
CREATIVITY VS COMPASSION: ETHICAL AND LEGAL CHALLENGES IN THE USE OF ANIMALS IN FILM AND TELEVISION

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ABSTRACT

This paper examines the ethical and legal tensions in using animals in film and television, pitting creative demands against welfare imperatives. It critiques historical exploitation, like the deaths in *Ben-Hur* (1925), current U.S. AHA certifications' flaws, and EU Directive 2010/63/EU inconsistencies, drawing on utilitarian, rights-based, and spectacle theories. Recommendations include mandatory audits, international standards, and CGI promotion to prioritize animal sentience while sustaining storytelling innovation.

INTRODUCTION

Long prominent in television and movies, animals represent symbolisms of untainted nature, loyalty, and emotional force. Animals are cultural icons and box office draws, from *Lassie* (1943), the collie as a symbol of family courage, to *The Lion King* (2019), a CGI feature picture grossing \$1.6 billion worldwide¹. Usually, however, their presence comes with a price tag. As shown by the murder of approximately 100 horses during *Ben-Hur's* chariot scene (1925), a disaster that caused widespread condemnation but no legal consequence, the search for "authenticity in storytelling has never conflicted with the treatment of animals². Directors want the truth; audiences wish to spectacle, and legal systems fail to protect animal performers from injury. The present conflict is still there.

The American Humane Association's (AHA) "No Animals Were Harmed" certification is a significant protective measure within the U.S. industry, but it demonstrates notable flaws. While it monitors conditions on film sets, it lacks the authority to enforce rules. It fails to

¹ *The Lion King - Box office Mojo* (2019). <https://www.boxofficemojo.com/title/tt6105098/>.

² Jonathan Burt (2002) *Animals in film*. Reaktion Books.

address psychological suffering, as illustrated by the case of *A Dog's Purpose* (2017), where a German shepherd showed apparent fear during a water scene yet was still certified³. The European Union's Directive 2010/63/EU requires ethical evaluations for animals used in "artistic creation," prohibiting practices like featuring great apes in commercials⁴. These contrasting policies reveal a worldwide inconsistency in the prioritisation of animal welfare.

This article investigates the regulatory structures of the United States and the European Union, where prominent media industries and influential regulatory models offer rich case studies while intentionally leaving out Bollywood and livestock in reality TV because of their specific ethical and cultural contexts. It contends that the present frameworks fail to adequately safeguard animals, highlighting the need for reforms that reconcile creative aspirations with welfare considerations. By enhancing regulatory oversight, formally recognising animal sentience in legislation, and adopting technological innovations like CGI, the industry can progress while balancing creativity and compassion.

HISTORICAL CONTEXT: FROM EXPLOITATION TO ADVOCACY

The use of animals for exploitation in TV and film resulted from a period in history when their welfare took second place behind the spectacle and financial gains. Hollywood's early films justified the pain inflicted on animals as a necessary evil of dramatic storytelling, as an "indispensable expense" in the name of creative honesty. This culture is appallingly demonstrated by the 1925 film classic *Ben-Hur*, whose infamous chariot racing scenes cost over 100 horses their lives⁵. This illustrates Jonathan Burt's notion of animals as 'spectacle'—their existence commercialised to amplify cinematic elegance, indicating a hierarchy in which human interest overrides animal consciousness.⁶ Trainers used tripwires to disable horses outright to create dramatic crashes, a tactic later recognised by MGM⁷. The lack of legal fallout mitigated the public outcry that ensued, thereby perpetuating the image that animal lives were expendable in the interests of cinematic spectacle. Similarly, *Jaws* (1975), even though employing a mechanical shark, inadvertently caused real damage. The film's depiction of sharks as menacing predators created widespread terror, causing shark killings to increase and

³ PETA, "A Dog's Purpose Investigation," 2017.

⁴ *EU Directive 2010/63/EU* (2010).

⁵ Jonathan Burt (2002) *Animals in film*. Reaktion Books.

⁶ Jonathan Burt (2002) *Animals in film*. Reaktion Books.

⁷ The Guardian (2016) *Ben-Hur's animal deaths: the dark side of Hollywood's first blockbuster*.

shark populations to fall by 50% in some areas by the 1980s.⁸ These instances demonstrate how early film not only mistreated animals during production but also did damage beyond the studio. The increase in shark murders after the release of *Jaws* exemplifies Singer's utilitarian apprehension over indirect harm: even fictional representations may sustain systemic pain.⁹

The *Jesse James* film of 1939 was a milestone. When, during filming, a horse was accidentally driven over a cliff, a public outcry led to the formation of the American Humane Association's (AHA) film department, which subsequently developed the "No Animals Were Harmed" seal.¹⁰ This system favoured public relations over accountability, lacking any enforcement mechanism and being concerned only with physical and psychological harm. Years later, advocacy campaigns experienced a resurgence with the emergence of *Blackfish* (2013), a documentary that uncovered SeaWorld's systemic mistreatment of orcas. The movie exposed the fact that Tilikum, an orca in captivity, had killed three trainers through stress-related aggression, leading to worldwide outrage and a 60% decline in SeaWorld attendance¹¹. *Blackfish* demonstrated the power of the media to influence public opinion, triggering legislative efforts like the California Orca Protection Act and moving the industry toward ethical accountability¹².

Critical analysis: normalising suffering

The normalisation of animal suffering in early cinema was based on a cultural and economic focus favouring human entertainment over animal sensibility. Jonathan Burt contends that animals were reduced to a type of mere "spectacle," with worth determined based on how they could enhance narratives and not based on intrinsic value¹³. This commodification was institutionalised: studios regarded animal fatalities as an acceptable production cost, equal to the destruction of property. Though groundbreaking for its era, the AHA's advocacy after *Jesse James* cemented a transactional frame by prioritising reducing apparent suffering over combatting utilitarian animal treatment.

⁸ Neff, C. (2015) 'The *Jaws* effect: how movie myths impact conservation', *Marine Policy*, 57, pp. 58-64. doi: 10.1016/j.marpol.2015.03.015

⁹ Neff, C. (2015) 'The *Jaws* effect: how movie myths impact conservation', *Marine Policy*, 57, pp. 114-127. doi: 10.1016/j.marpol.2015.03.015

¹⁰ American Humane Association (2023) *No animals were harmed®: A legacy of protection*. <https://www.americanhumane.org/program/no-animals-were-harmed/>

¹¹ Humane Society International (2014) *Blackfish Impact Report*. Washington, DC: Humane Society International.

¹² California Legislative Information (2016) *AB-2140 Orca Welfare and Safety Act*. Available at: https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB2140

¹³ Jonathan Burt (2002) *Animals in film*. Reaktion Books

Success stories of activism, such as *Blackfish*, challenged this paradigm and inspired societal change by putting animal welfare as an ethical duty rather than an administrative one. The movie's impact brought attention to a change in a society wherein viewers began to reject exploitative behaviour and demand accountability paid to them. Burt understands, however, that such evolution currently lags as rules allowing animals to be sentient rather than property are not yet in place¹⁴. Therefore, the historical trajectory shows a dynamic that still influences modern debates: a conflict between ever-growing ethical consciousness and ingrained industrial routines.

ETHICAL FRAMEWORKS IN ANIMAL USE IN MEDIA

1. Utilitarianism: Balancing Harm and Artistic Value

As presented in *Animal Liberation*, Peter Singer's utilitarian ethics assesses acts according to their outcomes, emphasising the reduction of suffering¹⁵. This methodology is evaluated in films like *War Horse* (2011), where horses were exposed to stress-inducing techniques, including "running W" hobbles, to replicate military injuries¹⁶. Although the AHA affirmed that "no animals were harmed," detractors contend that the psychological impact on the animals—manifested in their frantic responses—was disregarded. Singer's utilitarianism would require the film's anti-war message to substantiate this damage¹⁷. This reasoning potentially normalises animal exploitation since the distinction between "necessary" and "gratuitous" suffering becomes ambiguous. For example, does a film's creative value surpass the aggregate anguish imposed on animal performers, or does it sustain a cycle of exploitation masquerading as narrative?

2. Animal Rights: Inherent Value vs. Legal Property Status

Tom Regan's rights-based worldview posits that animals possess inherent rights, rendering their instrumental use unethical¹⁸. This contrasts with legal systems that categorise animals as property, as shown by *Naruto v. Slater* (2018). A crested macaque took a selfie of intrinsic value captured by a photographer called Naruto; nonetheless, the U.S. Ninth Circuit Court held

¹⁴ Jonathan Burt (2002) *Animals in film*. Reaktion Books.

¹⁵ Singer, P. (1975) *Animal liberation*. New York: HarperCollins, p. 78.

¹⁶ American Humane Association (2023) *Guidelines for the safe use of animals in filmed media*.

¹⁷ PETA (2011) 'War Horse: when "no animals were harmed" doesn't tell the whole story', *PETA.org*. <https://www.peta.org/blog/war-horse-animals-harmed/>

¹⁸ Regan, T. (1983) *The case for animal rights*. Berkeley: University of California Press, p. 102

that nonhumans could not own copyrights, asserting that animals lack legal personhood¹⁹. Regan would contest this verdict, contending that denying rights based on species perpetuates a moral hierarchy. The case underscores the legal system's hesitance to address ethical issues related to animal awareness in conjunction with current property rules, favouring human ownership above animal autonomy.

3. Spectacle Critique: Commodification of Animal Lives

Jonathan Burt's *Animals in Film* resists the reduction of animals to "spectacle," where their value is measured by how entertaining they are rather than by themselves²⁰. *Water for Elephants* (2011) employed retired circus elephants to legitimise its story, illustrating this pronouncedly. Although the film tried to depict brutality in the circus, its use of industry-trained animals unintentionally confirmed the demand for captive elephants. In Burt's view, these representations help facilitate the commercialisation of animals by placing their use within cultural narratives. The film's production reflects broader industry trends in which animals are vehicles for human narrative, and their well-being is secondary to appearance matters.

Critical Analysis: Legal Resistance to Animal Personhood

Despite ethical reservations, legal systems are reluctant to acknowledge animal personality for three interrelated reasons:

- **Legal Tradition:** Western law has always considered animals property, a template that is difficult to modify. The *Naruto v. Slater* case exemplifies this rule, as the judges adhere to legislative language that excludes nonhumans from personality²¹.
- **Economic Interests:** Industries that exploit animals (e.g., entertainment, agriculture) oppose rights-based reforms.
- **The AHA voluntary certification program** has been alleviating public concern without upsetting the cost of production.

¹⁹ *Naruto v. Slater*

²⁰ Burt, J. (2002) *Animals in film*. London: Reaktion Books, p. 89

²¹ Burt, J. (2002) *Animals in film*. London: Reaktion Books, p. 112

- Anthropocentrism: Legal systems benefit humans at the cost of animal sensibility, besides the point regarding rights.
- Regan's assault on this tendency underscores a moral deficiency: if animals possess intrinsic value, their status as property is not sustainable.

Legal institutions remain constrained by anthropocentric and economic interests, while utilitarian, rights, and spectacle criticism each discloses ethical tensions in exploiting animals in media. The company will continue to balance innovation on the shoulders of animal cruelty until change acknowledges animal sensibility and resists conventional wisdom.

INDUSTRY PRACTICES: TRAINING, ECONOMICS, AND TECHNOLOGICAL ALTERNATIVES

1. Training Methods: From Coercion to Positive Reinforcement

Training animals for movies has progressed unevenly, with tension between moral progress and conventional tradition. They reported being sleep-deprived to guarantee their docility when performing with actors on *Gladiator* (2000), a method criticised by animal welfare organisations for prioritising human safety over animal comfort²². In stark contrast, *The Artist* (2011) clicker-trained Uggy the Jack Russell Terrier, a form of positive reinforcement, thus exemplifying humane practice aligned with Humane Hollywood's certification standards²³. These opposing practices indicate a divide in the industry: some continue with exploitative practices disguised as "efficiency" or "tradition," and most producers work through honest training.

2. Economic Pressures: Budgets and Ethical Trade-Offs

The economic conditions of filmmaking often determine the consequences for the well-being of animals. High-budget blockbusters such as *The Lion King* (2019) may finance lifelike CGI, which incurs expenses for the digital animal cast²⁴. Conversely, low-budget films such as *A Dog's Way Home* (2019) use actual animals, using just 260 million to produce an utterly digital

²² PETA (2000) *Gladiator animal abuse allegations*. <https://www.peta.org/>.

²³ Humane Society (2023) *Humane Hollywood certification*. <https://www.humanesociety.org/resources/humane-hollywood>

²⁴ Favreau, J. (2019) *The Lion King: making the digital savannah*. New York: Disney Editions

animal ensemble²⁵. This difference highlights a structural problem: ethical options such as CGI are unattainable for independent filmmakers, forcing them to decide between expense and ethics. *A Dog's Purpose* (2017) encountered criticism with the release of a video of a distraught German shepherd during production, highlighting how financial limitations may result in supervision failures²⁶.

3. Technological Alternatives: CGI and Ethical Innovation

The Jungle Book (2016), in which computer wolves lessened risks to genuine animals, is a good example of how advances in computer-generated imagery (CGI) have made it possible to create viable replacements for live animals²⁷. Having achieved global box office revenue, the film's success indicated that viewers like tales driven by computer-generated imagery (CGI). Nevertheless, the enormous expenditure on technology (for example, *The Lion King's* global profits of 966 million) shows audiences are willing to embrace storylines driven by computer-generated imagery²⁸. Independent filmmakers, who lack access to such resources, often resort to techniques that have become obsolete, hence perpetuating cycles of exploitation.

Critical Analysis: Can Indie Filmmakers Afford Ethics?

The issue of affordability rests on access. While Disney and other big studios invest in expensive CGI, independent filmmakers have obstacles to climb over:

- Cost: High-end CGI requires specialised software (e.g., Autodesk Maya) and professional animators, which can sometimes make it prohibitively costly²⁹.
- Alternatives: Independent productions sometimes use budget-friendly options, such as animatronics (*Okja*, 2017) or footage of animals in ethical sanctuaries³⁰.
- Advocacy Support: Organizations like the Humane Society provide grants and alliances for humane practices, but adoption continues to be small³¹.

²⁵ Box Office Mojo *A Dog's Way Home* (2019) <https://www.boxofficemojo.com/>

²⁶ PETA (2017) *A Dog's Purpose investigation* <https://www.peta.org/>

²⁷ MPC (2016) *The Jungle Book VFX breakdown*.

²⁸ Box Office Mojo *The Jungle Book* (2016).

²⁹ Autodesk (2023) *Maya pricing*.

³⁰ Netflix (2017) *Okja behind-the-scenes featurette*.

³¹ Humane Society (2022) *Filmmaker grants for ethical production*

Lastly, reform in the institutions—through incentives for cruelty-free moral visual effects or strict welfare legislation—is needed to democratise access to cruelty-free filmmaking.

PUBLIC PERCEPTION & ADVOCACY: THE POWER OF DIGITAL ACTIVISM

The emergence of social media has changed the public view of animal welfare in media, transforming grassroots campaigning into a potent tool for industry and legislative reform. This change is best shown by campaigns such as #SaveRalph (2021), a stop-motion short video showing a rabbit subjected to cosmetic tests. With over 150 million views in its first week, the campaign pushed sixteen nations—including Brazil and Canada—to outlaw cosmetic animal experimentation by 2023³². The virality of #SaveRalph—amplified by stars like Ricky Gervais and Taika Waititi—showcased how emotionally powerful stories might mobilise worldwide audiences, turning clicks into actual policy results.

Likewise, Academics observe that forceful training techniques, as seen in *A Dog's Purpose*, represent 'anthropocentric exploitation'³³ and disclosed a video of a frightened German shepherd forced into tumultuous water during production. The video incited much indignation, trending internationally on Twitter and resulting in a 60% decline in the film's opening weekend earnings³⁴. This response compelled companies to implement more stringent control, with Universal Pictures committing to refrain from using live animals in high-risk sequences. Audience inclinations further illustrate this ethical consciousness: a 2022 Humane Society study revealed that 68% of respondents choose CGI over real animals, citing apprehensions of over-exploitation and suffering³⁵.

A Critical Analysis of the Relationship Between Trending Phenomena and Legislative Consequences

Three factors affect whether or not viral campaigns result in legislative change occurring:

- Initiatives such as #SaveRalph simplify tough topics into easily shareable information, raising widespread awareness that politicians cannot ignore. For example, the Cruelty-

³² Humane Society International (2023) *#SaveRalph campaign impact*.

³³ Archibald, K. (2018) 'Animal research is an ethical issue for humans as well as for animals,' *Journal of Animal Ethics*, 8(1), pp. 11. <https://doi.org/10.5406/janimalethics.8.1.0001>

³⁴ PETA (2017) *A dog's purpose investigation report*.

³⁵ Humane Society (2022) *Global attitudes toward animal welfare in media*.

Free Cosmetics Act was enacted in Canada six months after the campaign reached its peak popularity.

- The responsibility of corporations: Companies are often the centre of public attention. The A Dog's Purpose boycott demonstrated that public outrage may more rapidly affect industry standards than regulations. This was shown by the fact that firms were compelled to adjust their welfare practices.
- Ongoing Advocacy: While virality is a powerful tool for building momentum, continuing change requires consistent work. To ensure that legislators constantly consider ethical decisions, the Humane Society conducts yearly polls at regular intervals to monitor changing preferences.

On the other hand, not every viral campaign is successful in the legislative arena. Although the #SaveTheBees campaign (2018) raised awareness, it did not result in any legislative action, highlighting the need to form strategic alliances with political figures.

Digital activism shows a connection between public sentiment and structural change. This demonstrates that legislative development and ethical consumerism are gradually related. Because viewers are increasingly interested in tales free of cruelty, the corporation must make changes or risk being irrelevant.

RECOMMENDATIONS

Structural changes must emphasise animal sensibility and promote industry responsibility to harmonise the ethical and creative demands of animal use in media. The U.S. Animal Welfare Act should be revised to require third-party animal care audits on film sets, including fines for infractions, including physical injury and psychological suffering. These amendments will address enforcement deficiencies highlighted by incidents such as *The Hobbit* (2012), during which 27 animals died off-camera owing to inadequate living conditions³⁶. The regulation would prevent cost-cutting at the expense of welfare by imposing penalties equivalent to production costs, such as 5% of a film's total income for infractions. Secondly, international norms based on UNESCO's ethical frameworks for science and technology must be established

³⁶ UNESCO (2023) *Ethical guidelines for animal welfare (Proposed)*.

to unify global animal welfare policies³⁷.

Motivated by the WHO's International Health Regulations, these recommendations may mandate stress-reduction techniques and prohibit intrinsically exploitative methods, such as using great apes or elephants in advertisements. This strategy would avoid jurisdictional arbitrage when productions migrate to areas with lenient restrictions. A certification for "ethically produced" goods, validated by NGOs such as the Humane Society, must be established to enhance consumer decision-making. This accreditation, like Fair Trade labelling in agriculture, would indicate compliance with humane training techniques or CGI alternatives, motivating studios to embrace ethical practices. Films such as *Okja* (2017), which revealed animal welfare initiatives in post-credit sequences, illustrate how openness may harmonise creative objectives with societal principles. These improvements would elevate animal welfare from a mere public relations consideration to an essential cornerstone of creative expression.

CONCLUSION

The use of animals in film and television production is a complex interplay between creativity and ethics, in which regulatory complacency and commercial imperatives continually outweigh welfare considerations. This study contends that paradigmatic change, such as legislative development to acknowledge psychological harm, international ethical production standards, and consumer-driven certification, must balance creative ambition with moral responsibility. These reforms need to be developed from the understanding of animal consciousness, a concept advocated by Martha Nussbaum in *Frontiers of Justice*, as she supports that fairness demands respect for the capabilities of all beings, human and nonhuman³⁸. Additional research must address two significant lacunae: the cultural anesthetisation wrought by hyper-realistic CGI, with its attendant possibility of diminishing public empathy for actual animals, and regulatory lacunae in sectors such as Bollywood, where accelerated production timetables and cultural mores can compound abuse.

The entertainment industry is at a fork in the road. It can cling to outdated practices that reduce animals to disposable props or create a new paradigm in which storytelling honours creativity while honouring compassion. By putting sentience above spectacle, filmmakers, legislators,

³⁷ Fair Trade International (2020) *Model for ethical certification*. <https://www.fairtrade.net/>

³⁸ Nussbaum, M. C. (2006) *Frontiers of justice: disability, nationality, species membership*. Cambridge, MA: Harvard University Press.

and audiences can make the words "No Animals Were Harmed" not an empty marketing slogan but an unshakeable moral principle.