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'Brexit' and Animals: The Animal Law legacy of the United Kingdom

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The perplexity of the British following the decision to no longer remain part of the EU – that which has become known as [“Brexit”](#) - is comparable to that which is felt by we who dedicate ourselves to Animal Law.

The United Kingdom (UK) has stood out for centuries by providing protection for animals within a legal framework. Indeed, the contribution by the British to animal ethics and toward the understanding of animal behaviours by society cannot be overlooked. There are many reasons that, taken one by one, can affirm that animals and those that defend animals would be orphans without Britain in the European Union.

The first animal protection law was enacted in Great Britain in 1822. The Parliament passed the Richard Martin Act to Prevent the Cruel and Improper Treatment of Cattle. In 1911, almost a century later, it enacted the Animal Protection Act, which remained in force, and mostly intact, for decades, until it was substituted for the [Animal Welfare Act in 2006](#), which imposed a duty of care on animal owners toward their companion animals for the first time.

The novelty of this legal formula comes from the fact that the owners of companion animals are not only obliged by law to satisfy the basic needs of their companion animals, such as providing water and nourishment, but that the law also imposes the obligation of veterinary attention and ensures that animals are kept in an adequate environment that meets their needs, which in the 1911 Law was only required for farm animals.

Considering that many of these laws are accompanied by Codes of Practice, we see that the effectiveness of these and other laws revolves around the fact that the Codes of Practice ensure that the legal regulations can be understood by the public at which they are aimed. It is a practical guide for better application of the law, and to make it comprehensible for those to which it is linked. It is especially important for the topic of animals, as it sets out the responsibility that must be taken, for example, in the animal's need for veterinary attention throughout its whole life. While the violation of the Codes of Practice does not mean that a person is responsible by virtue of the relative law, their violation can, however, be invoked for establishing responsibility in a case where animal mistreatment has, for example, resulted from the causing of unnecessary pain and suffering.[1]

Legally speaking, it is to the United Kingdom that the EU owes; the creation of the term Animal Welfare, its manner of application through the so-called Five Freedoms and, in recent decades, the use of the term “sentient beings” [2] as a standard of treating animals, recognising their capability for not only experiencing physical pain, but for suffering, as well as for pleasure and for joy. Essentially, the last 40 years of EU

legislation regarding animals (farms, experimentation, transport, shows)[3] would not be the same without the decisive intervention and creativity of the United Kingdom.

On the United Kingdom Government website one can find the standards of treatment that must be met by those responsible (it does not use the term *owners!*) for farming operations, clearly set out on the basis that [“if you’re responsible for a farm animal you must make sure that you care for it properly”](#). It is not just a polite statement, but the result of years of animal welfare culture, of rigorous study and of revelation. It is not in vain that the two main political parties of the United Kingdom undertake and publish the regulations they consider to be necessary for Animal Welfare in their campaigns; the Conservatives under the slogan [“Animals have Friends”](#), and the [Labour Party with “Six things you need to know about Labour’s plans to protect animals”](#).

Essentially, the United Kingdom has played a crucial role in the creation of the current standards that govern Animal Welfare in Europe. In the 60s, the publication of Ruth Harrison’s book *Animal Machines*[4] had an immediate impact on society by warning of the precarious living conditions of farmed animal in intensive systems.

The book was a wake-up call and the social response it generated led to the English Government ordering the establishment of a Scientific Commission that was to produce a technical report on the living conditions of farmed animals. As a result, it published a report in 1965 presented by Professor Roger Brambell,[5] known as the “Brambell Report”, which set out Animal Welfare through five requirements that ensured not only the physical integrity of animals, but the mental aspect, as well as respect for their unique characteristics, their ways of life, and behaviour according to their animal natures. From this date onwards, it can be said that the treatment of animals and the defence of their interests and respect for their behaviour (their “culture”) has permeated the academic vision and public policy to the benefit of animals - a change that has never been looked back on.

As a result of the “Brambell Report”, the British Government created the Farm Animal Welfare Advisory Committee in 1965, which in 1979 became the [Farm Animal Welfare Committee](#), as a body responsible for the establishment and development of Animal Welfare policies, conducted through five principles that constitute Animal Welfare standards and are known as The Five Freedoms.

1. Freedom from Hunger and Thirst: by ready access to fresh water and a diet to maintain full health and vigour.
2. Freedom from Discomfort: by providing an appropriate environment including shelter and a comfortable resting area.
3. Freedom from Pain, Injury or Disease: by prevention or rapid diagnosis and treatment.
4. Freedom to Express Normal Behaviour: by providing sufficient space, proper facilities and company of the animals’ own kind.
5. Freedom from Fear and Distress: by ensuring conditions and treatment that avoid mental suffering

The uptake of these five standards of Animal Welfare is reflected in their adoption by large international organisations (the [World Association for Animal Health, OIE](#)), professional groups composed of veterinarians and academics and, of course, by

prestigious private associations such as the [Royal Society for the Prevention of Cruelty to Animals](#)[7] or [Compassion in World Farming](#),[8] which have taken the lead in animal defence even ahead of the EU institutions.

It is a genuinely passionate role that the United Kingdom has played in favour of animals all across Europe, but it is also a result of the influence of the great British thinkers that dared to challenge their anthropocentric culture that was heavily influenced in the CXVII by Cartesian philosophy (in which animals are no more than machines that react to stimuli like simple cogs), such as John Locke (1632-1704), whose 1693 work “*Some Thoughts Concerning Education*” affirmed that animals have feelings and that cruelty exercised against them is ethically reprehensible, as well as detrimental toward the teaching of children, whose moral development would then be conditioned by indifference to the suffering of those weakest and may possibly lead them to commit cruelty in the future; something that had certainly already been noted by Ovidio in the S I d.C.: *Saevitia in bruta est tirocinium crudelitatis in homines*[9].

We also owe the mention of Jeremy Bentham (1748-1832),[10] another great British philosopher, for irreversibly calling into question the consideration of animals as inferior, over which human beings should be able to dominate and use without limit, for having reasoning and the capacity to speak (the Aristotelian qualities of human superiority). The view of Bentham essentially revolved around the animal’s capacity to “feel”, which they do as we do and, for this reason, deserve to at least be treated with dignity and compassion.

From these examples, all the way to the Cambridge Declaration,[11] where British science declared animals to be sentient beings, we continue to admire the contribution of the United Kingdom toward a better and fairer world for all animals.

The first book that I read in English during an English Language and Literature course at Jesus College, Cambridge, was “Animal Farm”, by George Orwell – an author that I admire and have returned to many times. Through the characters - the farm animals that speak and rebel against the humans - that first reading alerted me to tyranny, the single-mindedness, the incapacity for dialogue. It is a scathing satire that had a great impact on me, with the reflection of “Benjamin” the horse as valid then as it is today, as he loudly read to his comrades of the farm, the commandment conveniently adapted by “Napoleon” the pig: “All animals are equal, but some animals are more equal than others”.

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[1] WISCH, R.F., [Brief Summary of United Kingdom Animal Law, in Animal Legal & Historical Center](#)

[2] [GIMÉNEZ-CANDELA, T., Seres sintientes](#)

[3] VILLALBA, T., 40 años de Bienestar Animal. Guía de la legislación comunitaria sobre Bienestar Animal (Madrid 2016).

[4] HARRISON R., Animal Machines: The new Factory Farming Industry. Forword by Rachel Carsson (London 1964).

[5] Brambell, R., “Report of the Technical Committee to Enquire into the Welfare of Animals Kept under Intensive

Livestock Husbandry Systems”, Her Majesty's Stationery Office (London 1965).

[7] The RSPCA was established in 1924, but in 1837 Queen Victoria awarded it her patronage held by the British Monarchy. [Vid. la historia.](#)

[8] Compassion in World Farming is one of the [collaborating entities](#) of the Animal Law and Society Master, over which I manage. Its professionalism and its determination for animals complements the training of our students that it generously takes on by way of internship.

Su profesionalidad y ejemplo de entrega por los animales, son el mejor complemento de la formación de nuestros estudiantes, a los que acogen generosamente cada año en su periodo de prácticas curriculares.

[9] [CASTIGNONE, S., Saevitia in bruta est tirocinium crudelitatis in homines.](#)

[10] BENTHAM, J., Introduction to the principles of Morals and Legislation (London 1789) cap. XVII: "...The day may come, when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. The French have already discovered that the blackness of skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may come one day to be recognized, that the number of legs, the villosity of the skin, or the termination of the os sacrum, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps, the faculty for discourse?...the question is not, Can they reason? nor, Can they talk? but, Can they suffer? Why should the law refuse its protection to any sensitive being?... The time will come when humanity will extend its mantle over everything which breathes..."

[11] [The Cambridge Declaration on Consciousness, 7th July 2012](#)