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Teaching Animal Law in UK universities: the benefits, challenges and opportunities for growth

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ABSTRACT

Animal Law is an emerging field of law both in university teaching and in legal practice. However, it is still relatively unknown in UK universities with only a small percentage offering a course in the subject. Given the growing interest in environmental protection and animal welfare, it is hoped that more universities will develop modules in Animal Law. This article aims to assist in this by answering the why, how and what of Animal Law teaching in UK universities: Why teach Animal Law? How can it be taught within law programmes and what is currently happening? Animal Law is ideal for exploring the interconnectedness of law and ethics and engages students in applying philosophical theories to some of the real-life dilemmas they face. It is also an excellent subject for developing key transferable skills for law students such as critical analysis, research and mooted. The results from a small survey are presented, outlining how Animal Law is currently taught in UK universities and discussing the potential risks Animal Law modules may face due to the imminent changes in legal education. From this analysis, conclusions are drawn on the future of Animal Law teaching in the UK.

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KEYWORDS Animal Law; legal education; curricula innovation

Introduction

The teaching of Animal Law in law schools has flourished across the United States of America (USA) in the last 20 years, but it is still relatively unknown in universities in the United Kingdom (UK) with only a handful of courses available. This is perplexing given the growing interest in animal welfare and environmental issues amongst young people in the UK¹ and the numerous benefits of teaching Animal Law. Animal Law is

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¹For example, one survey found that 80% of 16–25-year-olds surveyed in the UK believe that people have failed to care for the planet and 72% felt that the future is frightening. One participant said “I don’t want to die, but I don’t want to live in a world that doesn’t care for children and animals”. Elizabeth Marks and others, “Young People’s Voices on Climate Anxiety, Government Betrayal and Moral Injury: A Global Phenomenon” (2021). Available via SSRN <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3918955> accessed 6 October 2021. Other surveys have shown that young generations, specifically Gen Z, are significantly more likely to follow a meat-free diet, with 20% already doing so, and 26% were planning to stop eating meat in 2021. For more information, please see: Finder, “How many vegetarians and vegans are in the UK?” (February 2021) <www.finder.com/uk/uk-diet-trends> accessed 6 October 2021.

ideal for exploring the interconnectedness of law and ethics and provides a platform for the application of philosophical theories to real-life dilemmas that affect the lives of students, such as the decision whether or not to eat meat. It is also an excellent subject for developing key transferable skills for law students such as critical analysis, research and mooted. Students often feel and display passion about the discipline in a way that may be absent in more traditional law subjects such as land law. This passion ignites opinions about the topics studied, for example, the use of animals in scientific procedures, but students quickly appreciate that opinions need to be evidenced by authoritative research and subjected to the rigour of critical debate thereby motivating students to develop these vital lawyering skills. Animal Law issues are also gaining more prominence in practice, for example, family law solicitors in the UK have reported growing numbers of pet custody disputes in cases of divorce.²

The aims of this article are threefold: to answer the why, how and what of Animal Law teaching in UK universities: Why teach Animal Law? How can it be taught within law programmes? What is currently happening? From this analysis, conclusions are drawn on the future of Animal Law teaching. It is important to note that the authors are all involved in the teaching and advancement of Animal Law in some way. Two authors work in universities full-time teaching Animal Law, supervising dissertations, one of whom created an Animal Law module in 2003 and the other, having studied Animal Law as a student, now teaches it and devises innovative teaching methods such as the Animal Law Policy Clinic. Two authors work for the UK Centre for Animal Law (A-Law): one of the authors is a co-founder and Chair of A-Law and teaches part-time in a university, and the other is the student officer. The authors are all engaged in working towards a better world for animals, through teaching, research and policy engagement and do not claim to be impartial in promoting Animal Law as a taught subject in law schools.

The first section of this article introduces the reader to the discipline of Animal Law with a brief overview of its history and its recent growth in legal practice. It outlines the method of a small survey, the findings of which are incorporated throughout the remaining discussion. This discussion first considers ways to teach Animal Law and what a module on a university law programme may cover. It then examines the benefits of teaching Animal Law, both in developing skills in individual students and in preparing law students for practice and considers some of the challenges. Next, there is an outline of how Animal Law can be incorporated into other modules, how it can be used to challenge a student's perspectives and innovative methods that can be employed. The final sections explore the opportunities for the future growth of the teaching of Animal Law in UK universities, drawing on the experience of other countries, particularly the USA and Australia, which provide successful precedents, and the potential risks Animal Law modules may face due to the imminent changes in legal education.

The history of Animal Law and its growth in practice in England and Wales

Although humans have used animals for thousands of years, the law for their protection is a more recent development, beginning in the 1800s and gaining

²Sophie Gallagher, "Hounds of Love: The Rise of Pet Custody Battles in Divorce Settlements" *Independent* (London, 16 January 2020) <www.independent.co.uk/life-style/who-keeps-the-dog-in-divorce-ant-mcpartlin-johnny-depp-a9286976.html> accessed 6 October 2021.

momentum in the 1900s.³ The earliest significant law protecting animals, was the “Act to prevent the cruel and improper Treatment of Cattle” enacted in England in 1822, introduced by Richard Martin MP, and known as Martin’s Act. This made it an offence to “cruelly beat, abuse or ill-treat” specified farmed animals including horses, cows and sheep although the real motivation for the legislation was to prohibit the popular English pastime of bull-baiting. It was not long after this Act came into force that the Society for the Prevention of Cruelty to Animals (becoming the RSPCA after Royal patronage in 1837) was founded, working to enforce and help create new laws relating to animal protection. The Protection of Animals Act 1911 (now replaced by the Animal Welfare Act 2006), applied the cruelty offence more broadly to other domestic and captive animals and defined cruelty in terms of the pivotal concept of “unnecessary suffering”. This concept, which is still relevant under the current law, prohibits causing domestic and captive animals “unnecessary” suffering but permits “necessary” suffering thereby making the commission of an offence dependent on the subjective question of necessity. Today there is growing awareness of the sentience of animals⁴ and animal welfare science has developed significantly. In consequence there are now numerous animal protection laws.⁵ However, the laws can be complex and contradictory with a single species being afforded different levels of protection across different settings, for example, the treatment of a rabbit at law varies dependent on whether the rabbit is a pet, used for meat, used as a test subject in scientific procedures or lives in the wild.⁶ Consequently, it is the social category bestowed upon the rabbit that determines its treatment under the law. Satz argues that animal laws are a product of “interest-convergence”, the phenomenon of a privileged group (humans) only allowing legal protections to a disadvantaged group (non-human animals) when it benefits the interests of the privileged.⁷ When human and animal interests conflict, as they often do, for example, in the context of farming, entertainment and scientific procedures, the legal protections for animals are diminished or removed to permit use of animals by humans.

Recent years have seen the emergence of specialist Animal Law practitioners in England. Advocates for Animals, a specialist law firm based in London, was launched in 2019 and covers a wide variety of Animal Law issues.⁸ In 2020, an Animal Rights Team was founded at Goldsmith Chambers⁹ in London and works for NGOs and individuals on specialist Animal Law cases. There are also firms that specialise in discrete areas such as dog or equine law, as well as a myriad of

³Simon Brooman and Debbie Legge, *Law Relating to Animals* (Cavendish Publishing Limited 1997).

⁴For example, Article 13 of the Treaty on the Functioning of the European Union and the Animal Welfare (Sentience) Act 2022 in England.

⁵For example, the Animal Welfare Act 2006, the Animal (Scientific Procedures) Act 1986, the Zoo Licensing Act 1981 and the Animal Welfare (Service Animals) Act 2019.

⁶For example, Debbie Legge and Simon Brooman, “Reflecting on 25 Years of Teaching Animal Law: Is It Time for an International Crime of Animal Ecocide?” (2020) 41 *Liverpool Law Review* 201; Sarah Wolfensohn, “Too Cute to Kill? The Need for Objective Measurements of Quality of Life” (2020) 10 (6) *Animals*, Article 1054, 4–5; Margo DeMello, *Animals and Society: An Introduction to Human-Animal Studies* (Columbia University Press 2012).

⁷Ani Satz, “Animals as Vulnerable Subjects: Beyond Interest-Convergence, Hierarchy, and Property” (2009) 16 *Animal Law* 65.

⁸For more information, please see <<https://advocates-for-animals.com/about>> accessed 31 October 2022.

⁹For more information, please see <www.goldsmithchambers.com/practice-areas/animal-rights/#:~:text=The%20Animal%20Rights%20Team%20at,animal%20protection%20groups%20and%20individuals>.

criminal practices with a focus on the prosecution of animal cruelty offences, either for the RSPCA or for other private prosecutors or state agencies.¹⁰ Allied to environmental law practices, there are firms, such as London-based Leigh Day, who have brought a number of wildlife protection challenges on behalf of their client, Wild Justice. Though Animal Law firms and teams are not currently widespread, there is a rise in opportunities for law graduates to practise or work in Animal Law demonstrating the need for specialist practitioners in the field. While the role of law schools is varied, it is arguable that one aspect of the role is to respond to changes in the profession and be flexible enough to develop new modules in emerging areas of practice. In any event there are benefits of learning Animal Law whether or not a student goes into practice. The next section of this article outlines the method adopted to gain a snapshot of Animal Law teaching in the UK. The results of the survey are incorporated throughout the rest of the discussion in this article.

A survey to ascertain what is currently happening in Animal Law teaching

To advance the current literature exploring Animal Law teaching in UK universities, a survey was created and distributed to those teaching Animal Law. This survey builds on Brooman's research¹¹ by exploring *how* Animal Law is taught. The purpose is to collate quantifiable data on how Animal Law is positioned within a degree, the content of Animal Law modules and the impact of the Legal Education and Training Review (LETR)/Solicitors Qualifying Examination (SQE). The authors are not aware of any similar studies exploring the content and composition of Animal Law modules within UK universities.

Method

The survey contained two parts. The first part was open to anyone teaching Animal Law from any discipline within the UK, focusing on how the module operated and what was taught. The second part was for those in law schools only, focusing on the potential impact of the LETR and SQE on their module. The survey mainly contained quantitative questions but allowed for further explanation through qualitative boxes at the end of relevant questions. The survey was granted ethical approval by Northumbria University on 17 February 2021, created using Online Surveys and was open from 3 March 2021 to 30 April 2021.

The sample was sourced through the A-Law database of Animal Law teachers. An email was sent with a link to the survey to everyone on the distribution list. In recognition of the fact that there may be Animal Law teachers unknown to A-Law, the survey was also distributed through its Twitter account. Using an online survey was the most beneficial method for this study, as it gave easy access to a unique group of respondents and saved time in collecting data.¹² The survey was sent to a total of 32 potential respondents on the A-Law Animal Law academic interests distribution list,

¹⁰For example, Stephenson's Solicitors defend in animal cruelty cases and Cooper & Co Solicitors have a dog law department for both criminal and civil cases.

¹¹Simon Brooman, "Creatures, the Academic Lawyer and a Socio-Legal Approach: Introducing Animal Law into the Legal Education Curriculum" (2017) 38 *Liverpool Law Review* 243.

¹²Kevin B Wright, "Researching Internet-Based Populations: Advantages and Disadvantages of Online Survey Research, Online Questionnaire Authoring Software Packages, and Web Survey Services" (2005) 10(3) *Journal of Computer-Mediated Communication*. <https://doi.org/10.1111/j.1083-6101.2005.tb00259.x>

Table 1. Universities in the UK teaching Animal Law modules (both in law schools and in other departments).

Department providing the module and whether undergraduate or postgraduate level	Name of university	Name of module
Law schools		
Undergraduate level: Module on LLB programme		
1	University of Aberdeen	Animal Welfare Law
2	University of Cambridge	Animal Rights Law
3	University of East Anglia	Animal Welfare Law
4	University of Essex	Animal Protection and Wildlife Law
5	University of Central Lancashire	Wildlife Law; Animal Law and Ethics
6	University of Lincoln	Animal Law and Ethics
7	Liverpool John Moores University	Animal Welfare and the Law
8	University of Northumbria	Animal Law
9	Queen Mary University, London	Animal Law and Welfare
10	Swansea University	Nature Conservation Law
Postgraduate level: Module on LLM programme		
1	Queen Mary University, London	Animal Law and Welfare
Other (non-law) departments offering modules in Animal Law		
Undergraduate level		
1	University of Winchester	Animal Welfare Law and Policy (a module on its BA (Hons) Animal Welfare and Society)
2	St Catherine's College, Cambridge	Animal Welfare Science, Ethics and Law
Postgraduate level		
1	University of Edinburgh (Royal School of Veterinary Studies)	International Animal Welfare, Ethics and Law. MSc, PGDip, PGCert, PPD
2	University of Glasgow	Animal Welfare Science, Ethics and Law. MSc
3	Middlesex University, London	Environmental Law and Justice. MA

using purposive sampling. Though small sample sizes are more common in qualitative research, it was justified to use a small sample in this quantitative study, due to the small pool of respondents (Table 2 below shows there are 16 Animal Law modules across the country).¹³ Potential respondents were asked to confirm whether they currently teach Animal Law, to avoid duplications with previous Animal Law teachers and to gain an oversight of Animal Law modules at this time. This has had an impact on the number of respondents, which will be further discussed below. A total of seven respondents completed the survey, which represents a 47% response rate in terms of known Animal Law modules and 21% of the distribution list. Some potential respondents, however, replied by email to explain why they could not fill in the survey. Twenty-two academics on A-Law's distribution list responded to the survey email and said they are not currently teaching Animal Law, with some explanations that they teach very small

¹³Ilker Etikan, Sulaiman Abubakar Musa and Rukayya Sunusi Alkassim, "Comparison of Convenience Sampling and Purposive Sampling" (2015) 5 American Journal of Theoretical and Applied Statistics 1.

Table 2. Number of respondents and whether law or non-law schools.

	Law school	Non-law school
Number of respondents	6	1
	England	Scotland
Number of respondents	5	2

amounts on other modules, or that they were currently revalidating programmes that will include Animal Law in the future.

The sample of those who completed the survey is presented below in Table 2 (number of respondents).

There were insufficient respondents to make comparisons between jurisdictions and kinds of universities. Thus, the data presented does not make claims as to any correlation between the characteristics of the respondents. Statistical analysis was used to analyse the data. As there were no personal views gathered and very little qualitative data was provided, there was no deeper content or thematic analysis of the qualitative data.

As stated in the introduction, the authors are not claiming to be impartial during this research process. During the writing and design of the survey, the authors were very much insiders of the Animal Law world and heavily involved in the teaching and research of it. However, it is recognised that no research is completely unbiased.¹⁴ Research is shaped by interests and the circumstances in which the research is conducted.¹⁵ Therefore, the authors' passion for the field of Animal Law is stated at the outset to make transparent positionality and reflexivity.¹⁶

The remainder of this article will explore the different approaches to teaching Animal Law, the benefits and challenges of teaching it, as well as the potential impact of the SQE on Animal Law modules. The results from the survey will be incorporated into these sections, to provide the snapshot of Animal Law modules in the UK.

Different approaches to teaching Animal Law

Sankoff divides Animal Law courses into two categories: those that teach students the major laws affecting animals and those that focus less on black letter law analysis and more on the broader jurisprudential themes relating to the law.¹⁷ The problem with adopting a pure doctrinal approach is the lack of reported case law in Animal Law especially in the appeal courts which consequently limits its scope.¹⁸ A pure jurisprudential approach explores the moral and ethical treatment of animals and how the

¹⁴Donna Haraway, "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective" (1988) 14 *Feminist Studies* 575.

¹⁵Sandra Corlett and Sharon Mavin, "Reflexivity and Researcher Positionality" in Catherine Cassell, Ann L Cunliffe and Gina Grandy (eds), *The SAGE Handbook of Qualitative Business and Management Research Methods* (SAGE 2017).

¹⁶Acknowledging positionality and being reflexive is an important part of research, at each stage of the process, to understand that you approach your data from a certain position: Jessica Soedirgo and Aarie Glas, "Toward Active Reflexivity: Positionality and Practice in the Production of Knowledge" (2020) 53 *PS: Political Science & Politics* 527; Virginia Braun, Victoria Clarke and Nikki Hayfield, "A Starting Point for Your Journey, Not a Map": Nikki Hayfield in Conversation with Virginia Braun and Victoria Clarke about Thematic Analysis" (2022) 19 *Qualitative Research in Psychology* 424.

¹⁷Peter Sankoff, "Charting the Growth of Animal Law in Education" (2008) 4 *J Animal L* 105, 138.

¹⁸Darren Calley, "Developing a Common Law of Animal Welfare: Offences against Animals and Offences against Persons Compared" (2011) 55 *Crime, Law and Social Change* 421.

philosophical positions challenge this treatment but lacks an in-depth analysis of the relevant animal protection laws. This dichotomy of approach represents two extremes, but it is possible to incorporate both, for example, one of the authors has been teaching Animal Law for 18 years and her module is offered as a second-year option within the “theory” stream of the undergraduate law programme. The module explores the main theories in the field, such as utilitarianism, rights theory and social contract theory by reference to theorists such as Singer, Regan, Francione, Wise and Cupp¹⁹ but also includes black letter law analysis of statutes and case law, for example, the Animal Welfare Act 2006 and animal cruelty cases such as *Gray v RSPCA*.²⁰ The authors think that Animal Law is best taught as a socio-legal subject. Assessing the adequacy of animal protection laws necessarily requires consideration of the ethics of how we treat animals in society. For example, to address the question of whether the law²¹ adequately protects farmed pigs, the findings of research on pig cognition and the social and behavioural characteristics of pigs are needed. Sow stalls were banned²² once behavioural science research on sows demonstrated their suffering and it was deemed to be unnecessary. Ultimately whether the law is deemed fit for purpose depends on whether pigs are seen as sentient beings with individual preferences and desires or as farm products. Law and ethics are inextricably linked in Animal Law and therefore teaching the subject benefits from a socio-legal approach. It also benefits from a multidisciplinary approach as students may need to explore aspects of history, science, animal behaviour, sociology or economics to fully grasp a particular issue in Animal Law, thereby exposing them to other disciplines and showing the value of teaching law within its wider societal context and not in isolation. A good example of this is the teaching of laws relating to intensive farming practices and linking this to sustainability, loss of biodiversity in environmental degradation and climate change.²³ Animal welfare has an impact on human welfare, and it is difficult to teach Animal Law in a way which is isolated from the science and societal needs and values which inform it.

Two important questions underpin the design of the syllabus in this way: first, how should animals be treated in society? And secondly, is our current law for protecting animals fit for its purpose? This approach adopts a legal perspective, alongside a philosophical one, exploring moral and social concerns arising from the human use of animals. Our results demonstrated a similar trend in the teaching of Animal Law (see Figure 1).

A key finding from the survey is that all the respondents reported teaching animal ethics and philosophy and animal rights, supporting the authors’ view that Animal Law is best taught using a socio-legal approach. The findings show there are core topics taught by almost all the respondents, for example, the law surrounding farmed animal

¹⁹Peter Singer, *Animal Liberation* (Random House 1995); Tom Regan, *The Case for Animal Rights* (University of California Press 1983); Gary Francione, *Animals, Property and the Law* (Temple University Press 1995); Steven Wise, *Drawing the Line: Science and the Case for Animal Rights* (Basic Books 2003); Richard L Cupp Jr, “Children, Chimps and Rights: Arguments from the Marginal Cases” (2013) 45 *Ariz St LJ* 1.

²⁰*R (on the application of Gray and another) v Aylesbury Crown Court* [2013] EWHC 500 (Admin), [2014] 1 *WLR* 818.

²¹The Welfare of Farmed Animals (England) Regulations 2007, SI 2007/2078.

²²Pigs Directive: Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs [2009] OJ L47/5.

²³Henning Steinfeld and others, *Livestock’s Long Shadow: Environmental Issues and Options* (Food & Agriculture Org 2006); Leo Horrigan, Robert Lawrence and Polly Walker, “How Sustainable Agriculture Can Address the Environmental and Human Harms of Industrial Agriculture” (2002) 110 *Environmental Health Perspectives* 445.

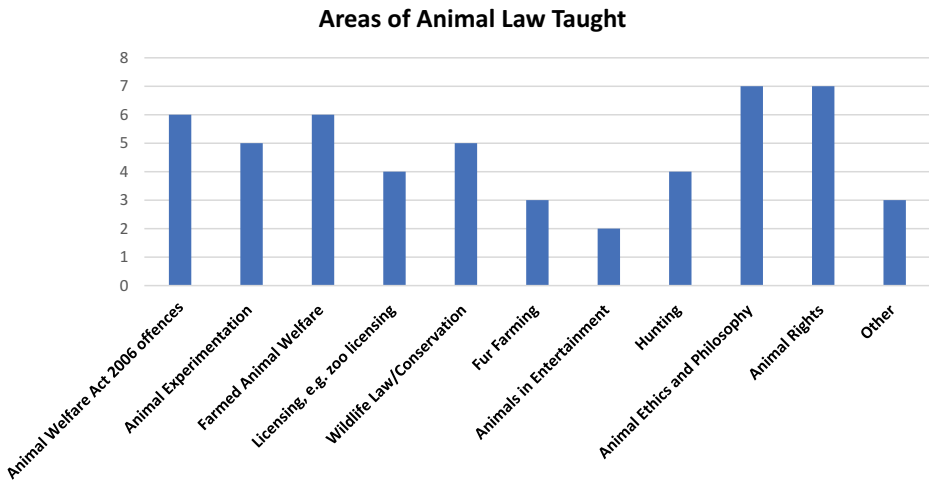


Figure 1. Areas on Animal Law taught on modules.

welfare and Animal Welfare Act offences. However, alongside these core topics there is scope for variety and for teachers to tailor the syllabus to their own interests²⁴ or the interests of a particular student cohort. One respondent stated that they often change the areas they teach year to year, and have included topics such as dangerous dogs, breeding and supply of dogs, religious slaughter and food labelling. Other areas identified by respondents were international laws relating to trade (the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)), the protection and culling of badgers, pet custody disputes and the impacts of Brexit, illustrating the breadth of possible areas to teach within Animal Law and the opportunity for teachers to update and adapt their module to the current issues affecting society. The findings show that all the respondents amalgamate Sankoff's dichotomy of approaches to teaching Animal Law (black letter law analysis and broader jurisprudential themes)²⁵ thereby teaching aspects of animal ethics, philosophy and rights, alongside a variety of areas of black letter law. Thus, the argument for taking a legal perspective alongside an ideological one advocated by the authors, and others,²⁶ appears to be supported by the evidence in this survey. The benefits of teaching Animal Law in this way are explored in the next section.

Why teach Animal Law? The benefits and challenges

Animal Law commonly refers to the body of law and ethics that affects the interests of non-human animals. It includes, but is not limited to, laws prohibiting unnecessary suffering to animals and laws to address the welfare needs of animals. However, as stated above, Animal Law as a discipline goes beyond black letter law analysis of animal welfare and anti-cruelty

²⁴Simon Brooman, "Creatures, the Academic Lawyer and a Socio-Legal Approach: Introducing Animal Law into the Legal Education Curriculum" (2017) 38 *Liverpool Law Review* 243.

²⁵Peter Sankoff, "Charting the Growth of Animal Law in Education" (2008) 4 *J Animal L* 105, 138.

²⁶Diane M Sullivan and Holly Vietzke and Michael L Coyne, "Animal Rights Advocacy Programs: Champions for Animal Rights" (2009) 3 *J Animal L & Ethics* 173.

legislation and allows for considering the interests of animals in a socio-legal context. Animal Law, thus, can “contribute to the broader educational goal of self-understanding on the part of the students about their own ethical belief systems”.²⁷ This is a key benefit of teaching Animal Law because the nature of the subject means that law and ethics are inextricably intertwined. Assessing the adequacy of a law to protect animals necessitates ethical considerations about how we use animals in our society underpinned by the application of relevant philosophical theories. Therefore, most Animal Law courses require students to read leading philosophers in the field, such as Peter Singer’s utilitarian theory,²⁸ and Tom Regan’s rights theory.²⁹ White emphasises the socio-legal context of teaching Animal Law in Australian universities, “that places the law in the context of broader social, cultural and especially ethical considerations, addressing issues of theory and adopting an interdisciplinary approach”.³⁰ Animal Law teachers, therefore, can explore cultural issues, such as exemptions in hunting laws for indigenous tribes or why some countries allow for kinds of animal suffering that people in the UK may find unacceptable. The classroom becomes a safe space for discussing complex, sometimes controversial, ideas about how animals in the world should be treated,³¹ for example, the religious slaughter of animals.³² Kerr observed these complexities when teaching Animal Law in China, and explored how a student’s culture can influence their attitudes and the questions they ask, for example, why is it acceptable for an American to eat an intelligent and social pig, but not acceptable for a Chinese person to eat a dog?³³ An appreciation of cultural diversity and how this can affect animal welfare law provides law students with a valuable opportunity to engage with differing legal and moral arguments within an international context.³⁴

Incorporating Animal Law into other modules

Animal Law is becoming increasingly ubiquitous, having relevance in a number of core legal subjects as the following examples illustrate:

- Criminal Law – for example, the breach of animal cruelty and welfare laws, particularly under the Animal Welfare Act 2006 in England and Wales. Other areas include dangerous dogs, criminal damage to property, and pets used as a form of coercive and controlling behaviour within the context of domestic abuse.³⁵
- Tort Law – for example, cases involving damages for injury or death of companion animals.

²⁷Steven White, “Animal Law in Australian Universities: Towards 2015” (2012) 7 *Austl Animal Protection LJ* 70, 74.

²⁸Peter Singer, *Animal Liberation* (Random House 1995).

²⁹Tom Regan, *The Case for Animal Rights* (University of California Press 1983).

³⁰Steven White, “Animal Law in Australian Universities: Towards 2015” (2012) 7 *Austl Animal Protection LJ* 70, 76.

³¹Bruce A Wagman, “Growing up with Animal Law: From Courtrooms to Casebooks” (2010) 60 *J Legal Educ* 193, 198–99.

³²Deborah Rook and Anna Stephenson, “Weighing the Necessity of Animal Suffering in Religious Slaughter: Religious Freedom versus Consumer Choice and Animal Welfare” [2012] *Journal of Animal Welfare Law* 16.

³³Andrew Jensen Kerr, “Pedagogy in Translation: Teaching Animal Law in China” (2014) 1 *Asian Journal of Legal Education* 33, 39.

³⁴Megan A Senatori and Pamela D Frasch, “The Future of Animal Law: Moving beyond Preaching to the Choir” (2010) 60 *J Legal Educ* 209, 236 – Senatori and Frasch argue that the “diversity of viewpoint is critical to the overall development of animal law as a field of study and scholarship”.

³⁵For example, CM Tiplady, DB Walsh and CJC Phillips, “Intimate Partner Violence and Companion Animal Welfare” (2012) 90 *Australian Veterinary Journal* 48; Amy J Fitzgerald and others, “Domestic Violence and Animal Abuse” in John Devaney and others (eds), *The Routledge International Handbook of Domestic Violence and Abuse* (Routledge 2021).

- Public and Administrative Law – for example, challenging decisions of government and public bodies involved in the regulation and administration of animal activities.³⁶
- Family Law – for example, many people now view their companion animal as a family member³⁷ and this is leading to an increase in divorcing and separating couples seeking legal advice on pet custody disputes.³⁸
- Contract Law – for example, disputes arising from the buying and selling of animals as pets or livestock or the provision of services such as dog walking or pet sitting.
- Housing Law – for example, the use and breach of “no pets” covenants in residential tenancy agreements.³⁹
- Trusts (wills and estates) – for example, the creation of pet trusts on the death of a pet owner.
- Land Law – for example, the issues with “possession” of a wild animal on another’s land,⁴⁰ usually arising in cases of hunting and fishing.

These examples illustrate the breadth of legal disciplines that are relevant to animals in society. Frasch and Tischler highlight how the “use and exploitation of animals is pervasive in all societies, and touches on legal issues in all realms of the law”.⁴¹ The large number of companion animals in UK households is the reason why Animal Law pervades many of these core legal subjects. The number of pet owners has risen in recent years, with 10.2 million dogs in the UK and 27% of adults owning a dog in 2022 and 11.1 million cats and 24% of adults owning a cat.⁴² A good example of pet ownership affecting core legal subjects is the creation of pet trusts on the death of a pet owner, which is one of the few exceptions to the rule against private purpose trusts, highlighting the unique nature of the human–companion animal bond.⁴³ It is unclear how many pet trusts are created every year, but in 2020, it was estimated that pets will inherit £81.7 million from their pet owners.⁴⁴ This pervasive nature of Animal

³⁶This is common, for example, in cases related to the badger cull (such as *Langton v Secretary of State for the Environment, Food and Rural Affairs* [2019] EWCA Civ 1562, [2019] 4 WLR 151) and animal experimentation (*BUAV v Newcastle University* [2010] Appeal No: EA/2010/006).

³⁷Ann Ottney Cain, “Pets as Family Members” in M Sussman (ed), *Pets and the Family* (The Haworth Press 1985) 5–10; Nickie Charles and Charlotte Aull Davies, “My Family and Other Animals: Pets as Kin” (2008) 13(5) *Sociological Research Online* 13; Lesley Irvine and Laurent Cilia, “More-than-Human Families: Pets, People and Practices in Multispecies Households” (2017) 11(2) *Sociology Compass*, Article e12455; Emma Power, “Furry Families: Making a Human-Dog Family through Home” (2008) 9 *Social and Cultural Geography* 535; Dafna Shir-Vertesh, “‘Flexible Personhood’: Loving Animals as Family Members in Israel” (2012) 114 *American Anthropologist* 420.

³⁸Deborah Rook, “Who Gets Charlie? The Emergence of Pet Custody Disputes in Family Law: Adapting Theoretical Tools from Child Law” (2014) 28 *International Journal of Law, Policy and the Family* 177.

³⁹Deborah Rook, “For the Love of Darcie: Recognising the Human–Companion Animal Relationship in Housing Law and Policy” (2018) 39 *Liverpool Law Review* 29.

⁴⁰Case examples are minimal, but two to note are: *Pierson v Post* (1805) 3 Cai R 175 (Supreme Court of the Judicature of NY); *Borwick Development Solutions Limited v Clear Water Fisheries Limited* [2020] EWCA Civ 578, [2021] Ch 153.

⁴¹Pamela Frasch and Joyce Tischler, ‘Animal Law: The Next Generation’ (2019) 25 *Animal Law* 303, 312.

⁴²PDSA, “Paw Report 2022: PDSA Animal Wellbeing” (2022) <www.pdsa.org.uk/media/12965/pdsa-paw-report-2022.pdf> accessed 18 August 2022.

⁴³*Re Dean* (1889) 41 Ch D 552.

⁴⁴Simpson Millar, “The Cat That Got the Cream: UK Pets Set to Inherit £81.7 Million in Wills” (11 December 2020) <www.simpsonmillar.co.uk/media/uk-pets-set-to-inherit-81-million-pounds-in-wills/> accessed 18 August 2022.

Law allows students to identify links and concepts that straddle the boundaries of discrete law subjects.

For those who acknowledge that animals are becoming increasingly present in legal cases, incorporating this teaching into their modules can be a way to engage with Animal Law, without the need to create a new module which they may not have the full expertise to do. For example, students could be given a real-life problem scenario in which a divorcing couple both want custody of the family dog and are each moving into rented housing subject to “no pets” covenants. To address the legal problem arising from this pet custody dispute students need to consider family law (in the context of divorce and financial provision), property law (since the dog is deemed property at law), housing law (in respect of a “no pets” covenant in a residential lease) and animal welfare law. This has many benefits for students, as it gives them an opportunity to apply the law in novel ways, developing their knowledge across the curriculum, and provides Animal Law teachers with a range of areas to draw upon when designing the curriculum.⁴⁵

To explore how Animal Law is incorporated into the curriculum, respondents were asked where in the programme they taught Animal Law, how many credits it was awarded and whether it was optional or compulsory. Since it was known to the authors that some Animal Law teachers incorporate Animal Law into other modules, as well as having a stand-alone module, the survey allowed these questions to have multiple possible answers. One participant selected that they teach Animal Law as a stand-alone module, and that they also incorporate it into the teaching of a human rights module. The responses for both of these modules were kept, which is why there are details for eight courses in [Figure 2](#) which displays the results.

The respondents’ modules had been running in the range of one year to 27 years. From [Figure 2](#), we can see that Animal Law is more commonly taught as an optional module rather than a compulsory module. It is never taught in Level 4 (first year of undergraduate study) and is spread across Levels 5, 6 and 7.⁴⁶ The usual number of credits awarded is 20 with some exceptions. The number of students taking the module each year ranged from 10 to 80. All modules had lectures as a part of the delivery and five also had seminars. One respondent confirmed that their module was a research-based course, with an emphasis on small group work outside formal teaching sessions. The majority of modules (six) were assessed by way of coursework only, with three being a written examination and one combining an article-style piece with a traditional essay.

Animal Law is more likely to be incorporated into other modules, rather than being a stand-alone module. One respondent identified at least five courses at the school which incorporated at least one Animal Law lesson, such as the World Trade Organization LLM module, and the Global Environmental Justice module on the LLB. A respondent in a non-law school identified Animal Law being taught in modules such as *Animals and Society*, a core module, of which 4 out of 12 lessons are devoted to Animal Law. It is always an optional module in law schools, whereas in the non-law

⁴⁵Jackson Walkden-Brown, “Digesting Discourse: How Animal Law Facilitates High Quality Legal Education” (2017) 27 *Legal Educ Rev* 261, 266–67.

⁴⁶Please note, one response was excluded from the Level results graph ([Figure 2](#)), as it was a Scottish university and did not correlate to the Levels provided in the survey, so they selected “other”. They stated that their modules offered to year 3 and 4 students on the four-year LLB. The other response from a Scottish university answered that it was incorporated into a Level 6 module and a Level 7 (postgraduate) module.

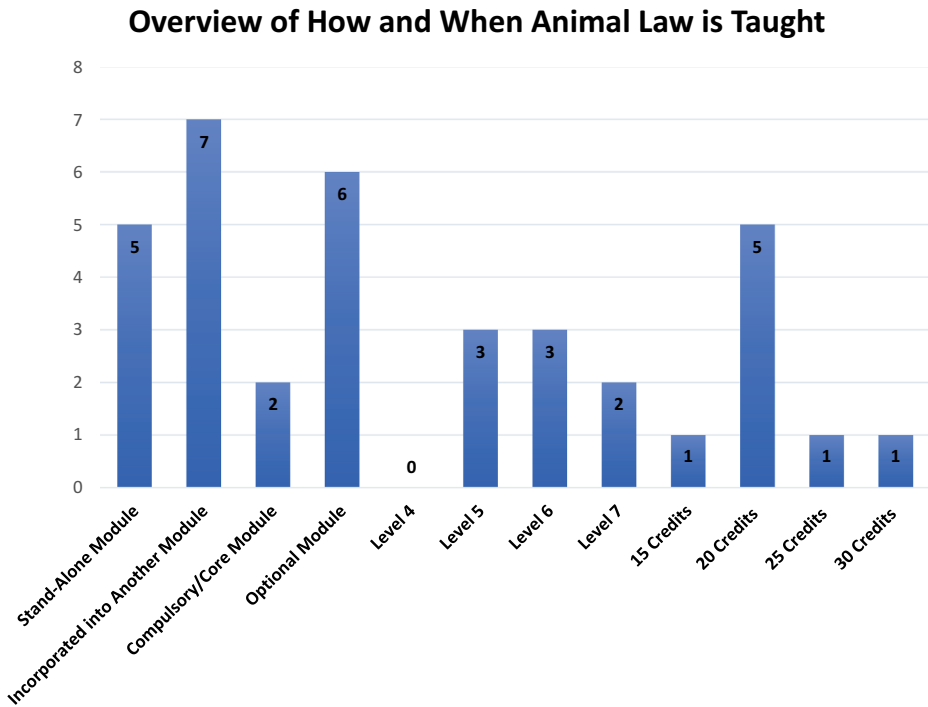


Figure 2. The composition of Animal Law modules.

school it is usually part of a core module. One respondent has incorporated one week of teaching non-human Animal Rights as part of a compulsory undergraduate human rights module. This illustrates the pervasive nature of Animal Law issues in legal studies and demonstrates how those issues can be integrated into existing modules.

Challenging students' perspectives in the classroom

Animal Law can challenge a student's perception of law: when required to apply concepts of justice, liberty and legal rights to animals, students will necessarily be required to think about these traditional concepts in an entirely novel way. A key area of Animal Law in recent years is the contentious issue of whether a non-human animal can be a legal person.⁴⁷ This raises significant questions for lawyers: Should animals be granted legal rights? What legal rights should animals be given? How would this affect the continued use of animals by humans? The question of legal personhood for animals has been argued in numerous courts across the world including in the USA, Argentina, Brazil, Pakistan and most recently Ecuador.⁴⁸

⁴⁷Steven Wise, *Drawing the Line: Science and the Case for Animal Rights* (Basic Books 2003).

⁴⁸For example, *Acción de hábeas corpus presentada por la Asociación de Funcionarios y Abogados por los Derechos de los Animales (AFADA) Expte Nro P-72.254/15* (Cecelia Case in Argentina); *In the Matter of Nonhuman Rights Project, Inc, on Behalf of Tommy, Appellant, v Patrick C Lavery, & c, et al, Respondents* 31 NY 3d 1054; *In the Matter of Nonhuman Rights Project, Inc, on Behalf of Kiko, Appellant, v Carmen Presti et al, Respondents* 100 NE 3d 846; *Islamabad Wildlife Management Board v Metropolitan Corp Islamabad* (2019) WP No 1155/2019; *Rights of Nature and Animals as Subject of Rights, Estrellita Monkey case*, Constitutional Court of Ecuador, 27 January 2022 No 253-20-JH/22.

Legal challenges such as these allow students to grapple with jurisprudential questions such as “What is a legal right?” and “What should be the morally relevant criteria for possession of a legal right?” Relevant to this is the historical development of legal rights, including the exclusion of rights to other groups such as women and slaves, the latter not being recognised as legal persons until 1772.⁴⁹ Alternative approaches can also be explored such as citizenship⁵⁰ and living property status,⁵¹ which some argue offer more practicable and realistic solutions to the problems raised by the property status of domestic and captive animals. Matters of social justice pervade Animal Law because animals are sentient beings, some are also rational and autonomous, and all are vulnerable and powerless in the human realm. Animal Law involves a unique intersection between social justice and property, something rarely experienced since the abolition of slavery. That this can provoke emotion in law students can be advantageous because “emotion functions as a pedagogical strategy in the classroom”.⁵² Emotion, and especially feelings of injustice, can motivate students to subject existing law to rigorous critical analysis. Brooman emphasises how the historical context of Animal Law and its development helps students to “gain an appreciation of the connection between legal, historical, philosophical and scientific reasoning”.⁵³ This illustrates the multidisciplinary nature of Animal Law, drawing upon disciplines such as animal behaviour studies to inform debate on the interpretation of the law and its adequacy to protect animals.

Following consideration of the benefits of teaching Animal Law, it is worth examining one of the key challenges facing Animal Law teachers. This is the contentious question of how much the teacher should allow their own values into the classroom. Brooman concluded that many academics who teach Animal Law in the UK do so because they are “enthusiasts” who are passionate about animals and improving the treatment of animals in society through the law.⁵⁴ This raises the difficulty of teaching the subject in an objective and dispassionate way that allows students to come to their own views on the complex legal and ethical dilemmas the study of Animal Law entails, for example, the use of animals as food or in experiments or for entertainment. The authors take the stance that there has to be care that whilst challenging students and their views on animals and the law, teachers do not seek to “indoctrinate them with particular viewpoints”.⁵⁵

A way to provide for this introduction of values into the classroom is through transformative learning. Mezirow outlines that transformative learning is the “process of effecting change in a frame of reference”⁵⁶ and that to facilitate it, “educators must help learners become aware and critical of their own and others’ assumptions”.⁵⁷ James and James use transformative learning in their Animal Law teaching in Australia, aiming to facilitate or focus upon the transformation of a student’s beliefs and attitudes about

⁴⁹*Somerset v Stewart* (1772) 98 ER 499.

⁵⁰Sue Donaldson and Will Kymlicka, *Zoopolis: A Political Theory of Animal Rights* (OUP 2011).

⁵¹David Favre, “A New Property Status for Animals” in Cass Sunstein and Martha Nussbaum (eds), *Animal Rights: Current Debates and New Directions* (Oxford University Press 2004).

⁵²Senhorun Raj, “Teaching Feeling: Bringing Emotion into the Law School” (2021) 55 *The Law Teacher* 128, 129.

⁵³Simon Brooman, “Creatures, the Academic Lawyer and a Socio-Legal Approach: Introducing Animal Law into the Legal Education Curriculum” (2017) 38 *Liverpool Law Review* 243, 250.

⁵⁴*ibid* 245.

⁵⁵Megan A Senatori and Pamela D Frasch, “The Future of Animal Law: Moving beyond Preaching to the Choir” (2010) 60 *J Legal Educ* 209, 213.

⁵⁶Jack Mezirow, *Transformative Dimensions of Adult Learning* (Jossey-Bass 1991) 5.

⁵⁷*ibid* 10.

animals and their use and treatment in society. They argue that using this form of teaching is more “realistic”. It acknowledges that an Animal Law module teaches students who are already in a particular ideological position to animals, and that law teachers always advocate their position on the topic, whether implicitly or explicitly.⁵⁸ Thus, whilst it is important not to impose views on students, Animal Law becomes an ideal module to challenge the preconceptions of the use of animals in society and have difficult debates and discussions.

Using innovative pedagogies to teach Animal Law

Other valuable lessons to learn from overseas include the use of innovative pedagogies to teach Animal Law, and the offering of opportunities for students to engage with the community. For example, Lewis & Clark Law School in Oregon, USA, gives law students the opportunity to experience Animal Law in practice through its innovative Animal Law Clinic. Specialising in Animal Law, the clinic works towards access to justice for non-human animals, particularly through law reform work.⁵⁹ Massachusetts School of Law provides another example from the USA of opportunities for law students to engage with Animal Law in practice through outreach clinics and projects.⁶⁰ The school runs externships enabling students to work with lawyers on animal protection cases, draft animal-friendly legislation, and undertake lobbying and research activities.

The creation of Animal Law Clinics in top universities in the USA benefitted from significant financial input from a celebrity in 2001.⁶¹ Without similar financial support UK universities may struggle to establish working Animal Law Clinics, but nevertheless significant progress has been made in collaboration with A-Law and with creative Animal Law academics using innovative pedagogies. A-Law employs a student officer (one of the authors),⁶² providing a source of information, guidance and support to students interested in Animal Law. It has over 100 student members at any given time with many more attending student Animal Law events. For example, in 2020, 173 delegates signed up for a webinar about Animal Law careers. A-Law currently has around 30 Student Ambassadors at universities across the UK, who represent the Centre’s interests on campus, providing opportunities for other students to learn about Animal Law. Over 100 students have participated in A-Law’s annual essay writing competition and annual Animal Law mooted competition. A-Law also provides opportunities for students to get directly involved in policy work under the mentorship of academics and practitioners with specialist knowledge in Animal Law. For example, a group of students from Aberdeen University, which has one of the longest established Animal Law modules in the UK taught by Michael Radford OBE, describe how they were able to contribute on submissions for a public consultation on the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill and attend a high-level round-table discussion about the legislative proposals.⁶³ This collaboration between academics and

⁵⁸Nick James and Rochelle James, “What Are We Trying to Achieve by Teaching Animal Law to Law Students” (2017) 27 *Legal Educ Rev* 239, 254.

⁵⁹Kathy Hessler, “The Role of the Animal Law Clinic” (2010) 60 *J Legal Educ* 263.

⁶⁰Diane M Sullivan and Holly Vietzke and Michael L Coyne, “Animal Rights Advocacy Programs: Champions for Animal Rights” (2009) 3 *J Animal L & Ethics* 173.

⁶¹Taimie L Bryant, “The Bob Barker Gifts to Support Animal Rights Law” (2010) 60 *Journal of Legal Education* 237.

⁶²Tiffany is A-Law’s Legal Support Officer to provide student support and academic outreach, as well as providing legal support for A-Law’s other project, policy and educative work.

⁶³Please see <www.alaw.org.uk/12764-2/> accessed 14 September 2022.

practitioners through A-Law provides valuable opportunities for students to develop skills beyond the classroom and opportunities for networking with practitioners at careers events and conferences.

Northumbria University set up a Policy Clinic, whereby students undertake research with the aim of influencing policy and/or law reform. The Policy Clinic is an alternative to the live client work conducted in the Law School's Student Law Office⁶⁴ and students carry out empirical research for external organisations or academic researchers. The students are responsible for the entire project, with the aid of their supervisor, and will design the methodology, apply for research ethics, collect and analyse the data and produce a final report for the client.⁶⁵ For example, in 2019 students in the Animal Law Policy Clinic produced a research report on the use of "no pets" policies in care homes and supported accommodation for the elderly.⁶⁶ Having been instructed by A-Law to undertake the project, the students interviewed care home managers to collect data for analysis. The students were exposed to one of the prevailing lessons and difficulties of Animal Law: the tension between the interests of humans and non-human animals. In this context, the teaching benefits from taking students outside a classroom setting and encouraging them to look more practically at the issues involved. They learnt that issues can be much more complicated outside academic discussions, and, by keeping an objective position during the research process, they were able to recommend much more realistic proposals for law reform. Animal Law is an ideal subject for the Policy Clinic allowing students to experience that "rare opportunity"⁶⁷ to learn an area of law in depth, whilst also actively trying to change it. Given the many areas in the field of animal protection that would benefit from new legislation or law reform, there is no shortage of topics that students can engage with in a Policy Clinic setting.⁶⁸

Further examples of innovative teaching methods in Animal Law come from Canada and Australia. Sankoff, at the University of Alberta, Canada teaches Animal Law in a variety of ways, including through negotiations about the property status of animals, jury submissions at an end of trial simulation and legislative reform exercises.⁶⁹ Riley, at the University of Technology, Sydney, runs an Animal Law Case Book Project, in which students write case notes on Animal Law cases from a variety of jurisdictions. The Case Book is made available to a range of stakeholders, such as lawyers and NGOs, thereby meeting a community need and contributing to a form of social justice.⁷⁰ Animal Law, therefore, is not just confined to the traditional classroom methods of teaching and can involve students in a variety of different projects and exercises, which introduces them

⁶⁴Please see <www.northumbria.ac.uk/about-us/academic-departments/northumbria-law-school/study/student-law-office/> accessed 14 September 2022.

⁶⁵For a more detailed explanation of the Policy Clinic, please see Rachel Dunn, Lyndsey Bengtsson and Siobhan McConnell, "The Policy Clinic at Northumbria University: Influencing Policy/Law Reform as an Effective Education Tool for Students" (2020) 27(2) *International Journal of Clinical Legal Education* 68.

⁶⁶A copy of the final report can be found via: Marija Bilerte, Golaraz Bozorg and Amy Millross, "The Issues of Housing the Elderly with Their Companion Animals" (2019) <<https://online.fliphtml5.com/pfupa/ogku/#p=1>> accessed 14 September 2022.

⁶⁷Kathy Hessler, "The Role of the Animal Law Clinic" (2010) 60 *J Legal Educ* 263, 278.

⁶⁸Peter Sankoff, "Learning by Doing: The Benefits of Experiential Learning in Animals and the Law" (2017) 27 *Legal Educ Rev* 209; MB Rodriguez Ferrere, "Animal Law Syllabus Design: A New Zealand Perspective" (2017) 27 *Legal Educ Rev* 229.

⁶⁹Peter Sankoff, "Learning by Doing: The Benefits of Experiential Learning in Animals and the Law" (2017) 27 *Legal Educ Rev* 209.

⁷⁰Sophie Riley, "Developing an Animal Law Case Book: Knowledge Transfer and Service Learning from Student-Generated Materials" (2015) 25 *Legal Educ Rev* 251.

to the complexities of the area, develops various legal skills and provides a social justice ethos to actively try to influence legal change.

The development of Animal Law education in the UK

Despite the growing interest in animal welfare and environmental issues amongst young people in the UK⁷¹ and the numerous benefits of teaching Animal Law, it is not widely taught in UK law schools. In 2017 Brooman highlighted how the growth of Animal Law courses within undergraduate law programmes in the UK has “stood still”, whilst the number of courses within other countries, such as the USA, has risen expeditiously.⁷² As little as 30 years ago, there were no university law schools offering Animal Law in the UK. Today, several universities across the UK offer Animal Law and wildlife modules, at both undergraduate and postgraduate levels of study (see Table 1).⁷³ The USA is arguably one of the leaders in Animal Law education, but the UK is now taking tentative steps in that direction. Multiple law schools in the USA teach Animal Law, and some are leading in the world, such as Harvard⁷⁴ and Lewis & Clark Law School.⁷⁵ Sankoff’s research in 2007/08 showed that 75 law faculties (38%) in the USA were offering Animal Law courses, compared to four law schools (5%) in the UK.⁷⁶ By 2017 there was little change in the UK and Brooman found that only 5 of 109 LLB courses in the UK were delivering Animal Law or animal welfare modules.⁷⁷ While there has been a promising increase in courses offered since 2017 (see Table 2), this still represents only a small percentage of total universities in the UK.

Table 1 shows that in 2022 there are 10 law schools which offer an Animal Law module, increasing from the five Brooman found in 2017. Further, there are five non-law schools offering a course in Animal Welfare Law and Ethics. This demonstrates some growth of Animal Law courses in both law and non-law schools in UK universities, but shows it has been slow and there is plenty of scope for further growth.

Understanding the reason for the lack of Animal Law courses in UK universities, as compared to other countries especially the USA, is not straightforward. As stated previously, Brooman suspects that Animal Law modules in the UK are taught by academics who are “enthusiasts”, those who are passionate about Animal Law, whereas in other countries academics “consider it to have a particular moral and philosophical importance”⁷⁸ thereby providing a broader base of academics interested in teaching it. Sankoff observes that in the USA, those who teach Animal Law are more likely to be adjunct professors, who have been in practice, compared to the UK, where it is more likely to be academics without practice experience. Thus, in the USA, “animal law in education started from the ground up, while in other countries it seems to have

⁷¹Elizabeth Marks and others, “Young People’s Voices on Climate Anxiety, Government Betrayal and Moral Injury: A Global Phenomenon” (2021). Available via SSRN <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3918955> accessed 6 October 2021.

⁷²Simon Brooman, “Creatures, the Academic Lawyer and a Socio-Legal Approach: Introducing Animal Law into the Legal Education Curriculum” (2017) 38 *Liverpool Law Review* 243, 244.

⁷³“Animal Law Modules and Short Courses” (UK Centre for Animal Law) <<https://www.alaw.org.uk/animal-law-courses/>> accessed 29 November 2019.

⁷⁴Please see <<https://animal.law.harvard.edu/>> accessed 14 September 2022.

⁷⁵Please see <https://law.lclark.edu/centers/animal_law_studies/> accessed 14 September 2022.

⁷⁶Peter Sankoff, “Charting the Growth of Animal Law in Education” (2008) 4 *J Animal L* 105, 131.

⁷⁷Simon Brooman, “Creatures, the Academic Lawyer and a Socio-Legal Approach: Introducing Animal Law into the Legal Education Curriculum” (2017) 38 *Liverpool Law Review* 243, 245.

⁷⁸*ibid* 246.

Staffing of Animal Law Modules

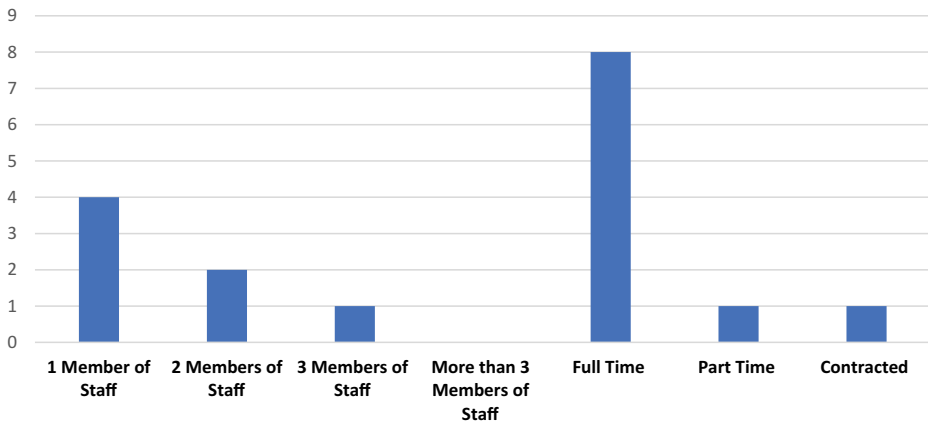


Figure 3. The staffing of Animal Law modules.

sprouted from academics interested in what the movement was doing in America”.⁷⁹ The authors also explored the staffing of Animal Law modules, as this links to the sustainability of the modules, presented below (see [Figure 3](#)).

Most universities only have one member of staff teaching on the module, which poses a risk to its sustainability. The small size of the teaching teams (one to three teachers maximum) will most likely be due to the size of Animal Law modules, as most respondents stated it is an optional module. The module with a contracted member of staff also had one full-time teacher. Respondents were asked what would happen to their module should they be away from the university, such as on sabbatical or maternity leave. The slight majority of respondents stated that the course would not run in this situation, with one stating that it was not being offered in the next academic year due to their absence. Again, this supports the argument made that the teaching of Animal Law is intrinsically linked to the interest and passion of those teaching it. This can make it difficult for a law school to develop and sustain a module, if that particular member of staff is absent from the university. It seems to be a common issue for more niche legal areas that are still emerging.⁸⁰ One way to address this risk is for Animal Law to be incorporated into core subjects as discussed earlier.

Changes to legal education and the potential impact on Animal Law teaching

The Legal Education and Training Review (LETR)⁸¹ placed a higher emphasis on skills training, and less on liberal law subjects which could pose a threat to the recent growth of Animal Law modules in universities in England and Wales. This article will not discuss

⁷⁹Peter Sankoff, 'Charting the Growth of Animal Law in Education' (2008) 4 J Animal L 105, 131.

⁸⁰Ana Speed, "Academic Perspectives on Teaching International Family Law in Higher Education Institutions in England and Wales" (2020) 54 *The Law Teacher* 69.

⁸¹Julian Webb and others, "Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales" (The Legal Education and Training Review (LETR) (2013) <http://irep.ntu.ac.uk/id/eprint/26418/1/PubSub3106_Maharg.pdf> accessed 10 August 2020.

the LETR in detail as criticisms of its effect on Animal Law,⁸² and socio-legal subjects more generally,⁸³ can be found elsewhere. Equally worrying is the new Solicitors Qualifying Examination (SQE), and the absence of liberal and socio-legal subjects tested in SQE1 (Functioning Legal Knowledge).⁸⁴ There is a risk that the list of primarily commercial subjects to be taught for SQE1 may deter students from studying other subjects, especially socio-legal subjects like Animal Law. Thus, whilst it is not yet clear what impact SQE1 will have on legal education, it could have a detrimental effect on the ability to establish and maintain stand-alone Animal Law modules. Sanders highlights the danger of a curriculum which is restricted to subjects which only serve a particular section of society, reducing graduates to “merely technicians”.⁸⁵ Speed’s concerns for International Family Law and how the remit of SQE1 may reduce the number of graduates pursuing a career in this area, producing practitioners who are less able to respond to their clients’ needs,⁸⁶ could equally apply to Animal Law.

An alternative view is that the loss of the requirement to teach core modules as part of a qualifying law degree (QLD) may in fact benefit the growth of socio-legal modules by opening up the curriculum to new modules and emerging areas like Animal Law. Both Speed⁸⁷ and Unger⁸⁸ recognise this opportunity for law schools to redesign their law degrees without the constraints of the QLD requirement thereby creating more time for liberal modules. Therefore, Animal Law may flourish under the new system, but it will depend on how law schools position themselves within the competitive market of legal education. At the time of writing, many law schools are now introducing SQE preparation courses or incorporating the SQE into their LLB curriculum.⁸⁹ This could mean that some law schools may struggle to argue for the incorporation of such a module, or material in existing modules, when it is not present in the SQE. According to Waters, if law schools ultimately decide to align their programmes with the SQE, “There is a danger that law degrees will become ‘professionalised’”⁹⁰ with a shift to being more practice focused. However, even if this shift occurs, it is still possible to bring Animal Law within clinical legal education as demonstrated by the Policy Clinic at Northumbria University (outlined above). Further, there are some law schools who have responded to the SQE by making their programmes more flexible. For example, Leeds Law School, Leeds Beckett University, where one author works has

⁸²Simon Brooman, “Creatures, the Academic Lawyer and a Socio-Legal Approach: Introducing Animal Law into the Legal Education Curriculum” (2017) 38 *Liverpool Law Review* 243.

⁸³Jessica Guth and Chris Ashford, “The Legal Education and Training Review: Regulating Socio-legal and Liberal Education?” (2014) 48 *The Law Teacher* 5.

⁸⁴For more information, please see <www.sra.org.uk/sra/policy/sqe/sqe1-functioning-legal-knowledge-assessment-specification/> accessed 10 August 2020.

⁸⁵Waters, B (2017) ‘The importance of teaching dispute resolution in a twenty-first century law school’, *The Law Teacher*, 51:2, 227-246.

⁸⁶Ana Speed, “Academic Perspectives on Teaching International Family Law in Higher Education Institutions in England and Wales” (2020) 54 *The Law Teacher* 69.

⁸⁷Ana Speed, “Academic Perspectives on Teaching International Family Law in Higher Education Institutions in England and Wales” (2020) 54 *The Law Teacher* 69.

⁸⁸Andy Unger, “Legal Education Future(s) – the Changing Relationship between Law Schools and the Legal Profession” in Emma Jones and Fiona Cownie (eds), *Key Directions in Legal Education* (Routledge 2020).

⁸⁹SRA, “SQE Training Providers List” <www.sra.org.uk/become-solicitor/sqe/training-provider-list/> accessed 18 August 2022. For example, the private law schools, such as BPP and The University of Law are offering a variety of SQE course packages, as well as universities like Northumbria University and Solent Law School. There are even law firms and individuals listed on the SRA’s website as SQE training providers.

⁹⁰Ben Waters, “The Solicitors Qualification Examination: Something for All? Some Challenges Facing Law Schools in England and Wales” (2018) 52 *The Law Teacher* 519, 526.

revalidated its LLB so that it allows students to cover all the foundational subjects if they wish to pursue the Bar, and engage with SQE preparation if that is their aspiration, but also allows for some of these subjects to be dropped if they want a more liberal arts law degree. The long-standing conflict in legal education as to whether to educate students to think as independent and liberal graduates, or as graduates who have the necessary skills and knowledge for legal practice⁹¹ may become more prominent as law schools navigate their response to the SQE,⁹² but it also may create some harmony between the two with greater options for students. It is too early to tell the impact of the SQE on modules such as Animal Law, but it is something to be considered.

The survey explored whether the LETR/SQE will have an impact on Animal Law modules. This section only applied to law school teachers, resulting in six respondents. Of these six, two said their institution was making no changes as a result of the LETR/SQE, which were the two Scottish universities. This makes sense, as the LETR/SQE does not have a direct impact on their jurisdiction and thus their curriculum/pedagogy. Figure 4 details the changes being made in light of the LETR/SQE for the remaining four respondents, which again was a multiple-answer question.

For these four institutions, three are incorporating a SQE preparatory course and incorporating more skills training into the curriculum, with only one respondent reporting a complete programme redesign. Because of the small sample size, the authors will not attempt to make any generalised claims about the future of law schools generally in light of the LETR/SQE. More significantly for this article, the respondents were then asked about the impact this will have on their Animal Law module. Their responses are set out in Figure 5, which again was a multiple-answer question.

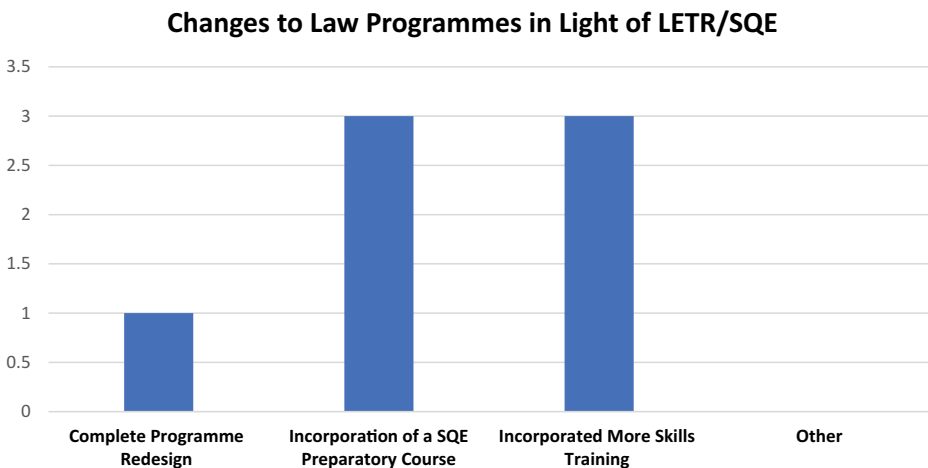


Figure 4. The changes to law programmes in light of the LETR/SQE.

⁹¹For example, Anthony Bradney, *Conversations, Choices and Chances: The Liberal Law School in the Twenty-First Century* (Hart Publishing 2003); Jonathan T Molot, "Purism and Pragmatism in the Legal Profession" (2018) 31(1) *The Georgetown Journal of Legal Ethics* 1.

⁹²Dawn Jones, "Legal Skills and the SQE: Confronting the Challenge Head On" (2019) 53 *The Law Teacher* 35.

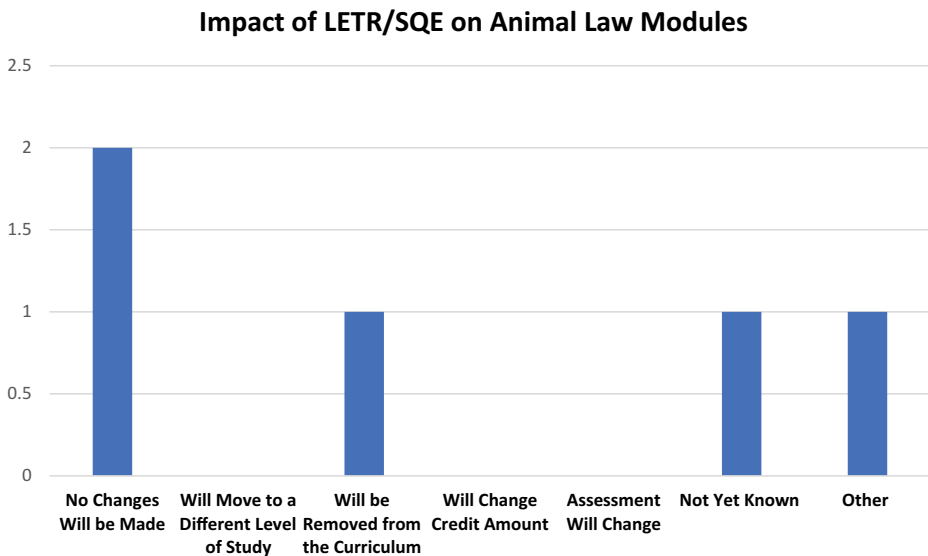


Figure 5. The changes to Animal Law modules in light of the LETR/SQE.

For two institutions, the changes to their law programmes will make no difference to the Animal Law module. Unfortunately for one module, the changes will result in it being removed from the curriculum, though the respondent also selected “other” and explained a small part of it is retained in an Environmental Law module. One respondent did not yet know of any changes. The fact that one Animal Law module will be removed, and merged with a different module, is disappointing given the small number of overall Animal Law courses in UK universities. It is possible that the recent growth of Animal Law modules may be halted in its tracks by the impact of the LETR/SQE. More time is needed to see the full impact on Animal Law modules, but one response to any detrimental loss of stand-alone modules is to incorporate Animal Law into other modules to retain some level of teaching. The survey was completed by existing Animal Law teachers only and does not cover prospective Animal Law teachers. It is possible that the loss of the requirement to teach core modules as part of a QLD may open up the curriculum to new modules, especially more liberal and socio-legal subjects.⁹³ If this is an outcome of the LETR/SQE there may be prospective Animal Law teachers currently creating new modules that we are not yet aware of, and the authors will continue to monitor Animal Law modules offered.

While there are clearly risks to the teaching of Animal Law in law schools in England and Wales due to the introduction of the SQE, the future also holds opportunities for growth. One key area for development is the blossoming relationship between academics and NGOs. This was a significant player in the development of Animal Law modules in the USA. The Animal Legal Defense Fund (ALDF) helped with the success of modules by creating Animal Law “chapters”.⁹⁴ Sullivan, Vietzke and Coyne highlight

⁹³Ana Speed, “Academic Perspectives on Teaching International Family Law in Higher Education Institutions in England and Wales” (2020) 54 *The Law Teacher* 69.

⁹⁴Fran Ortiz, “Animal Law in the Classroom” (2011) 74 *Texas Bar Journal* 902.

that “the foundation to any effective law school animal rights program is a strong Student Animal Legal Defense Fund (SALDF) chapter that seeks new students early in law school and involves them in numerous activities that promote animal rights”.⁹⁵ It appears that this link between NGOs, legal practitioners and law schools has been key in encouraging and maintaining Animal Law courses in universities overseas. A similar relationship is developing in the UK with the help of A-Law and the support and opportunities it provides to students, allowing them to become involved in animal work and feel a part of a community. This article demonstrates collaboration between academics and an NGO. Pooling our long and varied experience of Animal Law in education, practice and society strengthens the robustness of our arguments and contributes to the originality of this article. This relationship between NGOs and universities is vital, and arguably unique to the field of Animal Law, whereby universities and NGOs have developed the field together through formal and informal knowledge sharing. The survey asked about the availability of extracurricular Animal Law activities for the students. Only two respondents offered extracurricular activities which included students responding to consultations and participating in conferences. However, all of the respondents encouraged their students to engage with Animal Law organisations, such as A-Law and the RSPCA. Engagement and knowledge sharing with external organisations such as NGOs and practitioners has been shown to be significant in the development and growth of Animal Law teaching in the USA⁹⁶ and Brazil⁹⁷ and it is therefore encouraging to see these links being forged in the UK.

One significant benefit for academics interested in teaching and researching Animal Law is the high level of support provided by fellow academics and NGOs. For example, the Cambridge Centre for Animal Rights Law offers a Law Lecturers’ Workshop programme to support academics who may be lacking the subject expertise or confidence to teach in this specialist field.⁹⁸ A-Law created a LinkedIn group for Animal Law teachers to share knowledge, expertise and resources and also runs an Animal Law, Ethics and Policy conference to provide opportunities for sharing research and networking. Similar initiatives exist overseas, for example, there are opportunities for Animal Law teachers in Australia to meet at the annual Australian Animal Law Teaching and Learning Workshop to discuss their teaching and share ideas for research.⁹⁹ The growing numbers of specialist Animal Law academic journals, both in the UK and overseas, are vital in supporting academics undertaking research, for example, the *UK Journal of Animal Law*, the *Global Journal of Animal Law* and the *Animal Law Review*, which started in 1994 and is the oldest Animal Law journal in the USA.

Conclusion

The authors believe that the small growth in Animal Law modules in UK universities helps to meet the needs of the emerging field of Animal Law in legal practice. It can also

⁹⁵Diane M Sullivan and Holly Vietzke and Michael L Coyne, “Animal Rights Advocacy Programs: Champions for Animal Rights” (2009) 3 *J Animal L & Ethics* 173, 175.

⁹⁶Fran Ortiz, “Animal Law in the Classroom” (2011) 74 *Texas Bar Journal* 902.

⁹⁷Tagore Trajano de Almeida Silva, “Origins and Development of Teaching Animal Law in Brazil” (2014) 31 *Pace Env’tl L Rev* 501.

⁹⁸Please see <<https://animalrightslaw.org/lecturersworkshop>> accessed 14 September 2022.

⁹⁹Jackson Walkden-Brown, “Digesting Discourse: How Animal Law Facilitates High Quality Legal Education” (2017) 27 *Legal Educ Rev* 261.

address the increasing concern young people are showing in protecting the planet as evidenced, for example, by the sharp rise in young people becoming vegan in recent years.¹⁰⁰ This article demonstrates the numerous benefits of teaching Animal Law in universities especially in providing a platform for the application of the ethical theories to real-life situations that students care about. The inclusion of passion and emotion within teaching law has benefits especially in providing motivation and drive to develop key lawyering skills. If a law student wants to argue that a captive chimpanzee should be deemed a legal person and awarded a habeas corpus by a court, they quickly appreciate the need to create an argument based on authoritative academic research (of a multidisciplinary nature) underpinned by appropriate theoretical assumptions and to critically analyse their own argument, thereby enabling them to develop counter-arguments to those opposed to their approach. This provides a rich and vibrant environment for engaging law students in vital skills, especially critical thinking, research, advocacy and written communication skills. Animal Law is international, providing opportunities for comparative analysis of law and practice, but it also challenges students to think about the impact of cultural diversity on laws, for example, how religion affects the legality of different animal slaughter practices. One of the unique benefits of Animal Law is the opportunity for collaboration of students and academics with NGOs and lawyers in practice. For example, A-Law gives undergraduate students an opportunity to develop their academic profile through taking part in the Animal Law essay competition or mooted competition. A-Law also supports Animal Law academics, encouraging them to share teaching materials and experiences and provides opportunities for networking for research collaboration. There are few areas of legal study which enjoy such collaborative support from external bodies and a sense of community among academics, students and practitioners driven by the common goal of improving the lives of animals through the law. This link between law schools and NGOs has proven to be key to successful Animal Law courses in the USA.

This article explored ways to teach Animal Law and the use of a survey of Animal Law teachers provides quantitative data to understand what is currently happening in UK universities. It is clear that teachers prefer a socio-legal approach over a doctrinal approach with all respondents including in their syllabus the ethical theories on the treatment of animals in society. This is not surprising since law and ethics are inextricably linked in the field of Animal Law. The adequacy of the law to protect animals depends on the extent to which animals are seen as sentient beings with autonomy and individual preferences and desires that should be protected in their own right or as resources for human use. The multidisciplinary nature of Animal Law enables law students to see beyond legal texts and appreciate the wider context of law within society. Law does not exist in a vacuum and studying it in isolation can be misleading. Within Animal Law there are plenty of opportunities to research in other disciplines, for example, animal behaviour, psychology, biology and medicine. Animal Law crosses the boundaries of legal subjects, meaning that aspects of Animal Law can be taught within core law modules such as Family Law, Housing Law and Tort. For example, companion animals are increasingly being perceived as family members, giving rise to a growing

¹⁰⁰Conrad Duncan, "More than 20 per cent of UK Children Already Vegan or Would Like to Be, Survey Finds" *Independent* (London, 23 September 2021) <www.independent.co.uk/news/uk/home-news/vegan-children-vegetarian-diet-food-b1925115.html> accessed 26 April 2022; Tod Bradbury, "Data Shows Major Rise In Veganism Among Young People" (*Plant Based News*, 12 October 2018) <<https://plantbasednews.org/opinion/major-rise-veganism-young-people/>> accessed 26 April 2022.

number of pet custody disputes in cases of separation and divorce. Family Law modules that teach about pet custody disputes better prepare their students for life in practice as a family lawyer. Therefore, Animal Law can be taught as a stand-alone module or incorporated into existing modules where appropriate.

The introduction of SQE1 raises questions about the continued growth of stand-alone Animal Law modules in UK universities. There is a risk that socio-legal modules like Animal Law will be replaced with more practice-focused modules (and our survey provides some evidence of this), but an alternative outcome is possible. It may be that removing the need to teach the core law modules in a QLD will leave space in curricula to introduce new modules, especially socio-legal modules like Animal Law.

Moving forward, we identify questions for further research: Why do students choose to study Animal Law? What knowledge and skills do they acquire from the module? Does studying Animal Law at university influence or follow them into their career? With the recent growth of this emerging field of legal practice and its links to societal concerns for the environment and social justice, now is the perfect time to conduct empirical research into the pedagogy of Animal Law.

Disclosure statement

No potential conflict of interest was reported by the authors.