

No Substitute for the Law

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At the RSPCA's Rights of Animals symposium at Trinity College Cambridge in 1976 I heard Lord Houghton of Sowerby state animal welfare to be a legal issue.

*"There is no complete substitute for the law," he said. 'Public opinion, though invaluable and indeed essential, is not the law. Public opinion is what makes laws possible and observance widely acceptable.'*¹

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Between World War Two and his death in 1996, Lord Houghton played a primary role in British politics. He was a Labour MP 1949-74; Minister for the Social Services 1964-67; and Chairman of the Parliamentary Labour Party 1967-74. He was made a Life Peer in 1974. In the House of

Lords he took a particular interest in animal welfare. I recall him as an authority external to the animal welfare movement, who provided much-needed leadership to a young social movement in understanding the importance of the law to animal welfare.

There is progress to report in animal welfare regulations and legislation since 1976. This includes the Badgers Act 1992, Fur Farming (Prohibition) Act 2000, Hunting Act 2004 and Animal Welfare Act 2006. Also, European Union directives restricted or banned various egregious practices to do with the production of fur, animal research and factory farming.

Nevertheless, with the bicentenary of the Martin's Act of 1822 (An Act to prevent cruel and improper Treatment of Cattle) a decade away, have we paid sufficient attention to Lord Houghton?

My assessment, having been in leadership positions in the animal welfare movement in the UK and US since 1976, is that Lord Houghton is as relevant today as he was 35 years ago. This is why organisations such as the Association of Lawyers for

Animal Welfare and the Animal Legal Defence Fund in the US are so important. Equally vital is the development in legal studies of Animal Law, which has made significant progress in the US and increasingly in Europe and Australia.

If politics is the art of the possible, as Otto von Bismarck observed famously, legislation comes from the art of the political compromise. Consequently, as with all aspects of the regulated life, the law, including animal law, is imperfect. This reality is a challenge to those, like me, who seek laws giving animals moral and legal rights. This need not be an obstacle if there is an understanding of how social justice issues and their corresponding social movements move in the public's consciousness from unfamiliarity to acceptance. My view is that there are five stages necessary to complete this transformation.

The first is Public Education, when people are enlightened about the issue and embrace it into their lives. This is followed by Public Policy Development, which is when political parties, businesses, schools, professional associations and other

¹ Cited in David Paterson and Richard D. Ryder. 1979. *Animals' Rights--a Symposium*. 209

entities that constitute society adopt sympathetic positions on the issue. Legislation, when laws are passed on the issue, and Litigation, when they are implemented and enforced, are stages three and four. The final and fifth stage is Public Acceptance, which is when most people say that this is what they always thought!

My view is the currently we are in stages one and two and increasingly three and four. In other words, we understand animal welfare principally as personal lifestyle choice when it ought to be also the responsibility of public policy and government.

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With this in mind, I convened recently a group of animal advocates and sympathetic academics to establish an animal welfare think tank. The Institute for Animals and Social Justice (IASJ) was launched earlier this summer at a symposium at the London School of Economics. We were honoured that ALAW's Paula Sparks joined us as a speaker and Jeremy Chipperfield accepted our invitation to be a trustee. IASJ's mission is to embed animal protection as a core policy goal of government and intergovernmental organisations. Our work

complements that of the Animals and Social Institute (ASI), which I cofounded with Ken Shapiro, editor of the journal *Society & Animals*, in the US in 2005. ASI is an independent research and educational organisation that advances the status of animals in public policy and promotes the study of human-animal relationships.

I see IASJ, ASI and ALAW as part of an encouraging trend toward a more sophisticated approach to animal welfare. They and related initiatives in academia are vital to move public opinion through the five stages, from unfamiliarity to acceptance, in their understanding of animal welfare. A key player in this process is Minding Animals International (MAI). MAI acts as a bridge between advocacy and academia and consists of a network of more than 2,500 academics, artists, activists and advocates. MAI organised its first conference in Australia in 2009. The next will be in Utrecht in July 2012.

Notwithstanding this progress and exciting development, I worry Lord Houghton's message is not being heard enough. This is not to dismiss in any way anything anyone is doing. But, as a social movement, the animal protection movement, I believe, views with suspicion the political process. We keep our distance from public policy and mainstream politics when we should be understanding them as long-term strategic objectives to establishing effective legal protection we all want animals to have.

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for animals and its enforcement. But it is also empowering to know how to work within society to ensure it has the necessary effective legislation and sufficient law enforcement resources to regulate and, ultimately, end animal exploitation. This is why there is no substitute for the law.

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Further Links

Institute for Animals and Social Justice <http://www.iasj.org.uk/>

Animals and Society Institute <http://www.animalsandsociety.org/>

Minding Animals International <http://www.mindinganimals.com/>

Minding Animals Conference 2012 <http://www.uu.nl/faculty/humanities/EN/congres/mindinganimals/Pages/default.aspx?refer=/EN/FACULTIES/HUMANITIES/CONGRES/MINDINGANIMALS/Pages/default.aspx>