

July 2011



Policy research to
advance animal protection

‘Animals and Public Policy’

*CASJ launch seminar explores the fundamental obstacles
to a compassionate society*

The CASJ, a new think tank for animals and social justice, was launched with an ‘excellent’ and ‘thought-provoking’ seminar on the subject of ‘Animals and Public Policy’ at the London School of Economics and Political Science on 30 June 2011. With the help of leading academic experts and animal protection groups, the seminar explored the fundamental social and political obstacles that frustrate the aspiration for a cruelty-free society.

Judging from our experience of the day and the feedback from participants, the format of the seminar facilitated an inspirational event that stimulated very interesting and wide-ranging discussions. Following an introduction to the day by Kim Stallwood the first three sessions involved the presentation of a paper followed by a response from an eminent discussant and audience questions. The final hour saw a panel discussion on ‘The Political Future for Animals’ and the CASJ’s intended research and policy activities.



Animal Ethics and Public Policy

Professor Rob Garner of the University of Leicester and the CASJ (pictured above) presented the first paper on 'Animal Ethics and Public Policy'. The CASJ's main strategic aim is to embed animal protection as a core goal of public policy, and Rob's paper focussed on the problem of translating ethical ideals into political action. He began with a critical observation regarding the historic neglect of animals in political science. This is ethically unacceptable because their susceptibility to harm at the hands of humans means they deserve moral standing. Hence our relations with other animals ought to be a question of social justice rather than a matter of personal taste or preference.

But the kind of ethical principles we seek to enshrine politically must take into account what is achievable as well as morally acceptable. Rob examined a number of possible ethical positions, starting with the 'indirect duty model' which justifies respect for animals on the basis of its positive impact on human wellbeing. However, one serious problem with this approach is that it is likely that human society will often judge that its self-interest lies in practices harmful to animals, for example factory farming due to its perceived contribution to the production of cheap and plentiful food.

In the 'animal welfare' model of public policy, humans can harm animals but only when there is a strong expectation that substantial benefits will accrue to them as a result. The way we treat animals ceases to be a matter of moral preference and individual conscience and becomes an issue of justice, but because animals are regarded as morally inferior to humans, then we are entitled to inflict suffering on them provided that this suffering is necessary. However, despite some apparent political advantages, Rob argued that the animal welfare ethic is deeply flawed because it does not take into account the interests in not suffering that are as morally significant for many species of animals as they are for humans. It is therefore morally abhorrent that the interests of animals in not suffering can be traded off to benefit human interests.

Rob proposed that, on balance, the best approach is a version of animal rights that focuses on their right not to suffer rather than a right not be used by humans in any way. Pursuing animals' right not to suffer has greater resonance with society's moral aspirations and would achieve the vast majority of the goals of the more utopian ideal of liberating animals from any use.

In his response, Dr Richard Ryder (pictured below) from the RSPCA agreed that 'pain' in its broadest sense should be the focus of an animal protection political strategy which, as Professor Michael Balls (FRAME) pointed out from the audience, must take account of power and other pragmatic considerations in order to achieve any progress.





Animals, Academic Research and Public Policy

Next up was Dr Dan Lyons (pictured above), the CASJ's first Chief Executive and an honorary research fellow at the University of Sheffield. His paper identified obstacles and opportunities to achieving justice for animals. One of the strengths of the animal protection case is that it is logical and firmly within the mainstream tradition of ethical thought – a situation even acknowledged by relatively objective opponents of animal protection. However, the failure to translate animal ethics into political reality highlights the fact that intelligent people, policy-makers and society as a whole are not easily persuaded to change their attitudes and behaviour by rational moral reasoning alone.

So we need to understand the limitations to reason's impact, in order to start overcoming them. And in order to explain human behaviour and public policy as it affects animals we need to research the wider social and political terrain and how individuals interact with that terrain. This neglected yet essential field of research is, therefore, another key area of work for the CASJ.

Using a political science method called 'policy network analysis', Dan presented the infamous Imutran xenotransplantation research programme as a case study of the political obstacles to animal protection. Imutran researchers and Home Office inspectors cooperated to evade regulations by underestimating animal suffering while exaggerating the potential benefits of the research. When scientific goals conflicted with the aim of reducing animal suffering, scientific goals prevailed. Consequently, animal suffering exceeded regulatory limits, with minimal benefits that failed to achieve the objectives that had formed the legal justification for the authorisation of the project.

Dan explained how the lessons drawn from this groundbreaking research are informing the CASJ's research agenda. To achieve an ethical and democratic animal protection policy, the following major changes in our political system are probably vital:

- institutional representation in Government
- fundamental legal and political protections
- a Government strategy and targets to improve animal protection

We were very pleased that Professor Wyn Grant (pictured below) of the University of Warwick accepted our invitation to be Dan's discussant. Wyn is not only one of the UK's leading political scientists, but also has direct policy experience and expertise relevant to animal protection. He warmly welcomed the creation of the CASJ as a vital new bridge between academics and policy-makers and recounted some partial success with a research project intended to inform environmental policy. At the same time, Wyn described some of the difficulties with affecting policy due not only to the indigestibility of some academic work, but also unreflective civil servants and the Government's 'Green Book' which is a departmental policy-making manual issued by the Treasury and, not surprisingly, gives little or no weight to animal welfare considerations. However, mobilising public opinion can sometimes help shift entrenched policy approaches.





Trends in Animal Law

After lunch, Mike Radford OBE (pictured above) of the University of Aberdeen brought his legal expertise and policy experience to bear in his talk on ‘Trends in Animal Law’ that was both entertaining and eye-opening. He applauded the prominence of ‘social justice’ in the work of the CASJ because it recognises that many animals affected by human actions are directly part of our society. Furthermore, it emphasises the social and political nature of law, both in terms of its evolution and how it operates today.

Mike described how the first British animal welfare legislation in 1822 marked one of the major turning points in European thought: it established the principle that the state and society have a direct obligation to intervene to protect animals so that they are not entirely at the mercy of their owners, as had been the case previously. Indeed, laws are absolutely essential as manifestations of the incorporation of animals into the realm of social justice.

Mike offered a number of fascinating insights into the current legal and political situation faced by animals, and the background to the policy fiasco surrounding wild animals in circuses was of particular interest. To sum up, the reluctance of the Government to implement the will of the people and Parliament to ban wild animals in circuses is due to a combination of factors:

1. The decision to exclude an explicit ban from the Animal Welfare Act and introduce it in secondary legislation removed the ability of Ministers to make a decision on social and ethical grounds, rather than purely ‘scientific evidence’
2. The Government, particularly DEFRA, invented a process for considering said evidence which excluded key welfare impacts for political reasons
3. The Scientific Working Group took a very narrow approach and thus dismissed most of the evidence submitted by animal welfare groups as ‘irrelevant’

Paula Sparks, (pictured below) a barrister from the Association of Lawyers for Animal Welfare (ALAW), elaborated on Mike’s presentation with a number of key insights about the current status of animal law. She noted now human rights practitioners are wary of discussing animal rights because they perceive it could undermine the credibility of human rights. Thus, even though it would be preferable to base animal law on a coherent legal and political philosophy, this wariness suggests the need to get on with improving animal protection law now rather than waiting for a rights philosophy to become established.

Paula’s background in defending victims of medical negligence provides lessons for the future of animal law. Initially, the medical profession’s power, prestige and experience far outweighed victims’ resources when it came to legal cases. Animal advocates face similar David and Goliath battles today. However, the Action for Medical Accidents organisation was founded to build capacity in expertise for claimants to achieve a more level-playing field, and this provides a useful lesson for animal protection that has inspired ALAW and their new Journal of Animal Law.



The merits of the term ‘animal rights’ were a prominent issue in the subsequent discussion. The term has become tainted to some extent though a combination of extremist action on the one hand and political opportunism by interests responsible for animal suffering. However, as the chair for the day Dr Alasdair Cochrane pointed out, animals already have some legal rights. While we need to be sensitive to prejudice and assumptions, there may be a role for the CASJ in demystifying the concept of animal rights and explaining its relationship with animal welfare.

The vital role of animal welfare science in achieving political impact was another theme to emerge from the broader conversation, emphasising once again the multi-disciplinary nature of the research and advocacy tasks to be addressed by the CASJ.

The Political Future for Animals

After some much-needed refreshments, the final hour was devoted to a panel discussion on the political future for animals, where Rob and Dan from the CASJ were joined by Joyce D’Silva from CIWF, Dr Nick Palmer from the BUAV and Professor Wyn Grant once again, which represented a great mix of academic and advocate ‘heavyweights’.

Key issues to emerge included:

- The growing role of ‘social impact’ in the assessment of academic research, which will encourage academics to engage more with animal protection advocates and the policy process in general. This indicates that the CASJ is being established at an opportune moment to build research capacity in animal protection policy studies, and will be ideally positioned to harness the potential influence of such research.
- Professor Erica Fudge of the University of Strathclyde is the new coordinator for the British Animal Studies Network, and she explained how disciplines apart from political science provide knowledge that is essential to the understanding of policy making, for example by illuminating the social terrain that forms the context for animal protection politics.
- Many contributors noted the growing role of the European Union in shaping UK animal protection laws and policies. Contrary to received wisdom, the EU can often provide opportunities to advance animal protection in the UK. Joyce D’Silva observed that the UK Government often holds up animal protection progress at EU level rather than leading the way, as its support for the marketing of meat from cloned animals illustrates.
- Both academic research and the quality of public debate suffer from almost obsessive secrecy and paranoia among individuals and companies/institutions that use animals in harmful ways. The CASJ – as a research-led think tank – has the potential to encourage greater openness and hence stimulate positive academic and social impacts.



The panel

Conclusion

The CASJ's inaugural seminar brought together an impressive array of academic experts with leading animal protection advocates representing a range of influential organisations. Experts in animal welfare science welcomed the analysis of the bigger ethical and political picture within which they work. At the same time, social scientists and organisations were sensitised to the indispensable role of animal welfare science in providing empirical data for policy research and bolstering the case for better animal protection. In fact the need for a multi-disciplinary approach was one of the outstanding messages of the day.

It was widely recognised that the CASJ – as a research centre for animals and social justice - is uniquely positioned to play an essential role in spearheading groundbreaking research and realising the promise of a more compassionate society. We would like to thank everyone who participated in an unforgettable day, and we look forward to working with you in the future.

Feedback

- 'All the presentations were excellent and thought-provoking.'
- 'Very pleased to attend today's launch and gained a lot of useful political/philosophical insight.'
- 'Thank you very much for having me along, a very interesting and thought-provoking day.'
- 'Excellent event – I hope the CASJ really takes off.'
- 'It's an excellent idea to bring so much expertise together to further animal welfare.'
- 'I believe the CASJ will play an important role in advocacy and research of animal justice.'
- 'It was an excellent event, I look forward to future activities.'
- 'V interesting discussion and very keen to remain in contact and complement work.'