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Monkey Business in a Kangaroo Court: Reimagining *Naruto* v. *Slater* as a Litigious Event

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This essay performs a critical rhetorical analysis of out-of-court texts pertaining to Naruto v. Slater, colloquially known as the "Monkey Selfie Lawsuit." By veering from a legal positivist perspective on law and turning toward theories of the public screen, it argues that while People for the Ethical Treatment of Animals (PETA) formally lost its case on appeal, it successfully litigated their case in the court of public opinion. It further offers the concept of the "litigious event"—a staged lawsuit designed for mass media dissemination—to explain my perspective. By latching onto the already-viral monkey selfies at the center of the copyright dispute, PETA took advantage of the public screen by bringing a private, logocentric civil suit into a public, image-based digital sphere. Increased coverage of the case allowed PETA's legal team to harness the power of digital media to disseminate important arguments about legal rights for animals. Naruto v. Slater functioned as a trial for media, as a strategic lawsuit for public participation—in other words, as a strategically sound and rhetorically powerful litigious event.

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When a nonhuman animal uses a human's camera to take a selfie, who owns the copyright to that photo? Furthermore, what might the right to hold a copyright mean for arguments about animal law and, to that end, animal rights? From 2011 to 2018, a macaque named Naruto and a human named David Slater became the mascots for this rhetorical battle, legal conundrum, and ethical minefield.

Slater, a professional photographer, sought to take photographs of the critically endangered Celebes crested macaque, a primate native to the Sulawesi, Indonesia region. Slater recalled how in the summer of 2008, he spent three days "slashing through tangled and very humid jungle . . . with a 20-kilogram backpack on full of expensive camera gear."[1] He eventually found and followed a group of approximately twenty-five macaques. When the primates rested, Slater took photographs while being mindful of his well-practiced "monkey etiquette."[2] As the macaques grew comfortable with Slater's presence, some ventured closer. They grabbed his hand, his camera, and whatever else they could reach. Inspired, Slater put his camera on a tripod with a wide-angle lens, predictive autofocus, motor drive, and a flash gun to maximize the chance of a facial close-up. As he hoped, some macaques pressed the camera's buttons and fingered its lens. The macaques "grinned, grimaced, and bared teeth at themselves in the reflection of the large glassy lens,"[3] which resulted in a series of photos that would be known as the first "monkey selfies."

Slater's troubles began when he licensed some of the images to Caters News Agency for distribution in British media outlets. Multiple organizations published the photos, including the *Telegraph, Guardian*, and *Daily Mail*. It was the latter tabloid's July 4, 2011, article titled, "Cheeky Monkey!" that catapulted the photos into internet virality and legal fame.[4] On July 9, an editor for Wikimedia Commons, a website sponsored by the Wikipedia Foundation, uploaded two of the *Daily Mail's* selfie photographs (selfies of a grinning six-year-old macaque who would later be known as Naruto) under a free content license, better known as the public domain (see Figure 1). Slater requested that the images be removed, but after some internal debate, Wikimedia's editors refused. Because the selfie was taken by a nonhuman animal, not by Slater himself, Wikimedia argued that the photographs had no human author. Therefore, Slater had no legal right to request copyright privileges. Thus began a years-long copyright dispute over who held the copyright to a selfie taken by a macaque. Even the U.S. Copyright Office entered the fray, eventually writing that it would not award human copyright to "photographs

Figure 1. "Naruto's" first selfie, taken in Sulawesi, Indonesia in 2008. Source: Wikimedia Commons.

and artwork created by animals or by machines without human intervention."[5] To this day, the two photographs at the heart of the dispute are still available via Wikimedia Commons and remain central to contemporary legal debates over the nature of intellectual property. Slater claims that he has lost over £10,000 in potential income because the photographs were declared to be in the public domain, opining: "it's killing my business."[6]

In September 2015, the animal rights organization People for the Ethical Treatment of Animals (PETA) unexpectedly involved itself in the copyright dispute. PETA filed a lawsuit in a San Francisco federal court against Slater and his company, Wildlife Personalities Ltd., on behalf of Naruto the macaque. They did so by filing as a "next friend" (representative) of Naruto to advocate on his behalf. PETA intended to have Naruto, *not* Slater, declared the original author and thus copyright owner of his two selfies. "Our argument," claimed PETA's official blog, "is simple: U.S. copyright law doesn't prohibit an animal from owning a copyright, and since Naruto took the photo, he owns the copyright, as any human would."[7] Also at stake in the lawsuit was the novel possibility of a legal "right" being extended to a nonhuman animal "beyond just the basic necessities," specifically because Naruto's victory would be "the first time that a nonhuman animal is declared the owner of property . . . rather than being declared a piece of property himself."[8] Should the lawsuit succeed,

PETA explained, they would ask the court to allow their organization to give all proceeds from the monkey selfie sales "for the benefit of Naruto and his community, without compensation to PETA."[9]

PETA's "monkey selfie" lawsuit, formally known as *Naruto* v. *Slater*, lasted from 2015 to 2018.[10] It garnered substantial media coverage, much of which dealt with the perceived outrageousness and/or novelty of the suit. The U.S. Chamber of Commerce's Institute for Legal Reform, which, it can be argued, is the most influential legal reform organization in the country concerned with curbing frivolous or predatory lawsuits, dubbed the case one of "the top ten most ridiculous lawsuits of 2015."[11] Nonetheless, PETA's lawyers were steadfast in their arguments. General counsel Jeff Kerr asserted, "When science and technology advance, the law adapts . . . there is nothing in the Copyright Act limiting ownership based on species," and thus, "PETA is asking for an interpretation of the act that acknowledges today's scientific consensus that macaque monkeys can create an original work."[12] Slater insisted to both Wikimedia *and* PETA that he should own the copyright to Naruto's selfies on the grounds that "it was my artistry and idea to leave them to play with the camera. . . . I knew the monkeys were very likely to do this and I predicted it." PETA, however, argued that Naruto, who had been exposed to cameras his entire life, "saw himself in the reflection of the lens."[13] Naruto therefore understood the connection between pressing the shutter release and his reflection changing, resulting in him making different faces while pressing the shutter release.

In January 2016, it is perhaps not surprising that PETA lost Naruto's case. U.S. District Judge William Orrick ruled that he would dismiss the suit on the grounds that PETA's argument for Naruto's copyright privileges was "a stretch." As Naruto was not a "legal person," he had no legal standing, and therefore had no right to copyright. Indeed, claimed Orrick, "I'm not the person to weigh into this. . . . This is an issue for Congress and the president. If they think animals should have the right of copyright they're free, I think, under the Constitution, to do that."[14]

PETA appealed the case. In September 2017, while waiting for the appeals court to make their decision, PETA and Slater agreed to settle with the understanding that Slater would donate a quarter of all proceeds earned from Naruto's photographs to wildlife organizations. Both parties asked the court to dismiss the ongoing appeal. However, the Ninth U.S. Circuit Court of Appeals declined both to overturn the lower court's ruling *and* to abide by the earlier settlement. "We conclude," stated the court, "that this monkey—and

all animals, since they are not human—lack statutory standing under the Copyright Act."[15] The Ninth Court's decision was notable due to the court's aggressively articulated judgment. In a footnote to their official April 2018 legal decision, the court lambasted PETA's lawyers and accused them of filing the lawsuit in bad faith—in other words, of being a "bad friend" rather than a "next friend" to Naruto. The court opined, "We feel compelled to note that PETA's deficiencies in this regard go far beyond its failure to plead a significant relationship with Naruto. Indeed, if any such relationship exists, PETA appears to have failed to live up to the title of 'friend.'"[16] Decrying the earlier settlement, the Court continued, "It remains unclear what claims PETA purported to be 'settling,' since the court was under the impression this lawsuit was about Naruto's claims, and per PETA's motion, Naruto was 'not a party to the settlement,' nor were Naruto's claims settled therein."[17] In one final barb, the Court's dissenting opinion feared that more cases like this one might come. The dissent expressed its concern, writing, "Unfortunately, PETA's actions could be the new normal."[18]

On the surface, PETA's legal stunt appears to have been a failure at best, frivolous at worst. After PETA's appeal of the appeal, its request to have the case reviewed *en banc* (before a panel of judges) was denied. Whether or not Slater permanently will abide by the terms of the thrown-out settlement remains to be seen. Furthermore, Naruto did not gain legal rights and nonhuman animals still cannot own copyright. Naruto's selfies remain available in the public domain, to both Slater's and PETA's dismay. What, then, is the point of delving into a civil suit that amounted to nothing?

In this article, I contend that PETA did not file its suit in "bad faith" as contended by Slater and the U.S. courts, but rather engaged in a strategic legal action that made use of contemporary image- and screen-based cultural contexts to make a legitimate—albeit radical—argument about legal standing and nonhuman animal personhood. Indeed, I argue that viewing *Naruto* through a legal positivist lens is not a fruitful means to understand the rhetorical significance of the case. Rather, a critical rhetorical analysis of the case because it occurred *outside* of the formal courtroom offers insight into the case's relevance to rhetoricians, particularly those legal and environmental rhetoricians concerned with how the discursive construction of the "person" functions in contemporary social and environmental issues.

Environmental and legal rhetoricians note how achieving legal rights for nonhumans, in particular nonhuman animals, is considered a radical endeavor.[19] Members of the animal rights movement must therefore rely on

sustained rhetorical pressure to bring the plights of the so-called "voiceless" nonhuman animal into anthropocentric discursive domains. Boycotting products through veganism, protesting exploitative entertainment venues such as SeaWorld, and circulating undercover footage at factory farms are some of the better known, hypervisible tactics of animal activists. Civil suits, in comparison, are not considered as entertaining.[20] Unless those cases end up on a Supreme Court's docket, involve a celebrity, or contain a shocking premise, the general public is less likely to hear about them for more than a moment or care about them in a sustained fashion.[21]

However, the virality and public scrutiny of *Naruto* offers insight into the power of the public screen to elevate a simple civil case from frivolous to fascinating, from nonsensical to novel. An alternative to the logocentric Habermasian theory of the public sphere, *public screen theory* "is especially significant when discussing movements with hidden populations since mainstream media representations may substitute for direct interaction with and immersion in the movement."[22] Concerned with media visibility, representation, and social movement framing, the public screen "creates new spaces for politics and citizenship to occur, spaces that do not require certain 'appropriate' political activities to be counted as 'worthy.'"[23]

PETA's seemingly pointless lawsuit affords environmental and legal rhetoricians a glimpse into what I dub the *litigious event*. A litigious event involves filing suit over what seems to be, at first glance, a legal lost cause due to the oppressive structures of a formal courtroom system—for instance, the anthropocentrism inherent in human-made law.[24] Through the maintenance of a litigious event the plaintiff's lost cause only "lost" vis-à-vis the unlikelihood (although not the impossibility of) of a formal legal decision. The cause can be "found" in the court of public opinion through stimulating and maintaining viral public discussion—for instance, through viral discussion of what constitutes a person under the law, what it means for a person to have intellectual property, and the potential for nonanthropocentric boundaries of personhood and its epistemic cousin, intellectual property.

In the following sections, I develop my theory of the litigious event through a rhetorical criticism of out-of-court rhetorical texts pertaining to *Naruto*. I focus upon the mass dissemination of the story of the monkey selfie lawsuit through digital media outlets. In doing so, I demonstrate how rhetorical notions of the public screen and its related concepts in critical rhetoric can be applicable to increasingly digital arenas such as the law. Contemporary mass-mediated controversies over judge appointments and police violence

are but two examples of how law is increasingly unmasked as ideological and affective. In the same vein, PETA merged civil law with the image event by hitching its rhetorical wagon to Naruto's viral selfies. By latching onto Naruto's photos, PETA created an image event where originally there was none, and in so doing created an opportunity for a private legal protest to go public. Taking advantage of journalistic norms in writing and digital media's thirst for controversy, PETA's ideological antagonisms were disseminated to audiences en masse. Other animal law activists were suddenly given platforms to speak about nonhuman animal personhood and legal rights.

In other words, that PETA ultimately "lost" its suit is not the point—its construction of a *litigious event* is the point. A litigious event can be best defined as a staged lawsuit designed for mass media dissemination and viral public participation. The suit often will surround what is at first glance a legal lost cause. However, by taking advantage of the image politics surrounding monkey selfies, PETA's legal team developed a case wherein *winning* the suit and acquiring Naruto's copyright privilege was less important than *disseminating* the suit and inspiring *public discussion* of legal rights for nonhuman animals. In this way, it was both a trial *by* media and a trial *for* media. It was not a SLAPP suit (a strategic lawsuit *against* public participation) because it was a SLFPP suit (a strategic lawsuit *for* public participation). *Naruto* thus demonstrates both the rhetorical power of the public screen in the ongoing battle for animal rights and the importance of considering law-as-spectacle in rhetorical analyses of extralegal strategies and tactics. The case is, in short, a premier example of the litigious event.

Advances in Law and the Public Screen

This article builds upon environmental and legal rhetorical scholarship concerned with procuring radical social change in a hypermediated world. In particular, it invokes the public screen. Jürgen Habermas's initial treatise on democratic communication practices and social change explicated the public sphere as a social space in which citizens emerge from their private lives and congregate to discuss issues of social importance. By bracketing differences and committing to a common democratic cause, citizens build consensus; this consensus constitutes public opinion; and the power of publicness mediates between the citizenry and the state.[25] Whereas public sphere theory emphasizes civil discourse and face-to-face communicative

activity, public screen theory takes a different approach. As environmental rhetorician Kevin DeLuca explains, "violence imbues rhetoric"—ergo, "rhetoric is not about good reasons but about acts of force."[26] Although Habermas condemned mass media as the death of democratic discourse, DeLuca and Jennifer Peeples assert the democratic potential of technology and mediation. Studies of democratic communication should "take technology seriously" because "most, and the most important, public discussions take place via 'screens.'"[27] Ergo, "new technologies introduce new forms of social organization and new forms of perception."[28]

Invoking the public screen means emphasizing communication and persuasive force as *dissemination* as opposed to *dialogue*. A dissemination model is concerned less with the quality and content of the message encoded by a rhetor and more concerned with the number of audience members invited to decode and redisseminate that message. In other words, "dissemination reminds us that all forms of communication are founded on the *risk of not communicating*."[29] Rhetorical artifacts ought to be examined through "the endless proliferation and scattering of emissions without the guarantee of productive exchanges."[30] Whereas Habermas and more traditional iterations of rhetorical critiques of social change might take pause as the uncontrollability of mass media, the corporate control of messages, and audience spectatorship, public screen scholarship asserts that the onus of the rhetorical critic is not "to express a yearning for a mythical past" but "to explore what is happening and what is possible under current conditions."[31]

Much public screen scholarship emphasizes the rhetorical force of images, especially televisual and/or digital images. In particular, scholars focus on the "image event" as a form of hypermediated rhetoric for social change. Image events are best defined as staged acts of protest designed for mass media dissemination.[32] The changing nature of public argument is a result of advances in technology and mass media. The democratic "public" is thus "fragmented and distracted, bombarded by media messages" and "takes place in a context dominated by mass communications technology and charged by the prominence of dramatic visual imagery." In activism, image events "extend the margins of the public sphere to include counterpublics who employ dramatic acts of protest."[33] The study of image events thus shows how images attain rhetorical force through viral dissemination and how virality is achieved through the rhetoricity of *spectacle*. Subaltern counterpublics employ spectacular tactics to pit the power of mass media against itself, exploiting

the economic dimensions or corporate televisual and online networks to control their image and elevate public consciousness.

Public screen scholarship is indebted in no small part to animal rights activism. Multiple environmental rhetoricians have noted the strategic usage of public screen politics usage by animal rights activists.[34] The idea of "critique through spectacle, not critique versus spectacle"[35] is particularly fruitful regarding rhetorical critiques of PETA. Indeed, much of the rhetorical scholarship on PETA focuses on the organization's use of image events, body rhetoric, moral shocks, and social noise to further its agenda.[36] Through strategic shock campaigns, in general scholars agree that PETA encapsulates the nature of the public screen and critique through spectacle by "puncturing" public consciousness through "making the mundane malevolent, the familiar fantastic."[37]

Despite ample work on PETA's use of visual rhetoric to advocate for animal rights, little work has been done on the rhetorical function of the law in the organization's dramatic campaigns. My critique of *Naruto* is concerned with Naruto's selfies and more concerned with the connection of animal rights, the law, and a hypermediated world. I posit that the viral dissemination of spectacular lawsuits both advances and is advanced by studies of the public screen. A turn to what Elizabeth Brunner calls wild public networks "acknowledge[s] the inconsistency of networks as well as the importance of tending to relationships" through an emphasis upon the "growing, shifting, and messy relationships that crisscross through screens and streets."[38] Such "wildness" shows how "networks are not neat systems of binaries, structures, rules, and laws."[39] That is to say, social change and movements assert rhetorical force through a variety of means and platforms, both centralized and decentralized, both public and semi-private. Not necessarily of utmost importance is the critique of a particular viral image, but the study of how *affective appeals circulate*. Assessing PETA's spectacular lawsuits, therefore, necessitates studying the lawsuit's viral dissemination, the affective responses it provoked, and the lingering impacts of the suit in televisual and internet history.

Studying lawsuits requires studying the law as a site of rhetorical exchange. However, Marouf Hasian explains that when some rhetoricians write on the "rule of law," they "think of the law as a collection of autonomous rules and principles that exist apart from politics or public discourse."[40] Law is presumed "as a set of rules, the law is said to become increasingly accurate and precise . . . that is, so long as profane 'politics' can be kept out of the judicial equation."[41]

Guided by "non-political rules and logics that operate outside the context of individual interests and personal discretion," for the law to progress and justice to be served equitably, "it must remain wholly impartial, clearly based on neutral principles."[42] In contrast, I address law-as-rhetoric from a critical legal perspective. Hasian, Celeste Condit, and John Lucaites canonically implored legal scholars to move past the aforementioned "professionalist perspective" of the law and its relationship to rhetorical theory.[43] Law is not a "special" or "unique" form of human discourse that exists separate from the layperson's rhetorical influence. It is a function of a broader rhetorical community in which legal practitioners influence and are influenced by shifts in public morality. That morality is then codified into texts called "the law."

Questions of law are embedded in questions of citizenship, and questions of citizenship equally are embedded in questions of personhood and subjectivity. Nowhere are these relationships clearer than in intellectual property law. Anjali Vats argues that U.S. intellectual property doctrine intersects with the politics of citizenship, noting an "intellectual property citizenship" entangled in rhetorics of inclusion and exclusion.[44] The history of trademarks, for instance, has shaped racial orders insomuch as inequitable intellectual property decisions result in identities that "circulate as hypervisible / unseen parts of the cultural landscape."[45] Hegemonic definitions of property and memory, explains Vats, are normalized through intellectual property law. These definitions are poignant especially in digital spaces infused with, as Jessica Reyman notes, "an economic dynamic in which users contribute content and other information of great value to technological systems over which they have very limited control."[46] Platforms like Wikimedia promise users the freedom and ability to participate while ultimately disempowering users through terms-of-use policies and other systems that "compel [users] to surrender control of their own contributions on the social Web."[47] The intersection of minimally regulated technocapitalism and questions of authorship intersect in online intellectual property law insomuch as, argue rhetoricians Andrew Herman, Rosemary Coombe, and Lewis Kaye, the value of cultural goods rests upon cultural industries exploiting the value of their "intangible assets" in the global marketplace.[48]

Viewing intellectual property law as more than the formal practices of professional legal discourse allows for a fusion of law and the public screen. The law is but one part of a larger social order and is thus part of, not separate from, a broader *rhetorical culture* wherein "any interest group dissatisfied with the public arrangement may work to change either the legal system or the

rhetorical culture in which it operates."[49] These procedures might involve a subaltern group's usage of formal courtroom procedures, its radical acts of protest against law-as-usual through image events, or something else entirely. Studies of law must also include those embodied (or in a screen-centered word, disembodied) and resistive "performative repertoires" through which, as Isaac West explains, "agency is developed and practiced in ways that are not immediately apparent if we restrict ourselves to the immediate moment" of privately filed suits or publicly available legal decisions.[50] What matters most is how "legal actors must rely upon the common discourse of a culture to derive a vocabulary that will effectively depict such agents and actions and locate them in legally significant contexts."[51]

Property and personhood are intersecting more-than-human phenomena. According to Nicholas Paliewicz, "at a critical juncture of humanity, it is incumbent upon rhetorical critics to do our part by beginning a reconceptualization of what it means to be 'human' within . . . the law."[52] *Naruto* is an exemplary case that allows scholars to explore not only arguments about *who* counts as a legal "who," but also *how* those arguments are disseminated, interpreted, and remembered among postmodern publics. In other words, the case demonstrates the power of the litigious event.

PETA and the Law: An Overview

Founded by Ingrid Newkirk and Alex Pacheco in 1980, PETA is a nongovernmental organization known internationally for its pursuit of fundamental rights for nonhuman animals and its controversial tactics for achieving them. That PETA would instigate what would soon become known in popular culture as the outlandish "monkey selfie lawsuit" is unsurprising. PETA asserts it will do "extraordinary things" to expose normalized animal cruelty because, in the organization's view, it is necessary to "shake people up" for discussions and debates over normalized animal exploitation to occur[53] "Our gimmicks may sometimes seem silly," PETA admits, but the organization insists that such stunts are vital for initiating public questions about the speciesist status quo and inspiring radical action in the name of animal rights."[54]

To date, PETA has more than six and a half million members worldwide, thousands of paid employees and volunteers, and a multimillion-dollar operating budget. The organization puts on colorful demonstrations, such as when members protested SeaWorld's inclusion in the Macy's Day Thanksgiving

Parade by painting their nude bodies like orcas and sitting in tiny bathtubs. They utilize social media in a variety of fashions, from sharing graphic undercover videos of nonhuman animal lives in factory farms to disseminating online video games such as "Super Tofu Boy." To date, PETA has more than 1 million Twitter followers and nearly 6 million Facebook followers.

Although PETA often is remembered for its extravagant protests, some of its greatest successes have come from the courtroom. The organization initially garnered international fame in 1981 during the "Silver Spring Monkey" case, a particularly gruesome case regarding the cruel and unusual treatment of seventeen monkeys in a scientific research facility. The case reached the Supreme Court in 1991 and became "a crucial point in the animal rights movement" because it marked the first time a scientific researcher was charged with illegal cruelty to animals.[55] Other famed (if failed) PETA lawsuits include *Tilikum* v. *SeaWorld* (2012) in which PETA sued SeaWorld on behalf of one of its captive orcas, Tilikum (later made famous by the documentary *Blackfish*), and argued that his captivity constituted a form of involuntary servitude in violation of the Thirteenth Amendment of the U.S. Constitution. Although the court held that Tilikum was not a person and thus not afforded freedom from involuntary servitude, the suit amassed fame as the first case arguing that an entertainment animal's captivity is a form of slavery. In large part due to the notoriety of the case and the documentary *Blackfish*, SeaWorld San Diego's 2015 request for a permit to expand its orca whale tanks was approved only with the condition that the facility would not breed or import new orcas as part of the project. PETA is also known as one of the key players in "bringing down" the Ringling Brothers Circus in 2017 due to a myriad of complaints against the circus's maltreatment of animal performers, for the first defeat of state-level "ag-gag" laws, for the first convictions of meat-industry workers for animal abuse, and for securing the release of over sixty bears and eight chimpanzees from backyard and roadside zoos.[56]

PETA's legal team handles all legal issues for the organization, ranging from infamous cases like *Naruto* to standard contract issues over property acquisitions and sales. According to legal department leader Jeffrey Kerr, the team's goal is simple: to "establish appropriate fundamental legal rights for animals in their own right and not in relation to their utility to human beings" and to "shine a bright light into the dark corners of animal abuse wherever we find it."[57] To do so, the legal team uses state and local animal cruelty statutes and federal laws and regulations such as the Animal Welfare Act to pursue what Rasmussen describes as a "culture change in which public opinion has

shifted away from captivity."[58] Supported by the PETA Foundation, the team is composed of fewer than twenty attorneys. In her 2017 depiction of PETA's legal team (in light of the group winning the prestigious Corporate Counsel award for Best Legal Department), Kristen Rasmussen explains, "for a group whose activist members are at times militant and provocative . . . its lawyers are down-to-earth and genial, motivated by a fierce love of all animals."[59] The lawyers run the gamut of experience ranging from former prosecutors to Big Law affiliates.

PETA has a long and storied history of invoking the law in novel ways to pursue animal rights. In the following section, I articulate how PETA's legal strategies and tactics exemplify the power of the litigious event in bringing issues of nonhuman animal personhood into the public consciousness, even if those cases represent what might be, at the current moment, a legal lost cause.

Naruto v. *Slater*: From Image Event to Litigious Event

In *Naruto,* PETA harnessed the power of viral digital culture to engage the public in oft-ignored jurisprudential questions of nonhuman animal personhood. They did so first by "piggybacking" onto an already-viral image to ensure sustained public attention in what was, without virality, a novel but short-lived civil suit with little chance of courtroom success. As Wendy Atkin-Sayre and Ashli Stokes assert, "Technologies themselves do not change activism; rather, it is what an activist does with them that needs attention."[60] In the case of *Naruto,* PETA integrated the restrictive nature of the courtroom with the public dissemination of viral imagery to force digital media users to confront animal rights' place under the law. Despite the suit likely being a legal lost cause, the small chance of winning the case was not the point—viral discussion of animal rights and personhood was. Thus, instead of enacting a unique "image event," the case strategically constructed a "litigious event"—a staged lawsuit designed for mass media dissemination and viral public participation.

Past studies of PETA's digital activism demonstrate how the organization's attack on animal exploiters utilize "rhetorical fracture" (quickly using digital media to puncture a target's narrative) to employ "strategic de-legitimizing messages to remain oppositional and change relationships between corporations, activists and stakeholders."[61] Ashli Stokes and Wendy Atkins-Sayre explain how PETA's "strategies of rhetorical fracture rely on 'virality' to generate interest

and media coverage" because "it is far easier for activists to cultivate outrage through social media platforms that may culminate in changes in corporate practice."[62] PETA's activists harness the speed of digital environments to delegitimize speciesist targets more quickly and easily because "the digital landscape provides more openings that allow activists to fracture through verbal 'atom cracking,' juxtaposing incongruous words, ideographs, and arguments to shatter 'pieties,' or commonly held beliefs."[63] Premier examples of such a strategy include widespread still images of a dog and a pig sitting side-by-side with the caption, "Why love one, but eat the other?"

In the case of *Naruto,* however, PETA did not have to create a viral image or stage a viral protest to make their message. Their needed image already existed in the public domain: Naruto's viral selfies. To this end, Naruto's selfies produced a rhetorical fracture, but with a key distinction: instead of puncturing social conversation through the creation of strategic protest imagery, PETA purposefully and strategically appropriated the selfies by filing a lawsuit that symbolically merged the group with Naruto as his "next friend."

Many nonhuman animals have taken selfies.[64] However, few have garnered as much attention as Naruto's images due to Slater's ongoing dispute with Wikimedia Commons, where the picture is considered a "valued image" to this day. Naruto's selfies have been shared upwards of 50 million times.[65] Indeed, evidence of Naruto's virality can be seen across digital platforms. Journalists almost unanimously used the word "viral" to describe the initial selfies, with some asserting that Naruto's pictures were among the most shared selfies ever. Formal news outlets like *The Guardian,* partisan outlets like *The Blaze*, and specialized art and technology outlets like *ArtNet* and *Ars Technica* wrote stories about the selfies. The image spread to nonwestern outlets such as the Malaysian news outlet *Manorama* and India's *India.com.* Think tanks like the Brookings Institution wrote on the selfie's potential importance to intellectual property disputes. Naruto's selfies earned him an entire article on *KnowYourMeme* under the title "monkey selfie." His images were shared across Twitter, Reddit, Facebook, and other platforms. To this day, the concept of a "monkey selfie" is a colloquialism, a meme, an image genre, and a legal conundrum used as an exam question for aspiring law students.

By legally gluing itself to an already-viral image, PETA's legal team assured itself a viral lawsuit. The strategy worked. Within moments, the case had garnered international attention. When *Naruto* began, PETA spokespeople were interviewed in outlets such as *Good Morning America, CNN, BBC, Turkish News Media,* and the *Young Turks.* PETA's UK Director, Elisa Allen,

appeared on *Good Morning Britain* with Piers Morgan—their interview had received 425,000 views on YouTube at the time of this writing. News articles regarding the lawsuit were shared tens of thousands of times across various social media platforms. And much like Naruto's images, the virality of *Naruto* continues to this day. Authors of all stripes write about the case and then share the pieces on social media. The case is known colloquially as the "Monkey Selfie Lawsuit." Civil cases do not often garner nicknames on par with high profile murders—indeed, often only novel and mass-mediated cases earn this honor, such as the "McDonalds Hot Coffee Lawsuit" (*Liebeck* v. *McDonalds Restaurants)* or the "Gay Wedding Cake Case" (*Masterpiece Cakeshop* v. *Colorado Civil Rights Commission)*. Put simply, by latching onto a favorite image and suing on behalf of the selfie's subject, PETA transformed what could have been a short-lived civil suit into an internationally famous case that inspired mass discussions of nonhuman animal personhood.

By constructing a litigious event out of Naruto's viral selfies, PETA's legal team created not only a trial *by* media, but also a trial *for* media. According to Tracy Reiman, PETA's executive vice president of marketing, "The internet is the best thing to ever happen to animals."[66] The internet uniquely affords PETA the ability to disseminate ideological antagonisms to audiences at high speed. Indeed, explains Reiman, discussions or footage of animal cruelty would get a few seconds of coverage on the evening news "if we were lucky" in past few decades. Today, "we can post the same footage and a million people will see it within 24 hours . . . people see the message, have a quick reaction, and post a comment on Facebook. . . . We're there to continue to conversation with them if need be." "This," says Reiman, is an exemplar of how "making people think about something in a way that makes them uncomfortable will further move them . . . toward going vegan."[67] By exploding what is natural and normal through uncomfortable discussions of speciesism and by accelerating the speed and quantity of those discussions through viral image sharing, publics endure what DeLuca calls a "mind bomb"—an event that explodes in the public consciousness to transform the way that people view the world.[68] Whereas this concept was initially associated with image politics and image events, I argue that it also applies to the visual/verbal hybrid mode of activism that was PETA's litigious event.

Understanding *Naruto* as a litigious event makes clear the convergence of a seemingly undemocratic trial by media and a radical, emancipatory trial for media. Traditional studies of trial by media define the phenomenon as "a dynamic, impact-driven, news media-led process by which individuals—who

may or may not be publicly known—are tried and sentenced in the 'court of public opinion.'"[69] These entertaining, high-profile cases typically are criminal in nature and concerned with instances in which a person is "deemed to have offended in some way against an assumed common morality."[70] Prototypical cases include famous trials against celebrities or ongoing "public dramas"[71] such as filicide or parricide. The cases under review are, according to Helena Machado and Filipe Santos, "almost 'naturally' newsworthy."[72] Media actors' involvement in these public dramas "exercise parallel functions of justice" whereas media users' experience of the case becomes that of a "mediated witness"—an experience in which viewers "are invited to take sides, to identify themselves with victims and their victimhood, and to 'experience' [a case] for personal consumption."[73]

A trial by media forces the private, exclusive arena of legal proceedings into the public, informal world of hypermediation. Given the multiple rules and incredible minutiae of legal proceedings compared to the speedy and black-and-white storytelling of popular culture, trial by media is thus considered *bad* and *undesirable* for the maintenance of a healthy legal system. Indeed, where rhetorician John Lucaites refers to a popular trial as "national theatre," legal scholar Gavin Phillipson dubs it a "grotesque carnival."[74] Under trial by media, important judicial and media norms such as due process and journalistic objectivity "give way to sensationalist, moralizing speculation" due to the speedy "dissemination of disclosures from paid informants, user-generated content, and hearsay and conjecture from 'well placed sources.'"[75] In other words, viral cases are antithetical to the phrase "justice is blind" because of the hypervisibility of the justice system and its actors. When media sources become the lawyers and media audiences become the judges, whether an action is *formally* illegal is of less importance than the *informal* judgments of a public with little legal know-how but a lot of strong opinions.

The virality of *Naruto* exposed it to the court of public opinion. However, because PETA itself intended to go viral, I argue that it was not only a trial by media but also a trial for media—that is to say, a case *predesigned* to be tried by the court of public opinion regardless of the formal result of the case. As any experienced attorney knows, high profile cases are as much a public relations campaign as they are formal legal proceedings. John Watson purports that "litigation public relations" require a lawyer to strategically balance news coverage of their clients rather than simply waiting around for justice to be formally served.[76] Studies of media effects prove digital media's correlative impact on public opinion. Individuals "construct their social reality in part

through an open-ended interaction with the symbolic and predictable media frames of images and events."[77] John Wright and Susan Dente Ross explain that, in media coverage of law, "stories" not only convey information about the case itself, but about social norms and values "learned, shared and used by individuals to construct their own meanings and opinions, and to make decisions."[78] Whereas the court itself is an exclusive venue, the spectacle a trial garners in the court of public opinion necessitates lawyers become savvy public relations experts. In high-profile criminal cases, public relations-adjacent communication strategies attempt to ensure a fair trial. However, in *Naruto*, the strategy kept this small civil suit viral.

A trial *by* media is not the same thing as a trial *for* media in that the former disrupts the democratic process by denying defendants the right to a fair trial whereas the latter intentionally brings disputes of high moral and ethical value into the public consciousness. That said, the two can never be separated fully. "Public trials," notes Cram, "give presence to the emergence of publics acting as witnesses."[79]

PETA's construction of a trial for media in *Naruto* thus became a strategic lawsuit for public participation—as opposed to the traditional iteration of a SLAPP suit. It is traditional for SLAPP suits to be started by high-profile actors of high economic or social capital against parties that might expose them for corruption or moral wrongdoing (as in the case of "ag-gag" legislation).[80] The intent is to prevent exposure through what Garrett Broad calls the "social production of ignorance."[81] In the case of PETA, however, the intent was the inverse of a SLAPP: to *increase* exposure through virality. PETA's goal was not to demonize Slater as a "bad actor," but rather to prove that Naruto himself was a legal actor. They sought to elevate Naruto's status to that of a legal subject deserving of personhood and rights. By harnessing virality and embarking on a legal public relations campaign to maintain public interest in Naruto's rights, PETA strategically invited mass public discussion not only of Naruto's copyright privileges, but of legal personhood itself.

The subversive strategy of the image event is to harness the power of mass media against itself. In his initial iteration of image events, DeLuca discusses how corporate media follows the adage, "if it bleeds, it leads"—that is to say, the more exciting, novel, and entertaining the story, the more likely it is to be considered newsworthy and to garner headlines. Thus, for subaltern counterpublics whose voices are excluded from mainstream discourse, image events afford the opportunity to garner headlines by forcing media to cover a group's staged protest to maximize its corporate profits. A litigious

event functions in much the same way. In the case of *Naruto,* a private civil suit covering the banal arena of intellectual property law was transformed into a public drama by forcing digital media virality and thus discussion of animal rights and personhood under the law. As PETA itself explains, "Unlike our opposition—which is mostly composed of wealthy industries and corporations—PETA must rely largely on free 'advertising' through media coverage." Why? Because "we have learned from experience that the media, sadly, do not consider the terrible facts about animal suffering alone interesting enough to cover."[82]

The first way PETA ensured the case free, high-profile legal advertising was at the micro-level: through the discursive framing of *Naruto* as an ongoing moral/legal debate in urgent need of resolution. Framing is a natural and normal human activity through which people filter and process information. Rhetorical scholarship has thus identified many master frames through which individuals and groups discuss hot-button issues. In the case of *Naruto*, however, what mattered was not a comic frame, a tragic frame, or some other Burkean construct. What mattered was the extent to which the discursive negation of PETA's jarring case nonetheless led to viral ideological activation of moral questions. As acclaimed cognitive linguist George Lakoff explains, if a rhetor says, "Don't think of an elephant," audiences inevitably think of an elephant because *attempts to negate a frame always activate that frame*.[83] Rhetoricians Stokes and Atkins-Sayre add that, although digital media may support hegemonic, dominant narratives, "activists' perspectives also are shared through those channels, working to challenge targets."[84] Ergo, no matter how many journalists, lawyers, or laypeople called PETA's case frivolous or absurd, negating an "animal rights" frame nonetheless activated that same frame. The negation works in PETA's favor, because its official mission is to get the animal rights message out to as many people as possible: "Unlike our opposition—which is mostly composed of wealthy industries and corporations—PETA must rely largely on free 'advertising' through media coverage."[85] No matter how negative the coverage, *Naruto* invited an animal rights frame into public discussions of intellectual property law and legal personhood.

Animal rights is a controversial frame in moral and legal discussions, and this controversy manifested in digital texts covering *Naruto.* However, both promulgating *and* negating a frame activate that frame, and this activation occurred in the finer details of digital texts. Article titles and bylines for news coverage of *Naruto* often followed the journalistic norm of framing the case

as an open question in need of an answer—in other words, should *x* group receive *y* rights, or as *ArtNet* asked, "Can a Monkey Make Money Off Its Art?" Other titles asked the moral/legal question and previewed a radical new world, such as an *Ars Technica* piece titled, "Animal Rights? Monkey Selfie Case May Undo Evolution of the Internet." Within discussions of the case, authors reiterated the question and gave PETA the benefit of the doubt, regardless of the author's personal feelings. Andrew Leonard wrote for *Salon,* "The natural objection to [*Naruto*] is obvious: *Monkeys are not people!* But, what if they are? Or, more precisely, what if we aren't far from the day when monkeys finally win their right to have their day in court?"[86] David Kravetz of *Ars Technica* went a step further: "Let's assume PETA is correct—that copyrights can be granted to animals. . . . So why can't that owner be a monkey?" Indeed, claimed Kravitz, despite being overtly skeptical of the social and economic consequences of granting Naruto copyright, "Maybe in a perfect world, Naruto would own the rights to the selfies, but maybe humankind, for better or for worse, simply hasn't evolved far enough to accept that."[87]

Even after PETA "lost" the case on appeal, coverage continued framing animal rights as an open and ongoing legal question. Writing for *Quartz,* Ephrat Livni penned a piece called, "A Monkey Lost His Copyright Case—but Made Strides toward Getting Animals More Legal Rights."[88] Livni exploded the traditional concept of legal person as "human" by pointing to, and at times hyperlinking, cases in which global institutions named "a chimpanzee, a bear, a national park, a river, a Hindu idol, a mosque, the Amazon rainforest, and other nonhumans as persons."[89] Foretelling a possible anti-speciesist future, he wrote, "the case demonstrates that animals can make constitutional claims" and thus "may someday even have rights like those of other 'legal people.'"[90] Regardless of the absurdity of PETA as a group or the lost cause of *Naruto* as a case, legal rights for nonhuman animals "seems increasingly possible."[91]

The second way PETA advocated legal rights for nonhuman animals was at the macro-level: through the invitation of responses by intellectual property lawyers, PETA activists, and other animal rights activists. Leah Ceccarelli warns that the journalistic norm of "50/50 coverage," wherein print and/or digital media sources devote equal time to two sides of a controversy—even if expert consensus has already been reached on the issue—is in many cases detrimental to the democratic process. Such is the case in public policy officials manufacturing scientific controversies as to the veracity of human-made climate change.[92] However, in the case of the litigious event, 50/50 coverage suits the cause of activists by forcing media to confront both the plaintiff and

the defendant—no matter how radical a party may seem according to common norms and values. During *Naruto*, spokespeople consistently garnered interviews on local news and talk shows. Social media users shared posts by PETA and about PETA widely across a variety of platforms. In other words, despite the official court decision that PETA had no case, the very idea that the case *existed* materialized, rematerialized, and re-rematerialized in public discourse due to 50/50 media coverage of Slater and PETA spokesmen, as well as the responses that coverage garnered in the digital sphere.

Just as notable was the extent to which PETA boosted the social capital of animal law and other animal law teams through *Naruto.* Although animal law is a tiny subfield of law usually only offered as an elective in select schools, *Naruto* resulted in multiple outlets delving into the intricacies of the field. Popular podcasts, for example, had entire episodes dedicated to the case, such as *Legal Wars* (hosted by actor and Harvard Law graduate Hill Harper) in its 2018 episode "Monkey Selfie—Monkey Business." Perhaps more significant, the radio show, *This American Life* (which has been in circulation since 1995, has won multiple Peabody Awards, and attracts an audience over 2 million per week), aired an episode on the case in 2017. In it, the hosts provided sound bites directly from the original hearing—in particular, arguments between intellectual property lawyer David Schwarz (working on behalf of PETA) and the judge. The audience could hear Schwarz assert a jarring, albeit provocative, historical argument concerning precedent: "I do not have an example where an animal was granted a copyright. We could make the counterargument as to how other humans were denied protection under that law."[93] Host Ira Glass concluded with a single statement pertinent to the intersections of intellectual property law, animal law, and the animal rights battle against anthropocentrism: "Today we have stories of people trying to completely erase the line between animal and human."[94]

PETA's legal team is far from the only group pursuing legal rights for nonhuman animals—rather, it is simply among the most infamous. Throughout the course of *Naruto*, however, PETA's actions invited discourse from a lesser known (but perhaps better equipped) animal law organization called the Nonhuman Rights Project. Founded by lawyer and Boston University professor Steven Wise, the NhRP is the only civil rights organization in the United States working through common law solely to obtain legal personhood for its nonhuman animal clients. Wise has a savvy team of academics on his side (including Jane Goodall and Peter Singer), but due to his small number of clients and comparatively smaller funding, and the NhRP's comparative

respectability compared to groups like PETA, people unfamiliar with animal rights likely have never heard of them.

However, amid *Naruto*, Wise not only responded to the case as a matter of marketing for the NhRP but was recruited by digital outlets to comment on the idea of animal personhood. Speaking to *Quartz* in 2018, Wise explained, "for centuries many human beings, including slaves, women, children, and Jews were not persons, but things."[95] It was curious that it was in their *dismissal* of PETA's legal strategy in *Naruto* that Wise and the NhRP elevated the cause of nonhuman animal personhood. The NhRP was "not surprised by" the Ninth Circuit Court of Appeals' decision because "PETA failed to present appropriate facts and legal argument to demonstrate to the Court that Naruto was indeed a 'person' who had the capacity to possess any legal right at all. This was a fatal flaw."[96] By definition, Naruto "could not possibly possess a copyright or even the right to file a lawsuit unless he were recognized as a 'person.'"[97] Therefore, despite the speciesism inherent in the court's decision to dismiss *Naruto,* "it was the responsibility of the plaintiff to employ tactics and strategies that make it easier for the court to find in its favor."[98] The NhRP advocated for a legal strategy more likely to succeed. NhRP reports, "by litigating in federal court, [PETA] was demanding that the court interpret the United States Constitution and at least one United States Statute . . . but that was unlikely to happen."[99] A far better strategy would have been to utilize the NhRP's go-to strategy: to sue in a strategically selected state jurisdiction historically favorable to progressive causes and to argue specifically for Naruto's personhood, not his intellectual property rights. Doing so, Wise argued, would have afforded *Naruto* a much higher chance of judicial success due to its reliance on legal precedent and location-based judicial politics.

Altogether, the case of *Naruto* shows the rhetorical power and emancipatory potential of the litigious event. A staged lawsuit designed for viral media dissemination, it functioned as a trial for media and a strategic lawsuit designed for public participation. By focusing its efforts on communication outside of, not within, the courtroom, PETA invited mass discussion of nonhuman animal personhood and created a viral legal case that invites discussion to this day.

Conclusions and Future Directions

When Naruto snapped two selfies using Slater's camera, the cheeky macaque ignited a viral firestorm of opinions regarding the limits of intellectual property

law. At present, neither Slater nor Naruto have been granted ownership of the selfies, leaving the nature of nonhuman animal personhood in legal limbo. Through the viral dissemination of Naruto's selfies and through PETA's strategic legal ploy attaching itself to the viral images, *Naruto* afforded the public an opportunity to explore the limits of the "self" at the center of the selfie. Two dismissals and an unclear settlement later, the suit is over and neither PETA nor its legal friend Naruto emerged victorious. A legal positivist assessment of the suit suggests, therefore, that *Naruto* was poorly argued, frivolous, and an overall failure for procuring animal rights.

However, I have argued that a critical rhetorical analysis of *Naruto* suggests a very different conclusion about the case. As Atkins-Sayre explains, PETA's success "can be measured in a number of ways, including its membership numbers, its name recognition, its success in persuading companies to change their policies, and *in its success at bringing attention to the animal rights message.*"[100] What matters about this novel civil suit is found in the public discourse surrounding it. By latching onto Naruto's viral selfies, PETA took advantage of the public screen by bringing a private, ill-fated civil suit into a public, controversy-laden digital sphere. The more dissemination the case received through repeated posting of Naruto's selfie and news articles, opinion pieces, interviews, etc., covering the suit, the more PETA's legal team used the power of mass media to disseminate important arguments about legal rights for nonhuman animals. *Naruto* functioned as a trial for media, as a strategic lawsuit for public participation. In other words, it was a litigious event.

In this article, I offered environmental and legal rhetoricians the litigious event as an advancement in public screen theory. In particular, the concept accounts for how mediated culture has affected and is affected by the law and lawsuits. The litigious event is an example of law as spectacle as opposed to law versus spectacle. Winning the suit is not the point, but viral dissemination of the plaintiff's arguments is. Future scholarship in environmental and legal rhetoric might examine other mediated lawsuits from this socially networked, not individually adversarial, perspective. Rhetoricians might examine how other lawsuits became centers of public discussion and became mainstays of public memory *despite* and not necessarily *due* to their ultimate result. We might assess how seemingly failed suits nonetheless shifted public discourse in a manner that resulted in future, albeit separate, legal victories. We could further address and avoid pitfalls through which carelessly intermingling radical ideas with a liberal justice system risks deradicalizing those ideas altogether.[101] We could explore not only if a suit is winnable, but also if a suit

is newsworthy and/or has viral potential. And, if it does have that potential, if the radical consciousness-raising potentially stimulated through that publicity are worth the communicative risks of viral exchange.

Furthermore, by viewing law as indebted to and embedded in the public screen, scholars, activists, and scholar-activists invested in the rhetorical and moral boundaries of "personhood" could reconsider how best to use the law to advance conversations about nonhuman animal personhood and the legal (and for that matter, moral) rights corresponding to personhood status. *Naruto* and the litigious event are entry points into broader legal and moral questions about the anthropocentric norms of property—can nonhuman animals own property? Are nonhuman animals themselves property? At what point does property become an agentic thing with legal affordances? Must nonhuman animals be declared persons before they can hold property or could their ability to hold property afford them the status of persons in the future? In other words, we ought to consider the potential of the litigious event for stimulating public interest and discussions pertaining to justice between and across species lines.

Notes

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10. *Naruto* v. *Slater*, No. 16-15469 (9th Cir. 2018).
11. Matthew Hooker, "*Naruto* v. *Slater*: One Small Step for a Monkey, One Giant Leap for Animal-Kind," *Wake Forest Law Review Online* 10, no. 5 (2015), http://wakeforestlawreview.com/2020/02/naruto-v-slater-one-small-step-for-a-monkey-one-giant-lawsuit-for-animal-kind/.
12. Quoted in Sarah Cascone, "Can a Monkey Make Money off its Art?," *ArtNet News,* July 12, 2017, https://news.artnet.com/art-world/peta-to-file-appeal-in-monkey-selfie-lawsuit-1020023.
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15. *Naruto* v. *Slater*, 4.
16. *Naruto* v. *Slater*, n11.
17. *Naruto* v. *Slater*, n11.
18. *Naruto* v. *Slater*, n11.
19. See Carrie Packwood Freeman, *The Human Animal Earthling Identity* (Athens: University of Georgia Press, 2020); and S. Marek Muller, *Impersonating Animals: Rhetoric, Ecofeminism, and Animal Rights Law* (East Lansing: Michigan State University Press, 2020).
20. That said, there have been a series of notable civil suits concerning nonhuman personhood and nonhuman standing filed by environmental organizations, including *Sierra Club* v. *Morton,* wherein judge William O. Douglas famously asserted in his dissent that natural resources ought to have standing to sue in their own defense.
21. Outside of animal law, certain civil suits have captured the public imagination—again, because they involved a Supreme Court decision, a celebrity, or a shocking premise. Consider the U.S. Supreme Court's *Brown* v. *Board of Education*, which declared the "separate but equal doctrine" unconstitutional; *Bolea* v. *Gawker*, in which pro-wrestler Hulk Hogan sued Gawker media for posting clips of his sex tape; and *Liebeck* v. *McDonalds Restaurants*, in which Stella Liebeck sued McDonalds after sustaining serious burns from spilling the chain's hot coffee.
22. Julie Kalil Schutten, "Invoking Practical Magic: New Social Movements, Hidden Populations, and the Public Screen," *Western Journal of Communication* 70, no. 4 (2006): 335.
23. Schutten, "Invoking Practical Magic."
24. See Anna Grear, "Deconstructing Anthropos: A Critical Legal Reflection on 'Anthropocentric' Law and Anthropocene 'Humanity,'" *Law and Critique* 26, no. 3 (2015): 225–49. Grear suggests that any legally responsible engagement with

"anthropocentrism" and/or with the "Anthropocene" must explicitly engage with the oppressive hierarchical structure of the *anthropos* itself.

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28. Deluca and Peeples, "From Public Sphere to Public Sphere."
29. Deluca and Peeples, "From Public Sphere to Public Sphere"; emphasis added.
30. Deluca and Peeples, "From Public Sphere to Public Screen," 130–31.
31. Deluca and Peeples, "From Public Sphere to Public Sphere," 124.
32. John W. Delicath and Kevin Michael DeLuca, "Image Events, the Public Sphere, and Argumentative Practice: The Case of Radical Environmental Groups." *Argumentation* 17, no. 3 (2003): 320.
33. Delicath and DeLuca, "Image Events, the Public Sphere, and Argumentative Practice," 324.
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35. Deluca and Peeples, "From Public Sphere to Public Screen," 134.
36. See Laura Fernández, "Images That Liberate: Moral Shock and Strategic Visual Communication in Animal Liberation Activism," *Journal of Communication Inquiry* 45, no. 2 (2021): 138–158; Brett Lunceford, *Naked Politics: Nudity, Political Action, and the Rhetoric of the Body* (Lanham, MD: Lexington Books, 2012); Lesli Pace, "Image Events and PETA's Anti-Fur Campaign," *Women and Language* 28, no. 2 (2005): 33; Peter Simonson, "Social Noise and Segmented Rhythms: News, Entertainment, and Celebrity in the Crusade for Animal Rights," *Communication Review* 4, no. 3 (2001): 399–420.
37. Deluca and Peeples, "From Public Sphere to Public Screen," 144.
38. Elizabeth Brunner, "Wild Public Networks and Affective Movements in China: Environmental Activism, Social Media, and Protest in Maoming," *Journal of Communication* 67, no. 5 (2017): 670.
39. Brunner, "Wild Public Networks and Affective Movements in China," 670.

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41. Marouf Hasian, Celeste Michelle Condit, and John Louis Lucaites, "The Rhetorical Boundaries of 'The Law': A Consideration of the Rhetorical Culture of Legal Practice and the Case of the 'Separate but Equal' Doctrine," *Quarterly Journal of Speech* 82, no. 4 (1996): 325.
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63. Stokes and Wendy Atkins-Sayre, "PETA," 155.
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