

## *Animal Rights in the Political Arena*<sup>\*</sup>

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The welfare of animals in Great Britain has been a matter for political action since the early days of the last century, when Sir William Pulteney, MP, Lord Erskine of Restormel and Richard Martin (or 'Humanity Dick', as he became known), the Member for Galway, introduced the first Bills into the British Parliament which directly related to the protection of animals – Bills to ban bullbaiting and cockfighting and for the protection of horses, cattle, sheep and dogs. Before then the only legislation on the statute book relating to animals were the Game Acts, designed to protect the landed gentry's game from the ravages of poachers and others rather to give protection to the animals.

Although there may not have been actual laws on the statute book, the agitation and concern for the way in which civilized man thought of and dealt with animals had been growing for a very long time. In order to understand the gradual development of man's thinking, it is necessary to look back over many centuries. The historian Keith Thomas, in his book *Man and the Natural World*, provides a fascinating insight into this period:

to understand . . . present-day sensibilities we must go back to the early modern period. For it was between 1500 and 1800 that there occurred a whole cluster of changes in the way in which men and women, at all social levels, perceived and classified the natural world around them. In the process some long-established dogmas about man's place in nature were discarded. . . . It was these centuries which generated both an intense interest in the natural world and those doubts and anxieties about man's relationship to it which we have inherited in magnified form.

This anxiety about man's relationship with the natural world and about bringing animals and their welfare into the field of legislative action did not go down well with some sections of the populace in Britain. *The Times* of 25 April 1800, commenting on the introduction of the Bill to ban bullbaiting, was explicit on the matter:

It should be written in letters of gold that a government cannot interfere too little with the people; that laws, even good ones, cannot be multiplied with impunity, and whatever meddles with the private personal disposition of a man's time or property - is tyranny direct.

Strange as it may seem there are many in Britain, particularly those of the blood sports fraternity who still hold to that view.

The law relating to the welfare and protection of animals in Britain has evolved slowly over the years – for many of those working in the field of animal welfare, far too slowly. In this connection it is interesting to note the views of an eminent Parliamentary Counsellor, Godfrey Carter, whose Stephen Paget Memorial Lecture, delivered on 8 October 1980, touched on the way in which the law develops:

In a society possessed of free institutions and committed to the preservation of liberty and order, law evolves from a rational assessment of the way in which people think and behave, and of their attitudes towards each other. . . . When public attitudes change, the law changes also. But it is unlikely to change immediately because the change of attitude may be long in coming and slow to be noticed; the forces of conservatism are invariably more powerful in the short term than those of reform. . . . Law cannot exist effectively for longer than it is supported by public opinion. . . . When enough people [defy it], it soon ceases to be of any use.

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<sup>\*</sup> In PETER SINGER (ed), *In Defense of Animals*, New York: Basil Blackwell, 1985, pp. 168-178.

Nevertheless, however slowly the process of establishing law evolves and irrespective of what other avenues may be explored, at the end of the day if animals are to receive the protection which is their right as sentient creatures, it is political and parliamentary action which is required. As Lord Houghton of Sowerby said at the Trinity College, Cambridge, Animal Rights Symposium at the culmination of Animal Welfare Year in 1977:

My message is that animal welfare, in the general and in the particular, is largely a matter for the law. . . . There is no complete substitute for the law. Public opinion, though invaluable and indeed essential, is not the law. Public opinion is what makes laws possible and observance widely acceptable.

Lord Houghton's words echo those of Godfrey Carter and make it clear that changing public attitudes as a pre-requisite to legislation is necessary if the animal welfare cause is to succeed. Before looking more closely at political action, and in particular at the limits imposed by political action, it is necessary to identify more clearly the terms being used; what is meant by animal welfare/ protection/rights, and how great is the task of attempting to change public opinion?

First of all, what is meant by animal welfare? It should not, for example, be confused with conservation or any of the other disciplines falling within the science of ecology. Such issues have considerable importance in their own right, and in some cases have a strong welfare element, the conservation of endangered species such as the whale being a good example. While the value of the work of organizations in the field of conservation cannot be overstated, it can be argued, as far as suffering is concerned, that when the last great whale is killed to feed man's greed for its oil, blubber and meat, never again will one of the most intelligent non-human animals in the world be subjected to such an obscene and lingering death. The death of the last whale will be man's loss, not the whales'.

Neither is animal welfare being an animal lover. Britain is called the 'animal-loving' country of the world, with an estimated 20 million household pets, the majority owned by so-called 'animal lovers' but how many are concerned over the plight of the laboratory rat or the battery hen?

Nor is animal welfare being 'kind to animals', a Victorian concept which comes under the heading of 'charitable good works' and was, indeed, the cornerstone of the Royal Society for the Prevention of Cruelty to Animals and the other early animal welfare societies. The phrase 'kindness to animals' is heard most often on the lips of those who exploit animals. How often on radio and television does one hear factory farmers or scientists saying, 'But we are kind to our animals'?

The best definition of animal welfare or animal rights embraces the concept of dignity: it means *according to animals the natural dignity which is their due as living sentient creatures*. Another phrase which requires defining is 'public attitudes'. The emphasis here is on the word 'public', which means the great uncommitted public - the silent majority - and not the converted few. Most of those working professionally or in a voluntary capacity in animal welfare live very close, perhaps too close, to the subject, and it is easy to fall into the trap of thinking that the public at large shares similar views.

Taking Britain as an example, the paid-up membership of all the animal welfare organizations in Britain is less than 500,000 out of a population of nearly 60 million, which represents less than 1 per cent of the total, without allowing for the fact that many people belong to as many as half a dozen different organizations.

It is easy to exaggerate support by quoting from public opinion surveys, indicating, for

example, that more than 70 per cent of the respondents are opposed to the use of animals for the safety testing of cosmetics and toiletries. It must be remembered that opinion polls, which are commissioned by commercial or charitable organizations, may be conducted by independent opinion survey companies but are designed to produce the response required and depend to a large extent on how the questions are framed. For example, NOP Market Research Ltd, in its survey of April 1983, conducted for the General Election Co-ordinating Committee for Animal Protection, asked the following question: 'Do you think testing of cosmetics on animals should be completely banned by law or is there any need for such law? The result: 75 per cent of all respondents thought such testing should be banned by law. Imagine the response had the question been phrased instead as follows (to use an exaggerated example): 'Would you purchase a hair shampoo which had not been tested for safety on animals and which might therefore permanently damage your hair or your eyes?'

There should be no misunderstanding about the enormous task facing the animal rights movement across the world as it tries first to change in the public's mind the concept of 'kindness to animals' to that of 'animal rights' and then to gain the support of the great silent majority for a cause which provides no apparent material advantages for the human species - indeed, a cause which may disadvantage humans financially as well as in other ways.

Incidentally, but nevertheless on a matter of some importance, there is what a marketing organization would call 'sales resistance' in some areas to the term 'animal rights'. For some reason, many people and politicians who are otherwise sympathetic to the animal welfare cause jibe at 'animal rights'. Perhaps this is because it equates other animals with the human animal. The phrase does mean just that to the activist, hence its popularity in such circles.

However, it should be used with great care and discretion, particularly in political campaigning - to which, having identified and defined the terms to be used, we should now turn.

It has to be said that all the marches, demonstrations and rallies in the world will have no effect whatsoever on political action. Such events may help to focus public attention on animal welfare issues, but they will not change the law. Even the more militant and frequently illegal activities of the Animal Liberation Front and its variants in other countries will not affect government thinking. Successive British Governments have made this quite clear in their response to the violence generated by both sides in Northern Ireland. Other Governments, on an increasing scale, have adopted a similar attitude to terrorist activities, such as the hijacking of passenger airlines for political purposes.

Laws can be made only in Parliament. The animal welfare movement in Britain came to this realization in the 1970s. This is not to say that individual animal welfare organizations had not involved themselves in political activity before then. Such activity, however, had been confined in the main to lobbying on specific issues by individual organizations and was frequently linked to the introduction of Private Members' Bills (such bills, if they are to stand a real chance of becoming law, must not be revolutionary, nor too complicated or opposed to Government policy and they must not involve expenditure). Governments over the years have invariably regarded animals and birds as suitable only for the Private Members' Bill procedure and never for Government action, with the exception of such areas as agriculture, where welfare/protection was not the main objective of the legislation. (This attitude on the part of Governments applies equally to other moral and emotive subjects -for example, abortion and divorce- the fear being that as the issue is not divided along party political lines, the Government could lose control of the legislation on the floor of the House and in Committee through lack of discipline among its own backbenchers.) A first objective therefore had to be to persuade political parties that animal welfare and protection was a responsibility of the Government.

The societies in Britain had discovered during Animal Welfare Year (1976-77), and much to

their surprise, that it was possible to work together for a limited objective and that, by so doing, they had more impact on the three Ps (Public, Press and Parliament). This realization led to the setting up, prior to the 1979 Election, of the General Election Co-ordinating Committee for Animal Protection under the chairmanship of Lord Houghton of Sowerby, CH. Mr Jeff Rooker, MP, summed up this minor revolution during a debate in Parliament on 23 March 1979:

The animal welfare societies as a whole have realized in the last eighteen months or so that they must begin to use the political process as ruthlessly as does any other lobby operating in a democracy. . . . In the last year, particularly following Animal Welfare Year, when many such societies combined effectively for the first time, their efforts have been quite successful.

In fact, the campaign to 'put animals into politics' was more successful than even the most optimistic forecast. It was also, of course, the target for many witty comments; as one *Daily Telegraph* correspondent put it on 4 October 1978:

There are too many animals in politics already. There are snakes in the grass, leopards who cannot change their spots, elephants who never forget and lots of parliamentarians who think they are the cat's whiskers.

The campaign opened with the political parties' annual conferences in the autumn of 1978 and continued through to the general election in May 1979. The success of the campaign can be measured by the fact that for the first time in the history of the British Parliament, the three major political parties included in their election manifestos commitment to animal welfare and protection.

Politics is the art of the possible, and to achieve success those involved in political action and lobbying must, from the outset, accept the limitations imposed on them by attempting political action. In all elected assemblies there will invariably be found lobbies for and against any measure which comes before the legislature; this may be at a purely party political level, but in the case of reforming measures almost certainly the lobbies will be divided on moral and ethical grounds, with both sides claiming that right is with them. In other areas, particularly animal welfare and conservation, one lobby will, while maintaining a moral stand, be a thinly disguised but extremely powerful lobby representing vested interests.

At this point it is necessary to comment on the difficulties facing those animal welfare societies that enjoy the status of registered charities. This is a problem which is possibly unique to Britain, where charity status, while conferring freedom from all forms of taxation, precludes organizations from becoming involved in direct political action. The RSPCA, in supporting the 1978-79 campaign, had its knuckles rapped by the Charity Commissioners for its press advertising in support of the campaign. As animal welfare issues move more and more into the political arena, it is becoming necessary for organizations in Britain to review the issue of charitable status and of whether the saving in taxes (which in the case of the RSPCA amounts to over £1/2 million per annum) makes the forfeiting of their political voice worthwhile.

In the issue of 29 November 1978 the editor of the *Field*, a magazine not particularly noted for its support of the animal welfare cause, discussed the effectiveness of the 1978-79 political campaign:

Many statements of intent by voluntary campaigning groups sound like the rallying cries of crusaders. Lord Houghton's booklet is couched in careful terms in which the parliamentary or statutory background to welfare campaigns is always stressed. He makes it impossible for his organization to be dismissed as a group of naive enthusiasts with more passion than impact. If his co-ordinating effort is successful, it will mark a

very large step forward for what are often described collectively as the 'caring societies'. There is certainly no comparable structure to present counter argument.

This view of the campaign sums up very neatly the important elements of successful lobbying. The slogan-chanting approach used the world over in demonstrations carries little weight when transposed into the legislative forum. What is needed in this arena is material couched in careful terms that provides indisputable facts to back up reasoned argument and urges the adoption of reasonable and responsible measures of reform. This may not sound very exciting to the animal activist, but it is the way to make political progress.

If the animal welfare societies act in a responsible manner, the onus is then placed on the Government to respond positively. Legislation must offer real protection and safeguards for the welfare of animals. The price of implementing such legislation will on occasion take the form of loss of commercial profit or of higher prices. Even so, governments must be bold and fearless in demonstrating that the rights of animals (and not weak and unenforceable regulations) will form the basis for legislation.

The weight which the legislature will give to the material will, to some extent, depend upon the number of organizations supporting it and endorsing the proposals for reform. This fact was accepted long ago by trade unions, employers, students and many others. The 'caring societies' exist in many areas of social reform and are, in the main, voluntary bodies supported by public subscription, which incidentally have to rely more and more upon legacies from the dead for their survival. It has been argued that in a welfare state voluntary organizations are no longer necessary, whereas in practice their work continues to expand. However, when it comes to political action voluntary societies working to alleviate human suffering will endeavour to enlist support from the more formalized professional or government-funded bodies working along similar or associated lines to give added weight to their case.

The situation in animal welfare and protection is somewhat different, since virtually all the organizations concerned are voluntary bodies. In the field of conservation, certain advisory groups do exist, such as the Nature Conservancy Council, the Wildlife Link Committee of the Council for Environmental Conservation and others, which on occasion are able to provide considerable support. However, where welfare is concerned the only body with professional standing which is not linked to the voluntary societies is the British Veterinary Association (BVA). In recent years the Association has taken a much greater interest in ethical issues relating to animal welfare. The formation of an Animal Welfare Committee, which formulates policy statements on such issues as animal experimentation for the Council of the BVA, is one important development; another is the setting up of the BVA Animal Welfare Trust, a registered charity with the prime objective of raising funds to establish a chair in animal welfare at one of the British universities' veterinary schools.

These are extremely valuable moves in gaining greater recognition for animal rights, and their importance has not yet been fully recognized by the voluntary section of the movement. It is true that the BVA's policy statements are often cautious in their approach and, although they go further than might be expected, do not satisfy many in the animal welfare movement. Nevertheless, the more cautious approach, as indicated earlier, is one to which Parliament is likely to respond, particularly when it is the declared view of an august professional body with the standing of the BVA.

At least one of the joint consultative bodies in Britain, the Committee for the Reform of Animal Experimentation (CRAE), acknowledged this fact and, in a series of meetings with the Animal Experimentation Sub-Committee of the BVA's Animal Welfare Committee and representatives of the Fund for the Replacement of Animals in Medical Experiments (FRAME), produced a modified statement on animal experimentation that was based on the BVA's original policy statement but considerably strengthened, particularly on the issue of pain. This joint statement, 'Animal

Experimentation in the UK', approved by the respective councils of the BVA, CRAE and FRAME, was submitted to the British Home Secretary in March 1983.

Unfortunately, the animal welfare societies in Britain did not give their backing to the proposals, since in their view these did not go far enough in recommending the phasing out of certain experiments or imposing a total ban on pain.

In May 1983 the British Government published its intentions for new legislation in a White Paper, *Scientific Procedures on Living Animals*. While accepting some of the BVA/CRAE/FRAME proposals, the Government did not accept the limitations on pain which had formed the basis of the joint proposals. Indeed, the White Paper made it clear that procedures causing severe pain would continue to be permitted for virtually any purpose and that only when animals were found to be suffering *severe and enduring pain* must the procedure be terminated, which is exactly the wording of the pain clause imposed upon licensees under the 1876 Act.

The BVA/CRAE/FRAME view, on the other hand, was that there should be almost a complete restriction on pain for all general procedures, with permitted exemptions in special circumstances:

If a procedure is likely to cause pain, suffering or distress of more than momentary duration or trivial intensity, which cannot be alleviated, prior authorization by the Secretary of State should be obtained. *Such authorization should only be given when the procedure is judged to be of exceptional importance in meeting the essential needs of man or animals.*

This proposal would not have prevented all painful experiments, but it would have ensured that the applicant for a project licence would have to show the Home Secretary that the proposed work was of exceptional importance in meeting the essential needs of man or animal, and the Home Secretary in turn would have to justify to Parliament, when required to do so, his decision to license a particular project.

Another joint consultative body formed during Animal Welfare Year is the Farm Animal Welfare Co-ordinating Executive (FAWCE).

This represents the majority of the societies concerned with the welfare of farm animals in Britain, as well as a number of independent experts. It is another example of an effective vehicle for continuous lobbying by means of comment on planned revisions in legislation, statutory instruments and orders concerned with the welfare and protection of animals farmed for food through the Government's Farm Animal Welfare Council (FAWC).

The work of CRAE, FAWCE and other similar organizations abroad cannot be overstressed. Campaigns such as 'Putting Animals into Politics' in 1978-79 and again in 1982-83 have an immediate but short-lived impact upon political thinking at a time when politicians are prepared to listen to almost any voice, whereas the work of joint consultative bodies continues throughout the life of a Parliament. The submission of memoranda, meetings with Ministers and, equally important, meetings with senior civil servants ensure that the Government of the day is not allowed to forget the animal lobby.

In mentioning the 1982-83 campaign organized by the General Election Co-ordinating Committee for Animal Protection, which was run on lines somewhat similar to those of the earlier campaign, it is also necessary to mention an offshoot of that committee - the Animal Protection Alliance (APA). The APA was formed by a group of the more radical societies in Britain and attempted to mobilize the animal vote by asking animal welfare-minded voters to put their name on a register of those who would be prepared to change their voting allegiance to the political party offering the best deal for animals in its manifesto. The organizers had

hoped for as many as 3 million names on the register, but partly because of the calling of the general election earlier than had been expected and partly, perhaps, because of overoptimism, the number on the register was only just over half a million - a very substantial number nevertheless. It should be noted that whereas the other campaigns had been strictly non-party political (all political parties were urged to include animal welfare and protection issues in their manifestos), the APA campaign was party political in the sense that those on the register were to be advised to vote for the party with the strongest animal commitment.

The animal welfare movement in Britain was the first in the world to involve itself directly in the political arena rather than opting for occasional involvement with a particular piece of legislation relating to animals. The main platform of the 1978-79 campaign was the establishment by the Government of a Standing Council on Animal Welfare and the acceptance by political parties that animal welfare was the proper concern of Government and should not be left, as in the past, to Private Members.

Unfortunately, although some progress has resulted from joint action, there are now signs that certain societies are returning to ploughing their own lonely furrow. The reasons are not far to seek, since where members are concerned it is easier to campaign on an 'all or nothing' ticket than to join forces and follow the more difficult path of gentle persuasion and compromise.

To many the word 'compromise' leaves a nasty taste in the mouth. However, Bernard Rollin, in his book *Animal Rights and Human Morality*, suggests that we all have to face up to this 'harsh landscape of reality' sooner or later:

To some, our willingness to deviate from the ideal we have set up in the face of what is practically possible may appear as hypocrisy, as 'selling out', as prostitution of one's ideals. But in the final analysis, the question that must always loom before us is this: Are the animals any better off in virtue of our efforts?

Political action will always be concerned with practical possibilities. Animal welfarists must come to terms with this fact. We do animals a disservice when we place our sacred principles regarding rights above achieving some progress in alleviating their suffering. As Lord Houghton has said in discussing the present position, which entails all the problems and dilemmas that have faced other reformers throughout history: 'those who refuse to erect the milestones are not on the march.'