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Judicial opportunities and the death of SHAC: legal repression along a cycle of contention

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ABSTRACT
Focusing on the British animal rights campaign against Huntingdon Life Sciences, this article investigates how changing judicial opportunities effectively cause the demobilization of a social movement campaign, explaining the central role of law and criminal justice in movement repression. The study identifies four forms of legal repression arising in response to the UK organization Stop Huntingdon Animal Cruelty: elite-initiated protest control, targeted criminalization, leadership decapitation and extended incapacitation. The analysis demonstrates the need to widen repression research beyond the policing of protest events, to cover how social movement activists are controlled after arrest. It concludes by arguing for the inclusion of a stage-dimension in repression research to better grasp the crucial role of private elites in the initiation of repression. The study builds on qualitative data from Britain, obtained by participant observation, trial observation and interviews, covering both protestors and their adversaries.

While social movements frequently use the law and judicial system strategically, as for litigation purposes, this article addresses the role of law and criminal justice in the repression of social movements. Stop Huntingdon Animal Cruelty (SHAC) was a transgressive anti-vivisection campaign that emerged from the British animal rights movement, and spread globally. SHAC attracted considerable attention from corporations targeted by it, criminal justice agencies trying to control it, and radical animal rights campaigners supporting it – because of its tactical innovation and far-reaching impact on adversaries.

The choice of SHAC as a case is motivated by the campaign's innovative character, which opened the way for an international economic pressure campaign not previously seen within the animal rights movement, and triggering large-scale counter-responses internationally.

When SHAC announced its closure in 2014, it marked the end of a long cycle of contention: a phase of heightened conflict, innovation, and intensified interaction between challengers and authorities (Tarrow, 2011, p. 199). Such cycles begin and end in relation to changes in political opportunities and constraints (Jacobsson & Sörbom, 2015, p. 3), and political repression is one important factor determining the opportunities and constraints existing during any movement's life span. The study presented here identifies the changes in the judicial opportunity structure, within the jurisdiction of England and Wales, which assisted the demobilization of the SHAC campaign. Focusing on the criminal justice process, the analysis explicates the appearance of repression techniques used against SHAC, many of which were introduced as a direct response to SHAC, and which went beyond more general forms of the policing and control of protest events. The focus is on the forms of repression...
that had the most impact, as experienced first-hand by activists from within SHAC and its associated movement. I therefore examine the operation of the criminal justice system, and its interaction with a social movement campaign. Thus, in line with Doherty and Hayes (2015, p. 45), this examination implies pursuing an ‘interest in the relationships between social movements and criminal justice,’ as it is ‘a vital area of collective action which has been curiously neglected in the literature until now.’

The article begins by offering an insight into what makes SHAC stand out in the history of the animal rights movement. Then a revised definition of repression is offered for application to the SHAC case, as a response to research gaps, and on the basis of empirical findings laid out in the subsequent analysis. The concepts of judicial opportunities and legal repression are explained, to specify the area and form of repression under examination, emphasizing especially the role of law and criminal justice. The four techniques of legal repression applied to SHAC are analysed: elite-initiated protest control, targeted criminalization, leadership decapitation and extended incapacitation. The article demonstrates how these examples of legal repression reflect a broader judicial landscape in which protestors must constantly manoeuvre, and where boundaries between what are deemed lawful and unlawful forms of protest continually change. The article concludes by suggesting a stage-dimension be integrated into research on repression, and adding nuance to existing discussions of the effects of repression.

Stop huntingdon animal cruelty

SHAC was set up in 1999 by experienced activists who employed a new and sophisticated tactic: they targeted a large multinational company’s share price and achieved surprising results. Their sole aim was to close down Europe’s largest animal testing laboratory, Huntingdon Life Sciences (HLS), because of its use of animals for research and testing. SHAC’s tactics included lawful repertoires commonly used by social movements (e.g. marches, stalls, petitions), along with semi-lawful confrontational tactics (e.g. home demonstrations, office invasions, electronic civil disobedience). A variety of more militant groups, such as the Animal Liberation Front and the Animal Rights Militia, joined in the campaign, employing unlawful direct action, such as property destruction, threats, ‘home visits’ and occasional physical violence (Jonas, 2004). The combination of unlawful underground, and various aboveground, repertoires was key to creating the impact of the whole campaign against HLS. This was also a main cause for the concerted crackdown on SHAC.

The campaign to close down HLS unleashed a number of counter-responses from the pharmaceutical industry, law enforcement agencies and government, in both the UK and other European countries. In 2004 several powerful transnational corporations affected by SHAC, and the wider anti-HLS campaign, put pressure on the UK Government, saying they would withdraw all investments from the UK, if the ‘threat’ of animal rights activists was not dealt with (Mills, 2012, p. 200). International police cooperation culminated in a huge operation on 1 May 2007, in which 700 police officers from various countries raided thirty-two addresses in the UK, Amsterdam and Belgium (Laville, 2007, May 2). SHAC’s international reach, and the underground actions against HLS, also led to Europol’s increased focus on crimes relating to ‘animal rights extremism.’

Animal rights activists, representatives of HLS, the international pharmaceutical industry, and the UK Government seem to agree on one point: the campaign against HLS was effective (Posluszna, 2015, p. 85; Walby & Monaghan, 2011). The Financial Times described the movement’s impact thus: ‘A small group of people have succeeded where Karl Marx, the Red Brigade and the Baader-Meinhof Gang all failed’ (as cited in Anonymous, 2003). Over 250 companies severed their links with HLS during the global campaign, including Citibank, the world’s largest financial institution; HSBC, the world’s largest bank; Marsh, the world’s largest insurance broker, and Bank of America (Anonymous, 2008; BBC, 2001, January 17).

The SHAC UK organization sparked a broad campaign evolving far beyond the organization itself, as the campaign to close down HLS spread internationally to a network of groups and individuals. While both militant underground groups and lawful campaigning organizations took part, SHAC was crucial in initiating and fuelling the campaign: SHAC published information for others to act on,
by identifying particular targets with links to HLS. While SHAC itself is a lawful organization, the information they distributed was used by a wide variety of people to target companies, individuals and property, by various lawful and unlawful means. In this way SHAC UK determined the direction of a wider campaign. In the end the police seemingly acknowledged that it was impracticable to target the broader campaign and the crimes involved with it. Their aims could more effectively be achieved by dismantling SHAC UK.

SHAC represents a non-institutionalized form of contention; what makes its campaign stand out is its transgressive character. Transgressive contention usually involves either the formation of new political actors, or innovation with respect to new tactics, or both. Innovation here means adopting tactics that are either unprecedented, or forbidden within the regime in question (McAdam, Tarrow, & Tilly, 2001, p. 8): SHAC appeared as a new type of actor, which evolved a novel strategy, and experimented with tactics that were transgressive in their frequently confrontational style (e.g. targeting individuals in their private spheres; cf. Metcalfe, 2008), sometimes breaking the law, and often operating at its margins, while openly supporting the unlawful actions of clandestine underground groups. The tactical innovation of SHAC is one of its most defining characteristics. Transgressive forms of claim-making, such as that of SHAC and the broader anti-HLS campaign, which included a high level of unlawful forms of protest, simultaneously challenge the state, its institutions and its laws (Tilly & Tarrow, 2007, p. 61), and thus make some level of political repression inevitable.

**Political repression**

Repression denotes the act of using force and targeted efforts to control a person or group of people. Political repression is a specific type of social control whose purpose is to prevent or diminish direct and non-institutional challenges to social, cultural and/or political power, i.e. protest, activism and social movements (Earl, 2011, p. 262).

Research on political repression has generated two primary lines of research: one investigating repression as the dependent variable, the other casting repression as a key independent variable in explanations of such things as movement mobilization (Earl, 2003, p. 44). The former often considers forms of repression, or how states respond to dissent, while the latter examines how repression affects mobilization levels, together with subsequent social movement strategies and tactics (Boykoff, 2007, p. 283). This article taps into both lines of enquiry.

Scholars have investigated the relationship between dissenters and authorities for more than forty years (Davenport, 2005, p. vii). An important aspect of the state’s response to protest is, what is referred to here as the policing of protest, or more specifically ‘the police handling of protest events’ (Della Porta & Reiter, 1998): what protestors often refer to as a form of ‘repression’ while the state calls it maintaining ‘law and order’ (Della Porta & Diani, 2006, p. 197). Protest policing is a particularly relevant issue for understanding the relationship between social movements and the state, but not the only one. Protest policing scholars focus their studies on a specific area of political repression (Boykoff, 2007, p. 284), as it mainly includes one form of state (police) repression, and often excludes non-state actors and other dimensions essential to the examination of repression.

Protest policing research has obvious limitations, even though it is an important part of overall repression research. To understand repression more broadly, and its different stages, it is necessary to look beyond the interaction between police and protestors. Even though matters internal to the police, such as their culture and ‘police knowledge,’ are important to how they interact with protestors (Della Porta & Reiter, 1998; Reiner, 2010, pp. 115–138), the police are not autonomous. As demonstrated below, the police depend to a varying degree on political institutions that may react to protest, by calling on them to take action, while also reforming policy (Della Porta & Diani, 2006, p. 201), or via the government’s purposeful allocation of resources, or through state sanctions initiated by private elites, or in some other way. Limiting the scope of research on movement repression to the public policing of protest events seems unlikely to capture the multidimensional tactics used to control social movements (Starr, Fernandez, & Scholl, 2011, p. 146).
The degree of political repression a social movement faces in any time and place is an important part of what is known as the political opportunity structure (POS): the framework within which people decide whether to mobilize, what tactics to employ, and whether they are likely to succeed or fail (Tilly & Tarrow, 2007, pp. 49–50).

When campaigners are arrested or charged, this is potentially only the beginning of a long journey through the courts, correctional institutions and various punishments. As Barkan (2006, p. 190) points out, ‘Despite the importance of the post-arrest experience for protesters’ own fate and for that of their movements, their prosecutions and trials remain a black box in the study of the social control of protest.’ Social movement scholars do investigate legal openness and closure (e.g. Hilson, 2002), but tend to concentrate on how these factors impact on movements’ tactical choices, rather than on the way legal closure may materialize as repression. The concept of judicial opportunities, as used by Doherty and Hayes (2014), better captures the legal closure and level of threats posed by criminal justice actors, when campaigners ‘come before the courts not for reasons of litigation but rather for those of prosecution, for their involvement in direct action’ (Doherty & Hayes, 2014, p. 6) and protest. The analysis below identifies what I call legal repression (see Barkan, 1985); repression based on law and exerted by criminal justice actors, what Balbus (1973, p. 13) terms repression by ‘formal rationality.’ The role of law and criminal justice in the repression of social movements seems inadequately researched. This article addresses that gap, by investigating changes in judicial opportunities, a sub-section of the POS, and a specific form of (legal) repression.

Judicial opportunities relates to the possibilities and threats perceived and experienced by protestors, i.e. how their choice of tactics is affected by legal repercussions they might face, such as, for example, the chance of being prosecuted, convicted and punished, as well as by the severity of those sanctions. Both private elites (by, for example, the use of civil law) and criminal justice agencies, act upon the law – sometimes using legislation creatively and in ways not originally intended. A specific law might stay unchanged, while the way the police, the Crown Prosecution Service (CPS), the courts and others use it might change over time. Thus, legal repression, with the sanctions and penalties underpinning it, relies on both the law (criminal and civil) and the active efforts of numerous criminal justice actors. In the jurisdiction of England and Wales, and in other common law legal systems, the judiciary and judges play a particularly important role here, compared to other types of legal system.

Legal repression is based on law, and exerted through the strategic introduction and use of law as a control tool: protestors who defy the contingent limits laid upon them are under the threat of being sentenced to various types of punishment, along with other types of legal sanctions, such as for example, preventive orders; being bound by pre-charge detention, pre-trial or bail conditions, or by having to appear in extensive court processes – where many of these sanctions might apply even in cases of an acquittal. Thus, in legal repression, law uses coercion to control protest (pre-emptively or reactively): ‘when it prescribes a sanction that is intended to impose sufficient pressure on a person [protestor] to force or make that person act in a certain way’ (Ashworth & Zedner, 2014, p. 6)

**Defining repression**

A brief explication of political repression is presented above, while further discussion and definition of legal repression follows here. Davenport (2007) defined repression rather narrowly, as acts that violate First Amendment-type rights, due process in the enforcement and adjudication of law, and personal integrity and security. When specific cases of repression are researched, its effect on civil liberties is but one scale for assessing it. Tilly (1995, p. 136) has described repression as processes in which the state, or its agents, implements obstacles to discourage individual and collective actions of challengers. This understanding too has limitations: it excludes non-state actors as agents in the exercise of repression, and it encompasses repression against both independent individuals and collective actors. Most definitions of political repression either explicitly or implicitly focus on state actions (Earl, 2011, p. 262), but like other scholars (e.g. Earl, 2011; Ferree, 2005), I argue that examinations of repression must go beyond the state.
In contrast to state-centred definitions, Boykoff (2007, pp. 282–283) includes non-state parties as relevant agents when defining repression as ‘a process whereby groups or individuals attempt to diminish dissident action, collective organization, and the mobilization of dissenting opinion by inhibiting collective action through either raising the costs or minimizing the benefits of such action.’ This article draws on Boykoff’s definition, but strongly delimits and revises it to fit what the subsequent analysis reveals as central aspects of legal repression in the case of SHAC, while acknowledging that this may make the definition less applicable to other forms of repression. The crucial role of private elites in the initiation of repression is evident in the case of SHAC, and this must be reflected in the definition. A more precise definition, reflecting both the agents of legal repression and its reliance on the state, will be used: legal repression is a process whereby the state and/or non-state elites attempt to diminish dissident action, collective organization, and the mobilization of dissenting opinion by inhibiting collective action through raising the costs and/or minimizing the benefits of such action, by way of law and criminal justice.

This definition identifies the fact that legal repression always happens by way of the state, while being based on law and largely exerted by criminal justice actors. Below I apply this definition to the SHAC case, and demonstrate its relevance in the analysis of different forms and stages of legal repression.

Method

The study builds on qualitative data from Britain, obtained through 25 interviews, trial observation, and participant observation among the radical faction of the animal rights movement. The interviews comprise 18 activists, and a defence solicitor with much experience of defending animal activists in criminal trials. On the opposite side there are two police representatives (one with street level experience of SHAC, and one senior person in a liaison position), one representative of HLS, and one person representing SHAC’s counter-movement (Pro-Test and Speaking of Research) which advocates animal research and opposes ‘animal rights extremism.’ While interviews mainly involve protestors, trial observation included a lot more people from the prosecution, the police, and representatives of companies targeted by protesters. The triangulation and combination of different types – and opposing sources – of data about the same events strengthen the analysis in terms of validation: controlling the credibility/plausibility of findings by cross-checking with several data sources (Lewis, Ritchie, Ormston, & Morrell, 2014, pp. 356–365), confirms a high level of unanimity about what were the key events along the cycle of contention. Also, by utilizing multiple data sources, methods and observations, scholars can better account for and overcome the limits and biases inherent in studies that only employ a single method, data source or observer (Ayoub, Wallace & Zepeda-Millan, 2014, pp. 67–68).

Researching the repression of SHAC, without examining its interaction with adversaries would omit elements crucial to understanding it, as SHAC emerged, adapted its tactics, and died through this continuous interaction. The authorities’ reaction to protestors leads to movements’ internal processes of radicalization or de-mobilization, while the protest tactics they develop respond to changes in the external environment (Della Porta & Diani, 2006, p. 189), such as the contingent opportunities and threats posed by law and criminal justice agencies. Thus scholars ‘cannot predict [or understand] the outcome of any episode of contention by focusing on what a single social movement does at a given moment in time’ (Tarrow, 2011, p. 33). Political challengers such as SHAC, therefore, must be ‘seen in relation to those they challenge and to influential allies, third parties, and the forces of order’ (Tilly, 2006 as cited in Tarrow, 2011, pp. 33–34). In Dynamics of Contention (2001, p. xvii), McAdam, Tarrow and Tilly call this approach ‘relational,’ arguing that ‘the area of contentious politics will profit most from systematic attention to interaction among actors, institutions, and streams of contentious politics.’

The relational approach ‘explicitly focuses on social interaction as the site in which identities form, coalesce, split and transform and intersect with other processes – such as mobilization.’ (McAdam et al., 2001, p. 58). Della Porta (2014, p. 166) takes a similar approach, emphasizing that tactical change takes place in encounters between social movements and authorities in a series of reciprocal adjustments. More recent works draw on, and are influenced by, the concerns raised in the relational approach,
such as, for example, those applied in the study of the relational dynamics of radicalization (Alimi, Demetriou, & Bosi, 2015) and the dynamics of political violence (Bosi, Demetriou, & Malthaner, 2014).

Though I have not adopted its whole conceptual framework, the insights and concerns of the relational approach has informed my analysis, without the process of interaction (or mechanisms, as McAdam, Tarrow and Tilly emphasize) being the main analytical concern. Instead the approach has guided the design of the research, for example by including data from multiple conflicting sources, so as to understand repression as a dynamic and accumulative process which unfolds through key players’ tactical innovation, interaction and adaptation during a particular cycle.

I entered the field in SHAC’s final phase, when the campaigners had acknowledged its demise. I sought interviewees from SHAC who had had organizational roles, and interviewed people from different phases of SHAC (early, mid and late). I talked with former SHAC activists from the US, to get an ‘outsider’ view of SHAC UK, and because US activists spent time with SHAC UK as part of their training. Among those interviewed were the ‘radical veterans,’ because their long-standing participation in the movement surrounding SHAC added a different perspective. The activists chosen had long experience of social movement activity and repression. The majority had served, or were awaiting, prison sentences for animal rights activities, which indicates their engagement with and experience of the criminal justice process. In the analysis I indicate the category the interviewee belongs to: adversary, SHAC organizer, SHAC activist (not part of the core organizing group), or radical veteran.

The activists interviewed had experienced repression, and were fully conscious of its impact on themselves and their work. Their accounts are therefore to be understood as retrospective reflections, though they sometimes include reflections on repression actually occurring at the time of interview. Activists describe a plethora of techniques of repression, which I divide into two main categories: the first includes the easily identifiable techniques, such as, for example, the criminalization of particular anti-vivisection tactics. The other encompasses more subtle types of repression, manifested in what campaigners may describe as police harassment or covert surveillance. The data used here are from the first category, and thus have the advantage of being well documented and having more available data sources.

Legal repression crucial in SHAC’s fall

After SHAC was established in 1999, the pharmaceutical industry, criminal justice agencies, and others collaborated closely with the government, which then introduced a series of measures in a coordinated crackdown on SHAC and ‘animal rights extremism’ in the UK.

In 2003, after lobbying by a number of multinational pharmaceutical and scientific companies in Britain for stronger measures against the protestors, the UK Government formulated its response (see British Home Office, 2004), under the direction of the Cabinet Office, and overseen by a ‘miscellaneous’ committee chaired by the Minister for Science (Donovan & Coupe, 2013, p. 122). It was a multi-agency criminal justice response, designed to tackle SHAC and similar animal rights groups, which included the amendment and creative use of existing laws, and the introduction of new laws. This meant the government had to ‘redraft the intelligence architecture and realign the policing, policy and private sectors to grapple with the issues’ (Mills, 2013, p. 36). According to Mills (2013, p. 36), the criminal justice system, especially the government, the police and the CPS collaborated to tackle a problem they saw as threatening an industry essential to the economic future of the UK. Among other things this collaboration resulted in the emergence of new, specialist national police units, and the realignment of existing ones. These were the National Extremist Tactical Coordination Unit, the National Domestic Extremism Team and National Public Order Intelligence Unit. A national coordinator was appointed to integrate this response, and report to the government and the Association of Chief Police Officers (Terrorism and Allied Matters).

The four forms of legal repression identified below are the key measures designed to tackle SHAC introduced by private elites, and by the British state at the behest of the private corporations affected. The measures will now be dealt with chronologically, according to the time of their appearance:
**Elite-initiated protest control**

The first form of legal repression to appear was elite-initiated protest control via injunctions. Injunctions restrict the content, size, venue and location of protests carried out in public places, and have been used extensively against animal rights protestors (Richardson, 2011; December 11). Private companies were increasingly able to gain restrictions on protest by obtaining an injunction under the Protection from Harassment Act 1997 (PHA); originally brought in to deal with the specific problem of stalkers, in the wake of several high-profile cases. There have now been many reported cases of it being used against protestors (Mead, 2010, p. 264). The PHA was first used against animal rights activists barely five weeks after becoming law in 1997 (Upton, 2009, p. 95) and HLS obtained their first injunction against SHAC in 2003. This demonstrates the ability of private elites to impact on the judicial opportunities of protestors and the exercise of their civil liberties within the British jurisdiction.

After being targeted by SHAC and anti-HLS groups, many large companies obtained injunctions to set up limitations and prohibitions on the (previously) lawful protest tactics used against them. Injunctions also cover obviously unlawful tactics by clandestine groups, but the concern here is the use of injunctions against conduct previously seen as part of lawful protests. David⁵ (radical veteran) describes the restrictions he experienced because of injunctions against the SHAC campaign:

> The injunction can restrict the number of protests you can have per week. At HLS there is only one protest allowed per week for four hours. They can restrict the number of people. So at some protests you can only have six or ten people. They can also restrict what you can do on the protests. Most injunctions banned the use of megaphones. Not only can’t you use megaphones, but you are not allowed all to shout at the same time. They call it shouting in unity. Some of the injunctions say that you are not allowed to wear scary costumes. It’s basically, completely restricting your right to protest. Basically anything that is effective on the protest is being made illegal. […] And injunctions have become stricter as time has gone on.

PHA makes it possible for civil parties to obtain an injunction against protestors, where a breach of the injunction brings criminal punishment. Over thirty injunctions were obtained against SHAC between 2003 and 2014 (Stop Huntingdon Animal Cruelty, 2014).⁶ A recent injunction obtained by Novartis covers anyone protesting against animal research at its facilities in England and Wales; the injunction bars ‘harassment or intimidation’ of Novartis employees, including ‘abusive or threatening’ posts on websites or social media. But, the order goes further in restricting demonstrations to six people or fewer, in designating protest zones with no amplified sounds, and forbidding costumes, face-coverings or ‘blood-splattered costumes’ (Chellel, 2014, April 4). Anyone breaching the injunction can be arrested and risks a penalty of up to five years imprisonment (PHA, section 3[9]).

The use of injunctions is an example of how private elites use state institutions to exercise political repression: by using civil law and relying on the courts, corporations can set conditions for what is deemed lawful protest, with great impact on the effect, forms, and frequency of social movement campaigns in which street protest plays an important part. Such spatial regulation is a way in which dissident speech and dissident groups are silenced and repressed (Nicholls, Miller, & Beaumont, 2013, p. 13).
Targeted criminalization

The introduction of sections 145 and 146 in the Serious Organised Crime and Police Act (SOCPA) in 2005, marked the second type of legal repression, and is an example of targeted criminalization, applying exclusively to anti-vivisection activists which use many of the tactics pioneered in the wake of the SHAC campaign. Section 145 creates the offence of ‘interference with contractual relationships so as to harm [an] animal research organization’ while section 146 makes the ‘intimidation of persons connected with [an] animal research organization’ an offence.

Under the new law, several types of disruptive protests that were previously treated as civil torts (acts wrong in civil law, but not criminal offences), or minor public order offences, became criminal offences with a maximum penalty of five years imprisonment (SOCPA section 147[1]). Campaigners can employ exactly the same repertoires in other protest areas without being affected. Section 145 applies directly to SHAC’s strategy of pushing HLS into bankruptcy by disrupting its operations through making all its customers, shareholders, service providers, employees – and anyone with links to HLS – sever those links. This strategy was conceived and refined by SHAC, and copied by other groups within the radical faction of the animal rights movement. The creation of this new offence criminalized what had formerly only been unlawful as an economic tort (Mead, 2010, p. 23).

SOCPA section 145 was used for the first time against three SHAC protestors in 2005 for carrying out an ‘office invasion’ of a firm with links to HLS. Following conviction, the three were handed prison sentences of four years, thirty months and fifteen months, respectively, in 2007. This protest tactic had been regularly used by SHAC, but almost vanished after the law demonstrated its force, as described by Emily (SHAC activist):

Where it really began to start losing momentum was around 2005. That was the year the SOCPA was passed. Within a few weeks of that becoming law, there were people arrested for doing an office occupation. This had been a tried and tested SHAC tactic for years: go somewhere, rush into the offices, taking placards and banners, maybe wear masks and things like that. Three people who did that were arrested and they all got prison sentences. And that was a major wakeup call. The state was really taking it seriously, and people felt… I suppose you could describe it as sending a chilling effect through the movement.

Several anti-vivisection activists, both with and without links to the SHAC campaign, have received sentences under both SOCPA sections 145 and 146 (see Clark, 2009, pp. 110–112; Thornton et al., 2010, pp. 86–88). However, background data explored for this study, clearly show that section 145 has been used more often than section 146 in trials and sentences against anti-vivisection protestors.

In addition to the imposition of injunctions, the new offences introduced by SOCPA had a further effect on protests and people’s willingness to participate:

That law [SOCPA] was mainly brought in because of SHAC, but it was obviously used across the whole movement. I think that law was a real blow to the movement, because it basically criminalized a civil offence of trespass and it really scared people, because the law was basically: you cannot cause loss to a vivisection laboratory. I really noticed that from that point less people were willing to get involved in protest. Less people wanted to be involved with SHAC, because people were afraid that they would go on a protest and end up in prison. […] It just really scared people and it made people uncomfortable because it was really clear that was a clamp down on the movement. (Rebecka: SHAC organizer)

Despite new offences being created by SOCPA, which extended and intensified repression through highly targeted criminalization, the campaign against HLS went on, as SHAC and other groups continued, though on a different level and with somewhat revised repertoires. However, when the use of ‘conspiracy to blackmail’ (CTB) charges appeared in 2007, this took repression to a whole new level.

Leadership decapitation

While injunctions and SOCPA mainly affected street level protest, and those organizing it, a third form of legal repression appeared via the successful convictions for CTB, under section 1 of the Criminal Law Act 1977. This made the costs of having an organizing role in SHAC skyrocket, and it was used to disable SHAC’s organizing group – those identified by the police as having a ‘leadership role.’
The SHAC campaign was network based, with participation by a plethora of individuals and groups heavily relying on information distributed through the SHAC website. Behind the website and key functions of the SHAC organization, was a central organizing group, which constituted the base from where research, strategizing, fund raising, and organizing took place. This campaign structure, with a large international network heavily reliant on a small core of ten to fifteen people in England, often working from one location, was advantageous in that it enabled them to make quick changes in the campaign’s direction. However, this also constituted the campaign’s ‘soft spot,’ making it vulnerable to repression targeting key organizers.

The mass raid against SHAC supporters and organizers on 1 May 2007 ended with core SHAC organizers being charged with CTB, and later convicted in two separate trials: the first ended in 2009 with the three founders sentenced to a total of twenty-nine years in prison; another group of four were given a total of twenty-one years. The next trial saw the round-up of the remaining people running SHAC: five core organizers received custodial sentences; three were convicted of CTB, and sentenced to between three and a half and six years’ imprisonment. The last two pleaded guilty to the lesser offence of conspiracy to commit SOCPA section 145.

Following the mass arrests of SHAC organizers, new people stepped in to continue the campaign, but were soon convicted and given similar sentences in 2010. The final CTB-sentence was that of the remaining organizer in 2014. David (radical veteran) reflected on this pattern, where movement organizers are effectively neutralized through the imposition of severe jail sentences:

**Author:** So, it’s hard getting new people to take on an organizing role when you see what’s coming?

**David:** Absolutely. That was the intention. There will be no more people. I think the second and third group of people thought that they [police and prosecution] wouldn’t try a third time, but they have. And now people just know that if they try to do anything [SHAC organizing] they will be targeted next.

The application of CTB charges against SHAC organizers reflects an innovative use of existing legislation. In the UK, both the Police and the CPS employed this strategy to link SHAC ‘leaders’ to the coordination of some of the unlawful underground activities of the Animal Liberation Front and similar groups targeting HLS by unlawful repertoires (Donovan & Coupe, 2013). The prosecution succeeded in convincing the court such connections existed, and this opened the way to sentences of up to fourteen years’ imprisonment.

Donovan and Coupe (2013, p. 116) have used the governance of SHAC, particularly the use of CTB, to evaluate the effect of what is referred to within the counter-insurgency literature as leadership decapitation (see e.g. Jordan, 2009). This strategy of removing the leadership of a challenging group was adopted by the UK police to terminate the SHAC campaign; Donovan and Coupe conclude (2013, pp. 122–123), on the basis of quantitative data, that it was effective, as by:

- designating the crimes they committed as blackmail, the formation of a police unit to deal with animal rights extremism and the use of specialist investigative techniques and a major police ‘strike’ aimed at arresting and incarcerating the activists’ leaders.

**Extended leadership incapacitation**

With the first wave of convictions of SHAC organizers in 2009, the fourth type of legal repression started appearing, this time in connection with the penal process. The new licence conditions imposed upon release from prison show control being increased by the incapacitation of those the police identified as ‘leaders’ and important organizers. In this way, the incapacitation of those imprisoned could be extended way beyond their prison sentence, to hinder their return to the movement, and to disrupt SHAC.

Different types of post-release conditions were imposed on those considered ‘leaders,’ through Anti-Social Behaviour Orders (ASBOs) imposed on conviction in criminal courts, by categorizing SHAC organizers as level 3 offenders under the Multi-Agency Public Protection Arrangements (MAPPA), and by other licence conditions preventing activity related to animal activism and HLS.
The custodial sentences imposed on SHAC activists and organizers between 2008 and 2014 amounted to a minimum of eighty-one years’ imprisonment. However, most of these activists were also given ASBOs lasting between five and ten years. The three founders of SHAC were even given indefinite ASBOs, which are rare (Ormerod, 2011, p. 1991) and forbidden for life ‘knowingly to participate in, organize or control any demonstration, meeting, gathering or website protesting against animal experimentation’ (Crown Prosecution Service, 2014, pp. 13–14).

The imposition of ASBOs as part of the sentence means campaigners are given a set of conditions which come into effect on their release. The conditions can vary, but all SHAC organizers received bans on continuing their work to close down HLS, and they were also banned from contacting fellow activists and restricted as regards engaging in any way in ‘animal rights issues.’ ASBOs are not avowedly intended to punish the individual, but are ‘designed to be preventive’ (CPS, 2015), an example of what Ashworth and Zedner (2014, pp. 2–5) refer to as ‘preventive justice’: the increased use of preventive state measures involving some element of coercion or loss of liberty, within the criminal justice process or adjacent fields.

Emily, one of the movement’s radical veterans, describes the new regime of ASBOs and stricter licence conditions that came into force as the first SHAC trial ended:

In the 1980s and 90s, there was nothing like that at all. People would serve lengthy sentences, get released on parole, and then just walk straight out and go back into the animal rights movement. I think the state knew this, and the state deliberately wanted to disrupt the animal rights movement. It understood that it was a relatively small number of people who were doing a lot of the organizing for groups like SHAC, so they wanted to disrupt them as much as possible by keeping these people out of the movement. Obviously, when they’re in prison they’re out of the movement. But when released, they’re now still keeping them out of the movement.

Even if the prison sentences imposed after the SHAC trials were lengthy, the licence conditions added a further period of severe control and isolation. Rebecka (SHAC organizer) reflects on the long-lasting impact of the conditions imposed on her:

I think the whole experience has been quite stressful for people. Just with the SHAC trials… the amount of stress and pressure on people. And then, when they are released on licence, it’s this big tactic of isolation and you are not allowed to see anyone or talk to anyone. You know they isolate you away from the movement. So for me, my arrest was in 2007, it’s 2014 now, and it’s another year till my ASBO is over. So this whole episode has taken up nine years. All for a five months prison sentence, but nine years of conditions. And it’s just exhausting. Once that ends, the last thing you want to do is [laughter] throw yourself back in to that situation where it could happen all over again.

Another technique for ‘managing risky offenders’ has been to refer SHAC organizers (and other anti-vivisection organizers) to MAPPA. Being categorized as a ‘MAPPA offender’ means being assessed as posing the ‘highest risk of harm in their local community’ (HM Government, 2012, p. 17). Having assessed the ‘risk’ that each offender poses, the MAPPA agencies are supposed to ‘manage’ that risk by imposing conditions both before and after release from prison (Ministry of Justice, 2012, pp. 2–3). The police, prison, and Probation Trust in each area, working together, are the primary agency of MAPPA (Ministry of Justice, 2012, p. 1), and ‘MAPPA offenders’ are categorized according to the level of ‘management’ they are seen to require. SHAC organizers and other interviewees had been, or were still, categorized as level 3 offenders, which is the highest level.

SHAC has been labelled as ‘domestic extremism’ by criminal justice agencies: a label which covers any unlawful action that is part of a campaign, by either animal rights, environmental, or extreme right wing protestors, or those from other movements (Her Majesty’s Inspectorate of Constabulary, 2012). Although few offenders are classified as domestic extremists within the criminal justice process, the government nonetheless claims ‘the threats posed are of a significant and serious nature’ and such offenders are therefore said to need close management through MAPPA (Ministry of Justice, 2009, p. 154). This underlines the political nature of the sanction, and the ‘special treatment’ of those committing politically motivated offences: they are said to require MAPPA management because of the political nature of their offence. Activists given the domestic extremist label ‘may be imprisoned for relatively low level offences’ because they are seen to pose ‘a great threat’ as their acts form ‘part of a wider protest campaign’ (Ministry of Justice, 2009, p. 155).
The dramatic shift in judicial opportunities, as demonstrated by the forms of legal repression above, and the way it coincides with a change in the government's receptiveness to the requests from private elites, is described by Heather (adversary) who represents HLS:

Legislation was changed in 2003, and a bit more in 2004. There was a major legislation brought in in 2005 and beyond. And there was an absolute change in the government's will to do something about this [SHAC]. We [HLS] asked for all sorts of things around police tactics, law enforcement, the crown prosecution service and all the legal and law enforcement agencies in the UK. In 2000 and 2001 we were told we'd never get any of those requests. By 2006 they were virtually all in place.

Discussion

The legal repression elucidated above constitutes two specific action modes (Boykoff, 2007) reflecting the centrality of law and criminal justice. The first mode of repression involves 'extraordinary rules and laws.' When the state and private elites are seriously challenged by dissident groups or individuals, the state may respond by promulgating and imposing extraordinary laws and rules that are then used to suppress the challenge and to stifle dissent (Boykoff, 2007, p. 298). The second mode involves 'public prosecutions and hearings': these are events that are given publicity in the mass media (as was the case with SHAC), and suppress dissent because dissidents are jailed, or so traumatized that they drop their dissident stance or temporarily put it on hold, while current supporters and potential supporters in bystander publics are discouraged from putting forth dissident views (Boykoff, 2007, p. 298). These modes of repression form the key content of the repression seen in this case study.

Throughout the cycle of contention studied, the four forms of legal repression identified demonstrate how changes in judicial opportunities were instrumental in dismantling SHAC. Private elites and the state cooperated closely to tackle SHAC, dramatically raising the cost of organizing and participating in SHAC. Thus the National Extremist Tactical Coordination Unit was set up, appearing as 'a direct result of industry pressure' to deal with SHAC and 'animal rights extremism' (Mills, 2012, p. 100).

By applying the definition of legal repression proposed above (see 'Political Repression' section) to the SHAC case, its relevance is underpinned empirically. The definition underscores the role of private elites in legal repression, especially at the initiation-stage of repression, thus showing the need for a stage-dimension to be added in research on repression. Peterson and Wahlström (2015) identify three key dimensions of repression (which they label 'governance of domestic dissent'): a scale dimension specifying its geographic spread, a functional dimension distinguishing different activities of repression (‘governing’ in their words), and an institutional dimension identifying the actors of repression and their relation to the state. To this I add a fourth dimension to encompass the stages of repression, since analysing repression means looking into one or more of its stages:

1. Its initiation: who instigates repression and causes it to appear, and why?
2. Its appearance: what forms does repression take, where and when?
3. Its impact: what is the direct function of repression? (It may, for example, incapacitate movement organizers.)
4. Its outcome: what is the result of the impact? (It may be, for example, that the incapacitation of movement organizers causes the demobilization of a movement.)

While the impact stage of repression involves its direct and immediate functions, the outcome stage comprises indirect and longer term results. For example, if the imprisonment of movement organizers is the direct function of repression (its impact), it might also result in disparate, more indirect, outcomes, such as producing a chilling effect on the whole movement, which, might eventually lead to its demobilization.

Stages two to four seem to be dominant in research on repression and protest policing. But, to understand the role of private actors in repression it is necessary to examine the initiation stage, where their role is most crucial. In this study, examining the role of non-state actors revealed how private elites had the ability and resources to use civil law to directly initiate protest control, and examples
show how private elites bring about the initiation of criminal justice responses (see also Metcalfe, 2008, pp. 139–140). Mills (2012, p. 200) even claims that the way the UK Government was influenced as regards animal rights activity by transnational corporations targeted by the SHAC campaign has led to concerns regarding the legitimacy of protest policing. Thus, private elites can be a driving force in the initiation of legal repression. Even though private actors may initiate repression, the criminal justice agencies are the main enforcers of such non-state initiatives, as stated in the definition above. At any event, to fully understand it, it is necessary to see where repression originates from (who initiates it), the ways it manifests itself (appears), and its subsequent impact (function) and outcome (result). This article concentrates on the second stage of legal repression (its appearance), to understand the fourth stage (the role of legal repression in SHAC’s demise), while also considering the other two stages.

While research on the effects of repression shows disparate results, regarding, for example, its radicalizing or mobilizing effect (Opp & Roehl, 1990), this case illustrates its definite demobilizing effect when a cycle of contention is analysed from start to finish. However, throughout the cycle one sees that the introduction of one form of legal repression (targeted criminalization via SOCPA) decreased overall protest activity against HLS, while research (Donovan & Coupe, 2013; Mills, 2012) has shown a parallel increase in the severity of clandestine, unlawful actions. This demonstrates a double effect at one phase in the cycle, while eventually both lawful and unlawful repertoires decreased to a level where they are no longer seen as a threat by the government or corporations. This shows that the effects of repression may vary during a cycle, so one needs to be aware of the phase of the cycle one is examining, and to separate the effects of various forms of repression. In this case, the effects of repression should be seen as phase-dependent and to vary greatly between each of the four forms identified.

For repression to have a mobilizing effect, it must be made into a topic by the movement or third parties, and narrated and responded to as something unjust or unacceptable. For that to happen, people must actively engage in framing the repression as an important issue worthy of attention. With SHAC, it is quite clear that the core organizing group pragmatically chose not to draw attention to or discuss the ongoing repression in their public information material. Presumably they believed that raising the issue would deter people from campaigning, and most importantly, draw energy and resources away from the primary target of closing HLS down. When SHAC started to be hit by repression, there was little preparation for anti-repression or movement (internal or external) solidarity work, and a minimal consciousness of how the movement collectively could and should best counter the repression. This, in addition to the hostile portrayal of ‘animal rights extremists’ in the mass media, and the increasingly isolated position of SHAC vis à vis the larger animal rights movement and other movements, gave little scope for the repression to have any mobilizing effect.

**Conclusion**

This study demonstrates why and how criminal justice is an important (legal) aspect of repression. The study identifies the main elements of legal repression causing the demobilization of a social movement campaign. The findings demonstrate the role of legal repression, and the impact of increasingly limited judicial opportunities in dismantling a social movement. This further underlines the necessity of looking beyond protest events and protest policing to understand current forms of repression within liberal democracies.

This study reveals how new and creative forms of repression were introduced, as direct, and rather selective, responses to SHAC and the movement it represented. The repression was the result of initiatives at the political, governmental level, to clamp down on SHAC to protect the businesses it targeted. This included the criminalization of previously lawful conduct, making disruptive protest activities, previously considered civil torts, into criminal offences, and using existing laws in creative ways for purposes they were not originally intended for. This unpredictability in how criminal justice actors may use the law to control protestors could blur the boundary between lawful and unlawful protest, and be another deterrent to protest.
The specific changes in judicial opportunities identified are largely ‘issue-specific’ (Meyer & Minkoff, 2004) in that they apply mainly to SHAC and similar animal rights groups protesting companies and institutions involved in animal experiments within the jurisdiction of England and Wales. By contrast, the forms of repression identified: elite-initiated protest control, targeted criminalization, leadership decapitation and extended incapacitation, are transferable across movements and jurisdictions, as they are general forms of repression which may figure in other laws and strategies than those analysed in this case. Thus another form of elite-initiated control within the jurisdiction of England and Wales, was to be seen in McDonald’s use of English libel law to disrupt activist critique, in the ‘McLibel case’ (Nicholson, 2000). Beyond Britain we see the same kind of tactics when Australian private companies use civil litigation to stifle domestic environmental protest (White, 2005). Thus numerous forms of elite-initiated protest control have already appeared, and have a further potential for being used against political challengers of any shade.

Issue-specific repression diverges from current protest policing styles that relate to all protest, and sanctions used against all types of protest-related disruption or offences. SHAC UK pioneered an innovative model for campaigning which made it a particular threat in the eyes of their adversaries. SHAC’s innovations unleashed innovative counter-responses through new forms of repression. The British forms of state control were developed to counter a specific challenge, and the forms of legal repression identified reflect how this was selectively targeted against SHAC, and similar groups. Although the repression was largely issue-specific, the SHAC model of campaigning could be adopted by other movements, but any such attempt would now face even greater constraints than SHAC did, at least in Britain, as the British state now has the knowledge, experience, and tools to swiftly deal with it.

Notes

1. The article refers to criminal justice as a process, rather than a consistent system, because criminal justice agencies do not necessarily share the same ambitions, may pull in different directions, and sometimes even work against each other (Padfield & Bild, 2016, p. 7).
2. Europol’s (2011, p. 3) Animal Rights Extremism: Quarterly Bulletin states: ‘The increase in Animal Rights Extremism (ARE) incidents in Europe in the last 5 years has forced EU MS [member states] to take this type of criminality into consideration. During the Conference on ARE held in Stockholm, Sweden (14–16 May 2007), participating EU countries […] agreed that there is an urgent need to monitor ARE related incidents across Europe.’
3. ‘Elite’ refers to a collective actor who is superior in terms of ability or quality to the rest of society, particularly because they can affect state policies on what they experience, perceive or label as ‘threats.’
4. Three of the interviewees were interviewed twice, so these are counted as six interviews.
5. Forenames without reference to external sources are pseudonyms used for the author’s interviewees.
6. For examples of injunctions issued against other movements, see Thornton et al. (2010, pp. 391–392) and CCPL (2013).
7. Section 149 of SOCPA open to extension into other protest areas.
8. ASBOs are given either as an ‘ASBO on conviction’ (as described in this article), under section 1C of the Crime and Disorder Act 1998 (CDA), or as a ‘stand-alone ASBO’ during civil proceedings under section 1 of the CDA. In addition to the ASBOs (on conviction) handed down to SHAC organizers, activists who participated in SHAC protests also received stand-alone ASBOs.
9. There is no legal definition of domestic extremism in the UK. However, the Metropolitan Police Service (2014) recently laid out a new working definition of the term: ‘domestic extremism relates to the activity of groups or individuals who commit or plan serious criminal activity motivated by a political or ideological viewpoint.’

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