitz (2010) as well as a strategic investigation I authored entitled, “The ‘Green Scare’ & ‘Eco-Terrorism’: The Development of US Counter-Terrorism Strategy Targeting Direct Action Activists.” In *The Law Against Animals: A Challenge to the Animal Enterprise Terrorism Act.*, edited by J. Del Gandio et al., Forthcoming. Seattle, WA: Lantern Press.

<sup>3</sup> This *apprehension of threat* can also be understood as an apprehension of a “threat-to-care”, a phrase adopted by some working within the Insight vernacular.

2008, 25). Militia groups are also identified as violent; according to a recent report, they are also rapidly growing with more than 1200 active militias currently operating in the country, a dramatic increase from the 149 groups identified in 2008 (Faherty 2012). While the DHS report is consistent in their *extremist* (not terrorist) lexicon, despite this language, the State has held tight to the “eco-terrorist” terminology, while failing to coin symmetrical labels such as racial-terrorist, militia-terrorist or anti-abortion terrorist.

These linguistic re-framings of animal rights and environmental activism span a spectrum from the insidious to the mundane. Innocuously, the cover of the Joint Terrorism Task Force intelligence report entitled “Terrorism Imagery Recognition” (San Diego Law Enforcement Coordination Center 2012) prominently features a photograph of a masked ALF activist holding a liberated primate alongside images of Osama Bin Laden, the Tamil Tigers, the Revolutionary Armed Forces of Colombia and a Hamas suicide bomber videoed for a martyrs’ will. To cite one of the most alarming and sensationalist examples, a day after the 9/11 attacks, Congressman Greg Walden (R-OR) stated in a speech to Congress that the ELF was a threat “no less heinous than what we saw occur yesterday here in Washington and New York” (Jensen 2012). Around the same post-9/11 time period, Mitt Romney, in his capacity as Olympic Organising Committee President for the 2002 Winter Olympics, stated that the games were not at risk of attack from Bin Laden’s al-Qaeda network, but instead, his “primary terrorism concern” was from animal rights activists (Spangler 2001).

In what is likely the most famous example, John Lewis, as Deputy Assistant Director of the Federal Bureau of Investigations (FBI), called the ALF/ELF “one of today’s most serious domestic threats” (109th Congress 2005, 11) and within the same Congressional testimony, confirmed to Senator Frank Lautenberg (D-NJ) that he “consider[s] ecoterrorism the No. 1 domestic terrorist threat” (109th Congress 2005, 17). Throughout his tenure, Deputy Lewis repeats this assertion time and again. On 18 May 2004 before the Senate Judiciary Committee, Lewis stated that he once again considered the ALF/ELF a “serious domestic terrorist threat” (2004), comments repeated nearly verbatim by James Jarboe, Domestic Terrorism Section Chief of the FBI’s counterterrorism division. Here, Chief Jarboe states in a 12 February 2002, speech that the ALF/ELF have “emerged as a serious terrorist threat” (2002) within the realm of domestic terrorism. Lest someone claim such a framing is dated, in his 2012 campaign for the Republican Presidential nomination, Senator Rick Santorum (R-PA) described environmental activists opposed to oil extraction via hydrofracking as “radical environmental groups ... purvey[ing] their reign of environmental terror on the United States of America” (Guillen and Summers 2012).

Such bombastic accusation, which label acts of sabotage, vandalism and arson “serious threats of domestic terrorism” akin to the murder of nearly 3000 people on 11 September 2001, has travelled from its rhetoricians at the federal level to local politicians and law enforcement as well. On 14 March 2012, clandestine activists self-identifying with the ALF moniker broke into a pheasant breeder in Scio, Oregon, and

released approximately 88 birds. The activists released a communique, and while avoiding threatening language, it documented and contextualised their actions. A portion of this communique reads:

Last night ...we infiltrated the property Queener Ridge Pheasant Company ...which breeds ringneck pheasants primarily to be murdered in commercial canned hunts. After jumping a barbed wire fence, we made our way to the main breeding facility where we dismantled a huge section of an aviary that held between 75-150 pheasants; liberating them into the night sky. Although the number of animals freed represented only a tiny fraction of the thousands more still held captive on this farm, we feel that every life saved - no matter how few - is a victory ...For an industry whose only purpose is the infliction of violence against sentient animals for entertainment and pleasure, the only ethical choice we can make is to set your animals free. (ALF 2012, n.p.)

The sheriff's office investigating the crime reported that the release resulted in an estimated \$4000 in damaged equipment and lost property in the form of missing birds. Upon discussing the incident to the media, the Linn County sheriff's office's Undersheriff Bruce Riley issued a press release detailing the crime and noted that, "because this is a form of domestic terrorism, [perpetrators] could face federal charges" (KVAL News 2012). Similarly, the owner of the farm, Gary Bochsler, reported to news media that the attacks were "total terrorism" (Ruttan 2012). Following another ALF attack in California, the Western Farm Press, which describes itself as "providing growers and agribusiness in-depth coverage that effects their business" (2012), labelled the perpetrators "agroterrorists"<sup>4</sup> (Pollock 2012), while discussing the ALF alongside al-Qaeda members conspiring to attack the US food supply.

The framing of such socio-political movements within a veneer of terrorism serves a variety of causes for the State in question.<sup>5</sup> Not only does it aid in the regulation of dissent through the construction of a "good protestor/bad protestor", activist/terrorist dichotomy (Slater 2011, 214, 227; Thompson 2008, 7), it also serves to provide an

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<sup>4</sup> The term "agroterrorist" dates back to at least 2007 and is used repeatedly in a Congressional Research Service report entitled, "Agroterrorism: Threats and Preparedness" (Monke 2007). Here, the term is defined as "terrorist attacks against agricultural targets" (2007, 2).

<sup>5</sup> The modern State utilises a variety of methods to defend capital accumulation in order to "reproduce the conditions of reproduction", in a classical Marxist manner. Such theoretical underpinnings emanate from an analysis of the State well developed within the leftist discourse. This includes the Marxist (e.g., Karl Marx, Rosa Luxemburg, Antonio Gramsci, Louis Althusser, Guy Debord), neo-Marxist (e.g., Antonio Negri, David Harvey, James C. Scott, Ellen Meiksins, Wood, Christian Marazzi, Michael Hardt), anarchist (e.g., Mikhail Bakunin, Murray Bookchin, Noam Chomsky), and European critical theorist/new Left (e.g., Herbert Marcuse, Jurgen Habermas, Alain Badiou, Jacques Ranciere, Slavoj Zizek) literatures. Throughout the past century and a half, a range of scholars has made such discussions of the State's self-perpetuating behaviours mundane and commonplace. Included in this dialectic milieu are those who argue that not only does the State utilise its largess to maintain the methods of capital accumulation, but also that capital serves to support, deploy and advance ruling class ideological interests. Contemporarily, within post-industrial, neo-liberal, pro-austerity, globalised capitalism, such ideological interests are inscribed on the whole of society throughout the superstructure and maintained hegemonically within the populace.

impetus and justification for State manoeuvres which require a constructed enemy. From the passage of the USA PATRIOT ACT, to the establishment of the federal DHS, increased electronic surveillance and the militarisation of domestic policing (Baker 2011; Hartman and Rizer 2011; Lockwood 2011), the spectre of eco-terrorism has been touted at press conferences and in Congressional testimonies to shape budgets, craft policy and allow the State a freer hand in waging the “War on Terror”. It is therefore the role of an accurate investigator to note, that while the State may misconstrue and falsely portray the “threat” of environmental and animal rights activists, it does so with methodical foresight. In other words, this acknowledged false construction is developed in order to justify and legitimise more nefarious plans to assemble an untenable boogey man designed to replace the collapsed enemy of the Soviet Union.

## Whistleblowing as a terroristic threat-to-care

The rhetorical linkages drawn between non-violent, animal advocacy and environmental activism and domestic terrorism extend beyond theft and property destruction and have come to encompass even investigative, documentary film work. Such undercover investigations of industrial rule breaking were once regarded as necessary heroisms, akin to Upton Sinclair’s expose of early twentieth century American meat-packing plants in *The Jungle* (1906), or investigations of animal cruelty conducted by groups such as Mercy for Animals (MFA) and People for Ethical Treatment of Animals (PETA). Animal rights investigative inquiries have been some of the most successful historical examples of exposing illegality, unsafe working conditions and threats to public health. Such investigations are quite commonplace and have often resulted in sanctions for those investigated. For example, in 2010 MFA released three investigative reports with information gathered by undercover activists. In one case, after it was revealed that Ohio’s Buckeye veal farms was operating at sub-par standards (e.g., veal calves constantly chained by their necks in filthy pens), food wholesaler Costco ended its contract with the farm. In another MFA undercover investigation, several workers at Ohio’s Conklin Dairy Farms were convicted on six counts of animal cruelty after video footage showed them abusing newborn calves including beating their faces with metal pipes, stabbing them with pitchforks, breaking their tails, as well as kicking, punching and throwing the young animals.

Similar footage provided by MFA in 2010 examining Willet Dairy, New York’s largest dairy company, led to the authoring of a congressional bill to ban the practice of cattle “tail docking” wherein tails and horns are burned off without anaesthesia. This investigation also showed workers at Willet hitting, kicking and electrocuting animals, and allowing those injured but not killed to “waste away” without medical attention (MFA 2010). From 2002-2011, MFA was instrumental in conducting undercover investigations to expose illegal and unsanitary conditions at sites throughout the United States, including Butterball (NC), Sparboe Farms (IA, MN, CO), Iowa Select (IA), E6



Cattle Co. (TX), Catfish Corner (TX), Country View Family Farms (PA), Hy-Line Hatchery (IA), Quality Eggs of New England (ME), Norco Ranch (CA), Gemperle Enterprises (CA), House of Raeford Farms (NC), Ohio Fresh Eggs (OH) and Weaver Brothers Egg Farm (OH) (MFA 2012). Similar investigations exposing illegal acts of animal cruelty have been conducted by PETA, including exposes of unlawful, unsanitary, neglectful and abusive practices at Agriprocessors (2012a), Land O'Lakes, PetSmart (2007) and the Hormel Foods Corporation (2012b). Video footage gathered by undercover investigators with the Humane Society of the United States (HSUS) documenting animal abuse and improper safety procedures at California's Hallmark-Westland led to the US Department of Agriculture (USDA) recalling 143,000,000 pounds of ground beef destined for children's lunches in 47 states (Hill 2011, 677).

With such a history in mind, the criminalisation of investigative inquiries amidst the animal rights movement is alarming. Critical in these efforts is the State's usage of the AETA<sup>6</sup> of 2006. When one examines the law, it becomes clear that its nature stands in explicit opposition to the continuation of such investigations. In his discussion of the absence of a "whistleblower exception" from the AETA, attorney Hill (2011, 676) speaks to the positive place such exposes have in the nation's history of industrial self-regulation:

Because the meat industry has refused to self-regulate, laborers face an uncertain future if they come forward, and inspectors are retaliated against for properly revealing violations. Thus, it is incumbent upon whistleblowers unaffiliated with the facility to preserve the integrity of America's food supply and reveal instances of animal cruelty.

In Hill's (2011, 676-677) brief history of whistleblowing involving "large-scale" meat production, he identifies the exposure of "egregious violations" in Texas, Pennsylvania, New Mexico, Maryland, Vermont, Ohio and California between 2008 and 2010.

These actions - traditionally treated with disdain from the exposed subject - are grounded in compassion, public health concerns and one's desire for legalistic animal protections to be enforced. While such actions may serve to anger animal industrialists and those on the receiving end of a profit loss, they have traditionally not been the subject of terrorist-tinged criminalisations by the State. Within the eco-terrorist State framing, one has witnessed the conflation between muckraking journalism and terrorist surveillance. In the *United States v. Louis Wheatley*, the defendant is charged with two violations of the AETA for filming animal conditions inside the Eggs R Us production facility located in California. Wheatley, an employee of Eggs RUs and journalism student, was charged with "Animal Enterprise *Terrorism*" for filming a co-worker's callous behaviour for his blog. According to the appellate court document:

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<sup>6</sup> The AETA amends the AEPA (1992). The AETA states that it is a federal act of terrorism to "damage or interfere with the operations of an animal enterprise", defining damage to include "the loss of any real or personal property used by an animal enterprise, or any real or personal property of a person or entity having a connection to, relationship with, or transactions with an animal enterprise" (109th Congress 2006).

Wheatley witnessed an unidentified coworker throwing live chickens into the grinder. The employee was laughing and telling jokes during the process, and personally squashed some of the chickens prior to throwing them in the grinder. Wheatley recorded the employee's actions in a video lasting about four minutes. Wheatley later posted the video on his Facebook. (US Court of Appeals 9th Circuit 2012)

The process of "grinding" is legal and normal within large-scale egg production, and its documenting does not constitute an expose or investigatory Insight. Since male chickens do not produce eggs, they are considered a "waste product of the egg industry" and as such, are piled "into a large machine that grinds the male chickens, often while the chickens are still alive" (US Court of Appeals 9th Circuit 2012). While recording the grinding process, Wheatley also documented the company's violation of California Penal Codes relating to battery cage size.<sup>7</sup> In addition, Wheatley removed a male chick from the grinder prior to being macerated, and took the animal home.

Because of these crimes, Wheatley was tried and convicted of two violations of the AETA, and one violation of the Federal Agricultural Products Protection Act. As clearly stated in the appellate case documents, because Wheatley's actions "interfear[ed] with the operation of Eggs R Us (an animal enterprise), [he is] in violation of the AETA" (US Court of Appeals 9th Circuit 2012). This case has likely had reverberating effects incalculable within the whistleblower community, and despite assertions by some legal scholars that such a "chilling of speech" was not the intent of the law (Hill 2011), it has become the lived reality for animal advocacy activists. This observed chilling effect has become the basis for a Constitutional challenge to the AETA, based on violations of the First and Fifth Amendments of the US Constitution (Blum et al. 2011). This legal challenge, known as *Blum v. Holder*, is being spearheaded by the Center for Constitutional Rights (CCR) and was filed in US District court in Massachusetts in December 2011 (CCR 2012).

Beyond *United States v. Louis Wheatley*, the AETA has been used in numerous prosecutions such as *United States v. Buddenberg, et al.* where four activists, later known as the "AETA 4", were arrested by an FBI Joint Terrorism Task Force and charged with conspiracy to violate the AETA by picketing outside the home of a University of California researcher involved in animal testing. Though the practices of leafleting, slogan chanting and the chalking of sidewalks are considered protected speech under the First Amendment of the US Constitution, the four individuals were indicted within the logic of the AETA. Less than a year after their arrest, the so-called "AETA 4" had their case dismissed. In the dismissal, Ronald Whyte, the US district judge presiding, stated in his ruling:

The court is not persuaded by the government's arguments. In order for an indictment to fulfill its constitutional purposes, it must allege facts that sufficiently inform each defendant of what it is that he or she is alleged to have done that constitutes a crime. This is particularly important where the species of behavior in question spans

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<sup>7</sup> H&S Code §§ 25990(a) and 25991(f).

a wide spectrum from criminal conduct to constitutionally protected political protest. While ‘true threats’ enjoy no First Amendment protection, picketing and political protest are at the very core of what is protected by the First Amendment. (US District Court San Jose 2010)

The Wheatley-AETA case follows in suit with similar state-level legislations such as the so-called “ag gag” bill passed in Iowa (SF 431) and Utah (HB 187), which amongst other measures, make it a criminal offence to “give a false statement on an ‘agricultural production’ job application” (Carlson 2012), a measure taken to prevent the hiring of whistleblowers who may witness and record animal abuse. Similar legislation has been proposed or is pending in at least seven additional states.<sup>8</sup> While this may seem like an inoffensive manoeuvre, many sections of the animal industry have added questions to job applications designed to play into such a law. For example, under the new Iowa law, falsely answering: “Are you affiliated with a news organization, labor union, or animal protection group?”, which is commonly included in animal-industry job applications to expose potential whistleblowers, would move from grounds for a non-hire to a criminal offence.

## Establishing the state’s “threat-to-care”<sup>9</sup>

In one’s dissection and critique of the AETA, “ag gag” and related laws, one must first understand the normative function of such legislation prior to developing its interpretation and application. After having first established the political reality for contemporary animal and environmental advocates, one can now begin to read such facts in light of a critical view of conflict analysis as represented by the Insight approach. The Insight approach focuses on the meditative process of learning as a key stage in conflict analysis and resolution. Insight scholar Cheryl Picard writes that the approach is, “first and foremost, an interpretive process of learning, through [which] change can occur” (2011, 1). With this approach in mind, deciphering the socio-political nexus that formulates around the construction of federal anti-terrorism legislation (and rhetoric) becomes an integral process within the steps necessary to mitigate those legal structures.

The presumption modelling produced by Insight scholars argues that conflicts follow a cyclical, yet linear path beginning with the apprehension of a threat and resulting

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<sup>8</sup> Florida, Illinois, Indiana, Minnesota, Missouri, Nebraska, New York.

<sup>9</sup> The presumption concerning State behavior is focused on its apprehension of threat, and thus by definition, something external to a rationally unbiased assessment of the threat’s quality or likelihood of enacting violence. The State is able to perceive, yet this evaluation is self-referential, in other words it is vis-a-vis its own understanding of maintaining self and hegemony. This process of State apprehension, as shown in Price’s Insight model ( $C = [At][dR]$ ), reflects the subject’s attempts to balance counter-hegemonic ideological tendencies (War of Position) present in the social movement, in other words, to draw from Gramsci (2010, 168-169), the State’s enacting of conflict is a reflection of its attempts to mitigate the challenge brought by a War of Manoeuvre.

in a response designed to defend from the perception of threat. One such Insight scholar, Jamie Price, director of the Insight Conflict Resolution Program at George Mason University's School for Conflict Analysis and Resolution, has put forth a formula (2012a) to model such a process, represented as:

$$\text{Conflict} = [\text{Apprehension of threat}][\text{Defend response}]$$

$$C = [\text{At}][\text{dR}]$$

In other words: "Conflicts arise when we experience a threat to our desires, expected patterns of interaction, and our sense of right and wrong ... it arises when we experience threats to our cares" (Picard and Jull 2011, 152).

Price's model (2012a) draws on key Insight concepts, namely, that the root of conflict is the product of one's apprehension of threat, one's understanding of their own "threat-to-care", and the resulting defend response produced to address that threat. The concept of a threat-to-care is developed throughout the Insight approach and can be accredited to scholars including Picard, Sargent, and Jull (2008), as well as Bartoli and Price (2012). Price along with colleague Andrea Bartoli, and drawing from the work of Picard and Kenneth Melchin, further draws out the functioning of a threat-to-care explaining it as:

[A] technical term to denote a predictable pattern of consciousness: the cognitive and affective grasp of a link or a causal connection between the presenting situation and a set of dire future consequences, which the individual now concludes must be prevented from happening. (Bartoli and Price 2012, 7)

Thus, the constructed apprehension of threat leads an actor to a predictable and observable defend response, in this case, a corporeal and juridical process of policing, legislating and incarceration as seen in the Green Scare, and exemplified in the AETA. The rapid, subterranean apprehension of the threat process broadly follows four stages, namely:

(1) The apprehension of a fear, a de-valuing which appears certain to the subject perceiving it.

(2) The condensing of a narrative explaining that fear which predicts a negative outcome, also known as a "dire future" (Picard 2010, 2011).

(3) The creation of a causal link between the perceived threat and the certainty of the resulting dire future.

(4) The exclusion of alternative explanations and solutions, also known as a "suppression [of] wonder" (Fitterer 2008, 84).

A "dire future" as developed by Picard is "an insight that typically provides an impetus for action" (Nan, Mampilly, and Bartoli 2011, 619) in that it envisions a "defend response" (2011, 3) that proscribes an ultimately negative outcome. It is this discovery of the imagined "dire outcomes" of the parties that can lead to an Insight-based approach to conflict resolution (Picard 2010, 2).

Thinking beyond the examples at hand, such a focus on imagined outcomes has broadreaching implications for the benefit of advancing the fields of peace and conflict studies, along with the interrelated field of terrorism studies. For example, when

reviewing narratives from armed non-State actors, such as those involved in the Israeli-Palestinian arena, one is constantly confronted with accusations of orchestrated genocide, permanent occupation/terrorism and other dystopic futures. Essential in the understanding of a respondent's (or social movement's) positionality is the socio-political forces that combine to generate such an imagined "dire future". How does anti-semitism, Islamophobia, Israeli/Palestinian nationalism and histories of forced migration factor into the assumption that one's future will be a crossroads of either armed conflict or annihilation? The contribution of Insight is the focused and acknowledged importance of the formation of these narratives; the notion that the projected outcome one imagines is a function of how one understands the past, present and the viable methods of social change.

The focus on imagined outcomes, whether dire or not, is an individual or institution's projection of their normative framework into the future. One gathers information about the present and projects such an understanding ahead in time to generate an outcome in accordance with one's positional framework of the present, and their forward trajectory.

The actor thus looks forward in time, purposively, towards a future that she seeks to modify in accordance with her goals or intentions, and also looks backward, reflexively, basing her actions on her interpretation of the circumstances that compelled her to act in the first place (Picard, Sargent, and Jull 2008, 9).

To provide an approachable example: if a dog hears a car horn and lunges to bite a child, we would be in dire error to examine the way in which the dog viewed the *victim*, without first exploring how the dog experienced the horn. In the same way, the State's narrative must be interpreted - not simply described - in order to understand the establishment of narrative, and the resulting construction of threat and rhetoric. The conflict exists not simply at the site where activists' civil liberties clash with juridical State violence, but much earlier at the locale where the threat and response are imagined. This four-stage process described above is a truncated, process-driven map diagramming the construction of an apprehension of threat occurring at the individual level, yet it can also be applied at the level of the State. In this sense, a constructed apprehension of threat is a product of one's "biases" (Fitterer 2008, 83-84), the performed suppression of wonder.

## Using the insight approach to map

The "ag gag" bills, such as those passed in Iowa and Utah, rhetorically link undercover whistleblower investigations designed to expose abuse and illegality with pre-operational surveillance carried out by terrorists scouting a target for attack. By prosecuting undercover filming within a context of terrorism it implies that the footage taken is an intelligence *input* towards a terrorist *output*, when in reality, the gathering of the footage is the "terrorist attack" *itself*. While the *US v. Wheatley* prosecution is

only one in a series of AETA cases, it highlights the constructed apprehension of threat that links animal advocacy to terrorism. The attempted threat mitigation through coerced *inaction* serves to precisely criminalise the strategy of the animal advocacy movement:

Intentionally damag[ing] or caus[ing] the loss of any real or personal property (including animals or records) used by an animal enterprise, or any real or personal property of a person or entity having a connection to, relationship with, or transactions with an animal enterprise. (109th Congress 2006)

In other words, the narrative framing is predicated on the constructed apprehension of threat which states that if undercover investigations show the operations of animal industries, this will result in critical consumers demanding reforms, consumers' reduced purchasing of select animal products, or both. This threat narrative offers what the Insight approach terms a "dire future" (Picard and Jull 2011), a condensed dystopic narrative in which animal industries lose profits, States lose revenues generated by such profits, and politicians lose support from industry chieftains contributing to campaign coffers.

Following the modelling scheme ( $C = [At][dR]$ ), and throughout the activist versus State conflict, one could formulate a hypothesis in the way of a rough outline, using the Insight approach as an interpretive framework, diagramming the conflict as:

[Criminalized dissent (e.g., AETA, ag gag bills)] = [fear of lost profits within animal industry] [creation of laws designed to insulate industries from observation and investigation and prosecute activists]

Such thought mapping is an essential component and contribution of the Insight approach and a key pillar of the aid it offers to the fields of peace and conflict studies as well as terrorism studies. Insight postulates that the histories of trauma and violence prime one's internal processes in meaningful ways, and furthermore, through an acknowledgment and investigation of such experiences, one can critically interrogate their understandings of the present and future. Such an approach is essential in drawing out obstacles encoded in one's retelling of violence. For example, if an insurgent, or other violent non-State actor speaks of her group members' experiences of torture and assassination, such a portrayal is indicative of pervasive perceptions and predicating notions about the behaviour of the State in question. The ability to map assumptions, imagined futures, narrative dystopias, and anxiety-ridden responses allows one to locate appropriate points of conflict interruption, intervention, and eventually, conflict transformation. This can be accomplished through a traditional narrative or text-based discourse analysis, as well as through in-depth interviewing and other forms of ethnographic inquiry where respondents are tasked with describing their situations and conflicts. While the abovementioned narrative map may appear simplistic, its formulaic nature is designed to flatten complex intersections and allow one to view the causal relationship between stimuli and response, between input and output.

This formulaic analysis ( $C = [At][dR]$ ) occurs at numerous levels simultaneously. It occurs at the local level as seen in the comments of the Linn County Sheriff. It

occurs at the state level as in the case of Iowa and Utah’s “ag gag” bills, and it occurs throughout the federal superstructure as seen in examples from the AETA, to the comments made by Senators, Congressmen and members of the intelligence services. Bernard Lonergan’s “scale of preference” (2004, 14) model helps to separate these spheres, noting the relationship between the cultural and social levels, which are often conflated in a social analysis. Lonergan explains that we respond to our established values in a hierarchy of preference, distinguishing the vital, social, cultural, personal and religious levels of value. The social values in question are shared by the larger community - in this case, the community of federal law enforcement - and serve to underpin the cultural values that are the result. In the example at hand, the social, or more accurately socio-political, values are wedded to the cultural values informed by the shift in national consciousness and the adoption of a terrorist-tinged rhetoric post-9/11 (Hodges 2011, 23-30).

Prior to the attacks of 9/11 and the subsequent global War on Terror, it would not have been rhetorically possible to label a Facebook blogger posting videos of animal abuse as a “terrorist”. Prior to the reconstituting of the cultural values of the nation, it would not have been possible to call the release of birds “terrorism”, nor would it have been viable to label the clandestine perpetrators of these crimes a “serious domestic terrorist threat”, let alone the “number one domestic terrorist threat”. In an illustratively simple demonstration of this value shift, the 1992 AEPA was rewritten in 2006 as the AETA precisely to capitalise on this new ephemerally reshaped discourse. Returning to Lonergan (1985, 5-7), the public’s response to value, as performed within a logic of preference, has been reshaped to protect abstract notions of “the economy” and “public order”, but at the cost of a newly criminalised dissent; a process of criminalisation which levies the fear of violent terrorism against a populace unwilling to oppose actions presented as contributing to one’s national defence.

## The “common sense” of species and statecraft

The preceding logic is situated in an articulated constriction of “common sense” (Lonergan 1992), which is not all that *common*. Statist and agri-business implications that unrestrained animal advocacy will lead to economic degradation, industrial collapse or even a failing of the national food supply are overblown misrepresentations and intentional fear mongering - a clearly defined apprehension of threat. This “practical common sense” calls forth unstated, yet ever-present normative values; a specific “economic system ... as technology evokes the economy, so the economy evokes the polity” (Lonergan 1992, 234). Here, in this chain of resulting logics presented as *common*, the inevitability of the process can be exhibited. To apply it to the case at hand: the economic system of postindustrial, neo-liberal capitalism produces the technology of mass factory farms, battery egg production and other forms of industrial animal agriculture. These food systems are a reflection of the economic conditions that created

them, namely, a grow-or-die race to the bottom form of underselling one's industrial opponent by selectively not enforcing regulatory safeguards designed to protect animal welfare if such measures in practicality slow down production and/or add cost.

According to an analysis of the American meat industry's push towards mass production and centralised control appearing in the *Harvard Law Review* (Harvard Law Review Association 2004):

The current concentration and lack of transparency in the meat industry have allowed processors to focus on lowering operating costs regardless of the actual price of doing so - a price paid in terms of humane treatment of animals, safety of employees, and health of consumers ...The concentrated power of the meat industry has also given large processors the resources to defend their practices vigorously to the public; consumers, then, often have little reliable information about how animals are raised and killed. Attempts to examine these concerns are met with industry resistance at nearly every turn.

US consumers spend approximately \$1 trillion annually on food (approximately 10% of the GDP), and the average American consumes more than 200 pounds of chicken and beef annually (USDA 2012) - more than 45 additional pounds annually per person than was 50 years ago (Harvard Law Review Association 2004). With these facts in mind, one can see how industrial animal agriculture is an uncontested cornerstone of the US economic order.

The economy of animal industries is both fostered by, and integral to, a regulated federal economy that criminalises any disruptions on the foundation of a values-based rejectionism. In this case, the common sense of the federal initiative is that the challenges presented by the rhetorical interjections of anarchist praxis, anti-capitalism and critical approaches to species that underpin the ALF/ELF critique are not only an ever-present challenge to Eggs RUs and Iowa factory farmers, but they exist as a direct challenge to the common sense of capital accumulation that predicates the entire socio-economic structure.

The hegemonic common sense which establishes and cages the "horizon" (Lonergan 2004, 10) of industrial agri-business, bio-chemical and related fields is akin to the soul-versus-non-souled duality of Rene Descartes; "I think therefore I am [human]" is a mantra that is not up for debate, and thus is interwoven into the fabric of human-centric existence (Singer 1977; Regan 1985; Ryder 1989; Dunayer 2004; Phelps 2007). For Descartes (1637, 1649), this discourse concludes that non-human animals cannot feel pain, have no soul, reason, do not utilise language, and are mechanistic, stimuli-driven, machine-like automatons without a sense of mind. Such an outlook has been termed "speciesism", defined as "a failure, in attitude or practice, to accord any nonhuman being equal consideration and respect" (Dunayer 2004).

The lived praxis of anti-speciesism involves the non-use of animal and animal-derived products including but not limited to beef, pork, poultry, fish, eggs, dairy, wool, leather, etc.



The anthropocentrism that anti-speciesism challenges acts invisibly, as the cultural violence (Galtung 1990) that informs how we eat, drink and clothe our bodies. It informs whom we experiment on and for what benefit. The logic of anthropocentrism and speciesism are not up for examination as they remain outside of the horizon of debate.

A systemic challenge to the common sense of anthropocentric-speciesism is not the function of a conspiratorial cohort, but an ontological stopgap that remains outside the sphere of appropriate contest - integrated into the socio-reality of the nation, culture, community and family. To de-stabilise either anthropocentrism or speciesism would be to call into question a larger venue of modernity's common sense, a challenge impossible within the modernist discourse. This multinational, pro-speciesist group bias contributes to the Lonerganian "surrendering of intelligence" (1992, 255) as citizens become accustomed to operating within a restricted sphere of critical political action, whereby they cease to ask the imperative questions. Here, a subdued citizenry must endure the "surrender on the level of common sense" (Lonergan 1992, 255) and criticism, and as such, we the people must accept the opacity of industrial animal enterprises or risk the rhetorical marking of terrorist.

If one were to entertain the common sense of those deemed as terrorists, then one would call into question the macro-economic order - a challenge halted by the criminalisation of the social protest movement itself. The common sense that underlies the State capitalism under analysis rests on a number of normative assertions. As challenges to these assertions, unrestrained industrial whistleblowing and social protest like that of the ALF/ELF, which involves the destruction of property, calls into question the subterranean social contract between the State and the producers of capital. It is integral to the common sense of the economy that private property (both profit-generating capital and commercial products) must be protected as a matter of public order. If an ALF cell consistently eludes arrest after breaking the windows of a fur coat warehouse or setting fire to a milk truck, the social contract sanctifying private property is de-stabilised.

Thus, for those social movement actors who choose to violate the social contract, they face the rhetorical labelling as *terrorists* and not simply law-abiding *activists*. The marking of activist bodies within the taxonomy of terrorism is a powerful tool for Foucaultian self-policing in a post-9/11 political landscape where "radical activism [is] demarcated as terrorism" (Slater 2011, 215). The disciplinary power (Foucault 1977) of State rhetoric is to be found not only in the condemned defendant on judicial display, but also in the asymmetry in which the subject is described and categorised. This has important ramifications, for not only does the status of "terrorist" impact sentencing terms and location for incarceration, it also serves to mark the body and "brand the victim with infamy" (Foucault 1977, 34). For those deemed a threat to the State's monopoly on violence (Weber 1919), the State's protection of private property, or foundational values such as anthropocentrism and speciesism, violence is enacted not only the police, courts and prisons, but also through the examination and construction

of knowledge (Foucault 1977, 184-194) and its resulting discursive categories of *illegal* and *terrorist*.

The threat of unconstrained radical activism is visualised through destroyed property and a stalled economy through the instability of terrorist violence. If the sacredness of private property fails to be protected by the largess of State security forces, then businesses lose the incentive to generate profits if those profits cannot be marked as secure. Thus, for the accumulation of capital to advance uninterrupted, it must remain common sense that money *earned* is money *protected*. Lonergan (1992, 235) writes:

Human actions are recurrent; their recurrence is regular; and the regularity is the functioning of a scheme, of a patterned set of relations that yields conclusions of the type: If an *X* occurs, then an *X* will recur ... Capital is capital because its utility lies not in itself but in the acceleration it imparts to the stream of useful things ... an economy can falter, though resources and capital equipment abound, though skill cries for its opportunity and desire for skill's product, though labor asks for work as industry is eager to employ it; then one can prime the pumps and make *X* occur; but because the schemes are not functioning properly, *X* fails to recur. As the economy, so too the polity can fall apart.

The above logic serves to reassert what has previously been argued. These recurrences serve to order the economic system precisely because of their predictable regularity. Despite the presence of capital - of chicken grinders, bone saws and battery cages - the production of eggs (*X*) can fail to produce necessary profits (*X*) if the schemes of corporate opacity and speciesism are disrupted. Though the machines and farms and workers primed to kill, dismember and package flesh for consumption would remain, if the consumer base were to not "function properly" as the result of animal advocacy, one risks a financial disruption of a large scale. Thus, the common sense of industrial speciesism is at the core of a "well regulated" economic order.

To return briefly to the campaigns of the clandestine property vandals of the ALF/ELF, the abovementioned logic is the strategic basis of their attacks (Potter 2011). While the ALF has been successful in isolating several animal industries - such as those that produce fur for clothing or vendors selling *foie gras* - its largest target, laboratory animal breeder Huntington Life Sciences (HLS), has been the focus of both aboveground protest and underground sabotage since 1999. The ALF and ELF, in conjunction with ideologically affiliated *aboveground* movements, have been able to economically isolate HLS, driving away nearly 300 underwriters, investors and other supporting economic allies including Charles Schwab, Citibank, HSBC, Merrill Lynch, and Wachovia. Despite these successes, the animal breeder has been able to stay in business thanks to direct investment and protection by the British State. The explicit protectionism offered to HLS by the United Kingdom was initiated to prevent the disruption of capital as described above. In other words, the State intervened to prevent yet another social protest movement from disrupting *business as usual* and bankrupting a multinational giant-like HLS. While discussing the successes of the anti-HLS

campaign, a former Cambridgeshire Chief Constable (BBC 2002, pt. 03:02-03:26) and animal rights movement intelligence specialist stated:

If Huntingdon Life Sciences was to fail and be brought down by animal extremists, they would merely move on to another organisation. The domino effect this would have on the pharmaceutical industry, the bio-chemical industry, its customers, its finance stake holders, etc, etc, would be a matter of serious concern for government in terms of economic stability.

Once again, the Chief Constable's comments speak not only to the common sense of the animal advocates, but also the common sense of the State, namely, the need to prevent disruptions to the accumulation of capital. Such preventative measures are especially important if industrial bankruptcy would be the effect of challenges made to logic deemed normative. In sum, the British State's support for HLS demonstrates the same logic used to craft the AETA and the "ag gag" bills: the State must use its largess to mitigate the influence of social protest on economic conditions within their understanding of the "threat" of eco-terrorism. To use non-violent protest to influence profit production is tantamount to terrorists' use of hijackings with the aim of influencing the United States' Middle East policy, and thus cannot become the *modus operandi* of popular movements, lest one risk a redrawing of the acceptable methods of political protest.

## Corporate-state alliances: ALEC and friends

The wedded nature of the animal industry and the State is the product of intentional lobbying efforts on behalf of corporate interests. While activists can see the "ag gag" bills as insurance against investigative journalism, the AETA along with its 38 state analogues<sup>10</sup> are corporate victories in the rhetorical linking of critical animal advocacy and terrorism. The AETA and several state-level legislative acts were authored and advocated for by the American Legislative Exchange Council (ALEC) (Parker 2009), "a national group that represents 2000 conservative state legislators" (Cauchon 2009). According to legal scholars focused on environmental legislation, ALEC is

A tax-exempt 501(c)3 'nonprofit' organization that works to promote corporate interests in public policy and espouses principles of free markets, limited government, and federalism ...ALEC is primarily a membership organization composed of hundreds of state legislators, and representatives of large corporations such as ExxonMobil, Koch Industries, and Peabody Energy. Though it claims to be non-partisan, it works almost exclusively through Republican legislators. (CLDC 2012)

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<sup>10</sup> AETA-type analogue laws, written at the state level, exist in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington and Wisconsin (EJA 2012).

ALEC's agenda to advance protectionist legislation that insulates its constituency from criticism and protest is representative of the corporations that constitute its "private enterprise board". At this junction, one can witness the astigmatism of ALEC's horizons, as beyond this vantage point is that which cannot be seen. Lonergan (2004, 11) discusses this limiting nature of one's horizon as he writes:

As in our field of vision, so too the range of our interests and the scope of our knowledge are bounded. As fields of vision vary with one's standpoint, so too the range of one's interests ... what lies beyond one's horizon is simply outside the range of one's interests and knowledge.

For ALEC, this "beyond the horizon" finds its place in the drafting of plutocratic legislative texts designed to stifle debate by silencing dissent. Intrinsic to its existence, ALEC must further the biases of its constituency, in this case, multinational corporations typically found to be on the receiving end of critique and protests.

Included in AELC's directorship are high profile corporations affiliated with pharmaceutical, biotechnology, energy production and industrial agriculture - in other words, precisely the types of corporations targeted in animal rights and environmental protest campaigns. According to ALEC's website, its board consists of corporate representatives, including pharmaceutical firms Bayer Corp., GlaxoSmithKline, Johnson & Johnson, PhRMA and Pfizer Inc., energy companies including Energy Future Holdings, Peabody Energy, ExxonMobil and Salt River Project, and food, drug and consumer goods companies such as Reynolds American, Wal-Mart Stores, Kraft Foods, and Altria (previously named Phillip Morris) (ALEC 2012a). As a forceful political entity, representing nearly one-third of all sitting state legislators (Kamieniecki and Kraft 2007, 276), ALEC embodies what Lonergan terms the "new [in the 1940s] political economy", wherein democratic spirits and principals are sacrificed for "accuracy" (1998, 4-5). In Lonergan and ALEC's neo-political economic order, the image of ancient Greeks negotiating State policy on the Athenian hills is replaced with veiled whispers of smoky rooms, \$1000 plate donor dinners and promises of campaign contributions.

It should be noted that while ALEC was integral in drafting and advocating for the AETA, it is not the only corporate-State body adding to the criminalisation of environmental and animal rights movements. Other private interest groups advocating for increased penalties for those challenging corporate environmental and animal usage policies include the Competitive Enterprise Institute (CEI) and the Center for Consumer Freedom (CCF) (Engelhardt 2007), amongst others. CCF began in 1995 as the Guest Choice Network, the brainchild of lobbyist Rick Berman and his firm, Berman & Co. It is worth noting that Berman & Co. is a Washington, DC-based public affairs lobby representing the tobacco, alcohol, restaurant and hotel industries. It directly lobbies for companies such as Arby's, Crackle Barrel, Hooters, International House of Pancakes, Olive Garden, Outback Steakhouse, Red Lobster, Steak & Ale, TGI Friday's, Uno's Restaurants and Wendy's. At its founding, the Guest Choice Network was *funded entirely* by cigarette giant, Philip Morris (Barrington 1996), and was created to rally support opposing restaurant smoking bans couched in the language of a consumer's

“right to choose”. Berman (1995) makes this pro-smoking, anti-regulation stance quite explicit in a December 1995 letter to Barbara Trach, senior program manager of public affairs for Philip Morris USA, wherein he writes:

I’d like to propose to Philip Morris the establishment of the *Guest Choice Network*. The concept is to unite the restaurant and hospitality industries in a campaign to defend their consumers and marketing programs against attacks from anti-smoking, anti-drinking, anti-meat, etc. activists. The strategy is to encourage operator responsibility to protect and defend the *guests’ right to choose* ... I would like to solicit Philip Morris for an initial contribution of \$600,000.

These advocacy groups serve to advance a certain public worldview, namely, unrestricted, pro-corporate, free market capitalism often coded as “consumer choice”, “limited government”, “free enterprise”, and “individual liberty”. The self-descriptions of these advocacy groups are too similar to go unnoticed. ALEC describes its mission, in part, as, “to advance the Jeffersonian principles of free markets, limited government, federalism, and individual liberty” (2012b). The CEI describes itself as “dedicated to advancing the principles of limited government, free enterprise, and individual liberty ... promote both freedom and fairness ... mak[ing] the uncompromising case for economic freedom” (2012), and the CCF’s slogan is “promoting personal responsibility and protecting consumer choice” (2012). Throughout ALEC, CEI and CEF, the articulated worldview of laissez-faire, Jeffersonian capitalism, is a linguistic guise for protectionist, ultra-mediated, corporate empowerment where the State ensures profits by aiding in the elimination of the critical enemy of activism, public input, and consumer oversight. This is a clear lived example of how scholar and values-theorist Brian Hall explains *world views* writing, “The phrase *world view* is another way of saying ‘the way we see the world through our values’” (1994, 43).

The laws crafted by ALEC and supported by state legislators should be understood not as a conspiratorial cabal, but as an articulation of Lonerganian “practical intelligence” (Lonergan 1992). At this site, the laws’ practical intelligence is the logic of the (constructed) threat and the resulting (constructed) defence response as seen in the AETA, the “ag gag” bills and so on. The concept of “practical intelligence” informs the why behind the AETA’s passage - the AETA was created precisely because it serves the interests of its creators, namely, the pharmaceutical, bio-chemical, industrial food production, and energy companies that are so often the target of protest by animal rights and environmental advocates. As Lonergan (1992, 233) states:

In the drama of human living, human intelligence is not only artistic but also practical ... Primitive hunters take time out from hunting to make spears, and primitive fishers take time out from fishing to make nets. Neither spears nor nets in themselves are objects of desire ...

because for practical intelligence desires are recurrent, labor is recurrent, and the comparatively brief time spent making spears or nets is amply compensated by the greater ease with which more game or fish is taken on an indefinite series of occasions.

This same tool constructing practical intelligence explains why an entity like ALEC can always be expected to act in such a way. In a single sense, one can critique ALEC for its embedded relationship with State-capitalism, yet on another level, it is simply operating within its own common sense, its own practical intelligence - crafting its own nets and spears to catch its own fish and game. This bias serves to prevent certain questions from being raised, restricting the range of possible analysis for all actors, aggravating the tension between the community of lobbyists and the community of activists.

ALEC must serve its constituency by working to maintain systemic values - such as humanity's unrestrained use of animal bodies for food - or face the activists' rhetorical challenge of engaging in a debate concerning the ethics of species hierarchy and anthropocentrism. As Colin Slater writes in his discussion of the constructed nature of the Green Scare: "This shift from an anthropocentric and human chauvinist notion of welfare towards one of 'rights' for other species is specifically considered a threat to the corporate interests ALEC was founded to promote and protect" (2011, 227). Once again, the power of the State-corporate alliance is not only in the formation of legislation, but also in the creation of nomenclature and boundaries of dissent. Those social movements that challenge the profit motives and structural aids surrounding ALEC are expectedly the same social movements marked with the scarlet letter of terrorism. "Terrorism" thus loses its ability to describe a method of dissent (e.g., prolonged armed guerrilla campaigns, randomised assaults to inspire fear in a target population), and instead functions as a marker of revolutionary versus reformist politics. Those political movements seeking to amend social ills through proscribed methods of protest, and within the ideologically dominant set of ethics, are granted the legitimacy of the *activist* label, while those challenging the State are marked otherwise.

The restriction of speech and chilling of First Amendment activities that comes along with the activist/terrorist asymmetric labelling constrains the realm of human expression, and the horizon of one's deliberation and evaluation. This restriction is a product of the State's bias, its suppressed wonder. In his discussion of challenging bias, Fitterer writes: "Thus prior to its later overt and conscious manifestation in the biases of egoism, group prejudice, and anti-intellectualism, 'dramatic bias' is already at work covertly and unconsciously skewing the agenda of our practical intelligence" (2008, 83). For ALEC, CCF, CEI and the US legislature, such group bias prevents their utilisation of practical intelligence, to be instead dominated by group think and organisational culture. The formulation of legislation within a bias-ridden process will ultimately produce artefacts suppressed in their wonder and built upon a juridically statist common sense.

From amongst a logic of legal intentionality, the AETA is wildly different than specially classed protectionist laws designed to separate out a portion of society by providing an elevated degree of insulation. For example, the Matthew Shepard and James Byrd Jr Hate Crimes Prevention Act, the Freedom of Access to Clinic Entrances Act (FACE Act), the Church Arson Prevention Act of 1996, and other laws known as

Federal Civil Rights Statutes (FBI 2012) are aimed at protecting *marginalised* groups (i.e., racialised, religious, ethnic, etc.) who are targeted by politicised violence. Though also federally crafted, the AETA does just the opposite, protecting the right (to profit) of the “strong” over the rights (to disruptively protest and investigate) of the “weak”. Within the logic of the AETA, those that require little if any defence (e.g., Eggs R Us, Monsanto, the USDA) are enshrined in a veneer of untouchability. This pro-corporate, anti-whistleblower, anti-activist framework exhibits a strong group bias whereas the corporate right to profit is privileged over the public’s civil and political freedoms.

## Insight(fully) viewing the state as a feeling, wondering subject

The institutionally reproducing bias of the State, including its embedded suppression of wonder, constantly re-invents and expands upon the dire future prophesised in the ecoterrorist threat narrative used to inform the rhetorician’s socio-cultural understanding of conflict. Thus, for the State, ALEC, and the architects of a newly silenced dissent, their goal is the continuation of uninterrupted capital accumulation, the furthering of a neoliberal, free market world view, and advancing this imagined future in a manner consistent with their constructed threat narrative.

For the State as a designer of legislation, its broadly imagined dire future is one in which: (1) successful social protest campaigns violate the social contract between citizens and the State’s mandate to protect private property, and (2) successful social protest campaigns violate the social contract between the citizens’ production of non-sanctioned, extra-statist violence. This challenge to the status quo, which is to be found in unrestrained direct action movements such as the ALF, is mitigated through the power of State control over the narrative of threat and violence (Bowers, Ochs, and Jensen 1993, 8-9). For the State, its hegemony emanates from its supreme, unchallenged ability to diagram a threat, generate responses, and label a continuum from legitimate force to illegitimate violence:

When the authorities are perceived to have a monopoly on the legitimate use of force, “violence” is often used to denote *illegitimate use of force* - anything that interrupts or escapes their control. This makes the term something of a floating signifier, since it is also understood to mean “harm or threat that violates consent”.....  
Defining people or actions as violent also has

immediate consequences: it justifies the use of force against them. (CrimethInc. Ex-Workers’ Collective 2012)

Critical theorist Judith Butler, in her discussion of the varying definitions of Israeli and Palestinian violence, makes a similar argument, writing:

In the present climate, we see the intensification of this [legitimate versus illegitimate] formulation as various forms of political violence are called “terrorism”, not

because they are valences of violence that might be distinguished from one another, but as a way of characterizing violence waged by, or in the name of, authorities deemed illegitimate by established states ...The use of the term, “terrorism”, thus works to delegitimize certain forms of violence committed by non-state-centered political entities at the same time that it sanctions a violent response by established states. (Butler 2004, 87-88)

Within the State’s juridically strict lens, a real threat emerges when non-State actors are able to generate violence that targets life or property amidst unchecked social protest. In this vein, “terrorism” as a rhetorical label (Bowers, Ochs, and Jensen 1993, 8-9, 14) becomes a demonising dynamism to describe force. The dire future as imagined by an entity charged with maintaining order is one where non-State socio-political actors can produce violence to challenge its own Weberian monopoly (1919); a world in which the systemic violence (Galtung 1969) of the police, courts and military is challenged by the direct violence of destroyed property and physical altercations between dissidents and security forces.

In the interpretation of these imagined futures, the Insight approach functions as a fitting method within peace and conflict studies, terrorism studies and other disciplines, for diagramming how narrative becomes action. If conflict ( $C$ ) occurs at the intersection of an imagined threat ( $[At]$ ), and one’s actions to prevent such trauma ( $[dR]$ ), then an avenue opens up for conflict intervention and transformation. Like the mathematical method it models, if one were to change a single factor in the three-part equation ( $C = [At][dR]$ ), one can as a result, manipulate the outcome. For example, if one could change the constructed eco-terrorist threat narrative, one would inherently alter the counterterrorism policies that result and contribute to the criminalisation of dissent. Conversely, if one were to change the methods used to criminalise this specific form of dissent, this would serve to shift the narrative description of the non-State subject from one of terrorist, to that of activist, or at the very least, non-law abiding social movement. The Insight approach opens up these possibilities through a simple theoretical underpinning: conflict is not simply an unpredictable response to random events, but the expectable result of observed behaviours - once such behaviours are unearthed and understood. To return to Lonergan and his foundational logic, Price (2012b, 16) writes:

The distinguishing feature of Lonergan’s Insight theory is that it takes its bearings from the common sense observation that as human beings, we have minds and we use them. To put it another way, Insight theory is Lonergan’s answer to the question: What are we doing when we use our minds? And when applied to the realm of conflict studies, the basic question of the Insight approach becomes: What are we doing when we use our minds to lock ourselves into conflict with each other?

The threat-response mechanism that produces conflict can be modelled by the Insight approach as a first step towards intervention and transformation, as before we can *effect* the violence, we must concisely interpret the phenomenological *affect*.



This focus on interpretation, understanding, and individualised imagining is a notable contribution of Insight to the study of peace and conflict, as well as terrorism. Outside of this approach, individual level examinations of motivations and processes for radicalisation are often restricted to social and behavioural psychology and thus denied the venue of the macro-social analysis. Why are an individual's historical experiences and positionality (in terms of race, class, ethnicity, religion, gender, etc.) not considered an essential starting point in an interpretation of their understanding of conflict? Insight urges an examination of affect, focusing explicitly on how an individual's mind engages them in conflict. Through comparing personal experience to patterns of cognition and conflict, Insight can serve to help expose patterns of understanding, patterns of experience, and the resulting patterns of behaviour. Insight argues that in order to challenge and change these behaviour patterns, one must first understand the patterns of cognition, knowing and threat construction so that such an understanding can lead to reorientation, and the furtherance of understanding and peace.

The AETA, as one manifestation of speciesist statecraft, represents the corporateState's attempts to develop a method for criminalising dissent, situated in the post-9/11 rhetoric of the War on Terror. While such a project is the articulated practical intelligence of the protectors of capital, the lobby functions as an embedded bias failing to consider the good of the (national) community located amongst free speech. The failure of the commons is the silencing of spontaneity and the stifling of discord. In other words, by reducing human liberty for animal advocates, ALEC is also reducing its own liberty, as its ranks are members of the human community as well. Lonergan writes: "As intelligent, man is a legislator, but as an individual, he is subject to his own laws" (1992, 240). Thus, "by criminalizing speech and associational acts solely for the protection of private business interests" (Eddy 2005), lawmakers and capital accumulators are furthering the "tension of community" (Lonergan 1992) as it engenders an un-freedom that the architects themselves must also endure as members of the national populace.

There is an intrinsic good experienced by the community as a whole realised in free expression; yet with the criminalisation of dissent, one silences not only one's enemies, but one's own self as well. Thus, to restrict speech for the community of dissidents is to equally restrict speech for the community of those finding themselves the target of protest, vandalism and critique. This understanding, a key revelation offered by the Insight approach, leads to the question: How does one explicate themselves from this cycle of reproducing bias, self-reinforcing common sense and limited horizons? One method is to embody the very sameness articulated above by Lonergan, in other words, the acknowledgement that hero and villain inhabit the same plane of existence and physicality.

In his reflections on overcoming bias, Fitterer (2008, 84) proposes an Insight-informed method, writing:

The basic tool for overcoming group bias is not self-criticism from some "already known to be objectively true" socio-political theory (for the theory is precisely what

group bias cannot cope with) but the insight that one's own good is tied up ultimately with the good of all others, and that not all of my personal good can be attained in practicality itself.

If the State can be seen as a thinking, living, feeling collectivity consisting of thinking, living, feeling individuals, then one can understand its narrative construction, suppressed wonder, and group bias in much the same way one pathologises an individual's lived experiences which may lead them to understand the world from within racist, classist and otherwise myopic frameworks. Thus, at the Morgenthauian level of a State's operative logic, one may understand a chronology of counter-State violence as a history of bad experiences, generating feelings of non-safety and distress.

To relate an individualistic, human consciousness to a State-level mindset as can be accomplished via an Insight framework, one can observe how feelings inform State action.

Feelings arise from earlier life experiences, and they carry implicit narratives that are rooted in these experiences. These narratives carry judgments and expectations ... They establish patterns of social organization that we think should be operative in life. They direct our cares and fears, they shape our identities, they exert an influence on our decisions and actions, and they set the framework for our evaluation of others. (Melchin and Picard 2008, 85)

The experience of successful direct action campaigns, leftist social movements challenging hegemonic tenants (e.g., speciesist-capitalism) and non-sanctioned, contra-State violence can serve as a "life experience" leading the State to embody a threat narrative that creates the perceived need for its articulated terrorist rhetoric. As Bartoli and Price (2012, 7) explain, on the level of the individual, those constructing narratives from their threats-to-care create challenges for mediation and resolution, stating:

The inner apprehension of threat-to-care takes place so quickly, and the sense of certainty it generates is typically so strong, that most individuals have little reflexive ability - and even less felt need - to be curious about the decisions they make or the positions they take.

Here, Bartoli and Price are keen to point out that the condensed (threat) narrative speaking to a dire future reduces one's critical analysis, suppresses its wonder, and consequently, its self-critical introspection is bypassed. Such introspective criticism might have resulted in laws such as the AETA being deemed constitutionally inconsistent with the nation's desire to "derive its just powers from the consent of the governed" as was so proudly penned that 4 July 1776.

## Conclusion

Asymmetric labelling is a powerful and impactful aspect of statecraft. It not only serves to justify and legitimate violence, but it also functions to inform the wider soci-

ety as to how they are meant to interpret social movements, their political objections, and their revolutionary projections within the political imaginary. The difference between labelling a movement “extremist”, “terrorist”, “revolutionary”, “supremacist”, or “reformist” serves to inform the public, buttress State policy, and effect movement participation through selfpolicing. The animal and earth liberation movements, as represented by the ALF and ELF, are targeted with the violence of State rhetoric as they challenge core tenants of hegemonic control. Through the strategy of direct action (i.e., vandalism and economic sabotage), these movements are able to challenge proscribed methods of political protest in terms of both tactics and strategy. Through these methods, these movements function to challenge the State’s monopoly on violence (and the labelling of violence), as well as subtler ideological stalwarts such as speciesism, anthropocentrism and the commodification of animal and plant life for commerce.

As a result, the State has chosen to not only silence these movements through traditional legislative, judicial and policing methods, they have also used the rhetoric of terrorism to mark these movements for the crime of not abiding by the social contract establishing appropriate protest. Due to the nature of such a framing occurring largely in the venue of rhetoric, discourse and State voice, the Insight approach has great utility in not only diagramming the creation of the conflict narrative, but also for identifying sites of disruption along the linearity of threat construction. The contributions of the Insight approach to this analysis of “eco-terrorism” are key in illustrating the schema of the State’s constructed threat narrative. By viewing the State as a permeable collective of individuals we are reminded that juridical action, like an individual’s socialisation, is informed by previous experiences with violence as well as safety, fear as well as tranquility.

This case study was meant to push the boundaries of an appropriate subject for treatment via the Insight approach, as an analysis of statecraft functions uniquely to other personal, interpersonal, social and super-structural processes. The Insight approach advances terrorism studies through the application of a traditional peace and conflict lens that aims at understanding and interpreting. Thus, by not limiting Insight to individual-level mediations (e.g., marital dispute, work place negotiations) the methodology of narrative and cognitive analysis is tasked with a much larger subject: the enormity of the State. The preceding case study adopts a conflict resolution tool in the interpretation of both terrorism (e.g., ALF, ELF) and counterterrorism (e.g., AETA, “ag gag”, Green Scare), and in this sense, allows the minuteness of the human experience to be examined in light of the vastness of the socio-political matrix. Far too often, terrorism studies becomes mired within the myopic trap of counterterrorism and the questions become limited to: “How can we prevent, mediate, or react to terrorism while preserving life and property?” Peace and conflict studies aims to achieve a more laudable goal, as the protection of life and property must be accompanied with the presence of justice, representation and dignity, not simply the absence of injustice, authoritarianism and humiliation. This can only be achieved through an understanding

of violence beyond simply its prevention. If we are to transform conflicts and violent non-State actors, one needs to interrogate terrorism studies with a peace and conflict agenda, and it is with tools such as Insight, that these types of inter-disciplinary challenges can be advanced.

Contained in the preceding discussion of the Animal Liberation Front and associated, clandestine animal advocates, is the proposition that a multidepartmental, nationwide entity like a State, can be explained in terms of perceived threats and constructed narratives in the same way one could explain an individual's psychology. Like any individual, the State is constantly constrained by the limits of its horizon, the borders of its common sense, and the embedded nature of its bias. It is constantly allowing "bias [to] creep into one's outlook ... ideology into one's thought" (Lonergan 2004, 18). When interpreting acts of political violence by animal liberationists, the State recalls successful social movements of the past and the challenges they offered to its monopoly on violence and its position as the sole legitimator of force. The State recalls the millions of dollars lost on destroyed property and missed revenues, and it remembers its intended role as the protector of property rights. When a window is broken, a slaughterhouse burned, or a factory farm exposed, the State immediately imagines a constructed future where protestors reign; where private property is not sacred, and activists' force ceases to be labelled as violence. Like a frightened person nervously reaching for mace when faced with a hooded stranger on an unlit street, when the State conjures up this image, it strikes pre-emptively, and in its own self-defence.

## **Editors' note**

Michael Loadenthal's article was the unanimously chosen winner of the inaugural Best Postgraduate Paper at the annual Critical Studies on Terrorism Working Group (CSTWG) Conference held at the University of Kent from 10-11 September 2012. We are delighted to publish it in this special issue.

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rhetoric, framing and statecraft as seen through the Insight approach  
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