

Animal Law: A question of practice or a vision of the future?

A Review of Noel Sweeney, *A Practical Approach to Animal Welfare* (2nd Edition) 5m Publishing 2017.

The modern era has seen a surge in the concern for the welfare of animals that now reaches across the globe. However, the voice of legal academics has often seemed notable by its absence. It was largely philosophers who shook the branches of the law making processes and challenged the status accorded to animals in law. However, this has changed greatly in recent times and reaches cultures as diverse China, Brazil, Australia and the United States. Legal academics are researching and asking questions in Animal Law and this academic interest extends to Europe if the increased interest generated by Animal Law conferences is anything to go by. In addition, more Animal Law courses are appearing year on year. I have previously conjectured on the reasons that law academics in the United Kingdom may have been reluctant to enter this rich area for research and writing.¹ There is so much to write and research about the legal relationship between humans and animals, and the ways in which this should develop that it remains surprising that the legal academy took so long to take part.

What runs alongside this apparent unwillingness to engage in academic discourse is the different ways in which legal academics choose to view the law. What is Animal Law? Is it a discipline and does it have an identity that we can put our hands on and say this is what an Animal Lawyer does? One of the key questions here, as well as the fact that contributing legal academics care about the welfare of animals and the laws that govern human interaction with animals, is what approach should we take to critically engaging with or applying current laws relating to animals? In addition to more traditional approach looking at legal decisions and the differences between them (a traditional approach), there is a move to analyse the law in more socio-legal terms by looking at animal law through the lens of philosophy, ethics or scientific evidence. In the light of this background, Noel Sweeney's *A Practical approach to Animal Welfare* is a contribution that has its roots firmly based in a more traditional approach through the analysis of statutes and case law and how one might expect laws to work in practice. It is not a text that exposes the ethical issues that continue to emerge in the area of Animal Law concerning the relationship of human interaction with non-human animals and how this should be reflected in law.

Noel Sweeney's basic approach in his book is to examine certain laws relating to animals in a fairly direct manner, making it accessible and understandable for readers who may not necessarily be legal practitioners. This basic idea is a good one as it is most often the case that those working at the forefront of animal welfare are not legal practitioners, although this is changing as groups such as the UK-based Association of Lawyers for Animal Welfare are beginning to attract a wider membership and exert a greater influence of the development of law and policy. The presentation is fairly standard in that there are a few diagrams and the text does feel formal and academic for a 'practical' text at times. If this book is aimed at students

¹ Brooman, S. (2017). Creatures, the Academic Lawyer and a Socio-Legal Approach: Introducing Animal Law into the Legal Education Curriculum. *Liverpool Law Review*, 38, 243-257.

or a wider audience in non-legal fields then it might have been beneficial to provided flow diagrams and such like so as to break up the presentation and make it more approachable. It is also aimed firmly at the United Kingdom market as there is practically no comparative analysis or global picture presented.

The book basically examines two UK statues, these being the Animal Welfare Act 2006 and the Dangerous Dogs Act 1991. There is a third section that deals with amendments to the Dangerous Dogs Act in the Anti-Social Behaviour, Crime and Policing Act 2014. This is explained by the author in that 'they are the two most important statutes that are being used by the authorities to prosecute people who fail to fulfil their legal duty and responsibility towards animals'.² By definition, if you are seeking guidance on the many other acts of parliament, or international law, that deal with other areas of Animal Law such as experimentation, agriculture or circuses for example, then you will have to look elsewhere. The influence of European Union legislation on animal welfare is not covered. I wonder whether the title/subtitle might make this clearer? There are so many areas untouched that potential purchasers such as students, with limited financial resources, might find themselves buying the book thinking that it would help them with a thesis on whaling or hunting for example, only to find that the book is of limited use.

However, the book does provide a good amount of detail in relation to the two acts in question. In relation to the Animal Welfare Act 2006, for example, sections on evidence for the prosecution, entry and search, sentencing, and the basic intentions of the act are useful. I could see that it will help those in the field discover the powers granted by the Act, but by the same token I could less easily imagine it helping a student to unravel whether the Act is effective for the 'critically examine' aspect of an essay, dissertation or thesis. The chapters chiefly explain how the law is applied in practical terms, what the terminology of each act means, and the main cases that help unpick how these acts are applied.

There is some background historical discussion at times, which doesn't quite match the 'practical' intentions of the text, but it comes as a welcome distraction from, occasionally, dense descriptions of how specific sections are applied. The title claims that the book is 'practical' it tends to steer away from the ethical debate in which the study of Animal Law is often immersed. By its very nature, dealing with creatures, Animal Law is subject to a huge amount of controversy, anger, frustration and debate. One only has to look at Brexit, fur-farming, clashes over hunting or the shift towards vegan diets to see that the nature and theory of Animal Law is as important as the way in which it is applied on a day to day basis. One of these approaches is favoured by this contribution, the ethical side is not. However, we do find small linking passages that elude to the development of the law or the main controversies involved, but these are never really satisfactorily covered in any depth. I was left feeling interested in knowing how these more discursive sections might have been developed, but then left feeling that that the author wanted to write something broader but was restrained by the direction of travel dictated by the title.

² At p. ix.

Overall, the strength of this book is that it is a brief, yet reasonably accessible introduction to two important areas of Animal Law. Its weakness is that it isn't particularly imaginative in presentation for its intended audience and the tone is fairly dry. For those who are not students of law it could provide the first stepping stone to understating the basic parameters of the acts in question. It is good to see that a practitioner of law has produced something attempting to be useful in practice and accessible to a wide audience. However, I was also confused as to who *A Practical Approach to Animal Welfare* is for. It could provide a reference for those seeking basic ideas about two statutes but there is too much missing to make this the core textbook for an Animal Law course, or those working in any area outside those covered by the Animal Welfare Act and Dangerous Dogs.

As viewed by this book, the Animal Law legal practitioner, student of Animal Law or animal welfare group professional is a person with a problem to solve, and limited time in which to engage in detailed research. The imagined reader is not unduly concerned with more existential discussions around adequate recognition of animal sentience in law, environmental connections or 'what if?' debates around the status of animals as property. And yet, despite it being a little narrow in scope and slightly confused in purpose, it is good to see the emergence of literature that examines Animal Law from a different perspective. In this respect Noel Sweeney's contribution can certainly play a role in the library of animal law resources in the United Kingdom, and possibly elsewhere, but less convincingly so. It will help some practitioners (and possibly students) solve specific problems in the areas covered by its scope.

Simon Brooman, Liverpool John Moores University.