

## Impact case study (REF3)

<b>Institution:</b> University of Wales Trinity Saint David		
<b>Unit of Assessment:</b> 31		
<b>Title of case study:</b> Ethics & Dignity: Establishing the grounds for the Wild Animals and Circuses (Wales) Act 2020		
<b>Period when the underpinning research was undertaken:</b> 2012-2019		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b> Dr Rebekah Humphreys	<b>Role(s) (e.g. job title):</b> Lecturer in Philosophy	<b>Period(s) employed by submitting HEI:</b> Jan 2012 - current
<b>Period when the claimed impact occurred:</b> June 2019 – Sept 2020		
<b>Is this case study continued from a case study submitted in 2014?</b> Y/N		
<p><b>1. Summary of the impact</b></p> <p>On 8 July 2019, the Welsh Government Minister for Environment, Energy and Rural Affairs, Lesley Griffiths AM, introduced the Wild Animals and Circuses (Wales) Bill to the Welsh Assembly. The Bill's objective was to prohibit the use of wild animals in travelling circuses in Wales. The ban is based on ethical grounds, rather than animal welfare grounds, which have been found not to be a sufficient basis for legislation in former Parliamentary legislative process. The policy objective of this primary legislation was to prohibit the use of wild animals in travelling circuses in Wales. The Bill which was passed on 17 July 2020. The subsequent Wild Animals and Circuses (Wales) Act 2020, which became law by Royal Assent in Wales on 7 September 2020, makes it an offence for a wild animal to be used in a travelling circus. The Act sets a precedence for wild animals that, were it not for the Ban, would stand to be used in circuses. Thus, the impact of this involves reducing the likelihood of a future in which wild animals are kept in conditions detrimental to their welfare and increasing the probability of a future in which fewer animals are used for circus entertainment. This primary legislation aligns Welsh law with that in England, Scotland, and globally, thirty-three countries that have nationwide bans on the use or import/export of some or all wild animals in circuses, including eighteen EU member states. Fundamentally, ethical grounds based in Humphreys' work on applied animal ethics were put forward in defence of the Bill, and such grounds were informed by the history of debates surrounding ethics, particularly animal ethics informed by science.</p>		
<p><b>2. Underpinning research</b></p> <p>The underpinning principles of the Wild Animals and Circuses (Wales) Bill and subsequent Wild Animals and Circuses (Wales) Act 2020, were informed by Humphreys' research on applied animal ethics and dignity; an area she has researched, published and campaigned on since 2012 (i, ii, iii, iv, v). Humphreys' research, for example (iv) 'Dignity and its violation examined within the context of animal ethics', establishes that wild animals in circuses should be recognised not only as individuals with value in their own right (intrinsic value), whose instinctive tendencies cannot be exercised in the circus environment, but creatures whose dignity can be violated.</p> <p>Humphreys' and Atfield's work on justice (ii, iii) found that, although in the history of ideas there is a belief that obligations of justice (such as rights) are stricter than those of morality (such as those arising from compassion), and that what we say about justice and morality need to be brought into line, so that responsibilities concerning, for example, the reduction of suffering, do not continue to be seen as supervenient to issues of justice. In this regard, while there is extensive research on human dignity and justice, particularly in religious studies, nonhuman dignity has rarely had a mention in the history of ideas (for it has been assumed to be applicable to humans only, as is justice). Drawing on the work of Suzanne Cataldi, the Swiss Constitution's animal protection law, and earlier publications on equality, intrinsic value, interests, and</p>		

flourishing (v), Humphreys' underpinning research formulated a new, revised concept of dignity in relation to nonhumans (iv).

Humphreys' concept of dignity argues that despite religious, social, and presentational connotations of dignity, the concept of dignity has a meaning and understanding that is applicable to the lives of not just human beings, but nonhuman ones too and that the concept is of use in informing us of actions that may harm not just humans, but nonhuman ones as well, especially with regard to our use of wild animals in circuses (iv). This research found that there were characteristic features of actions that may be said to violate dignity and that one can degrade a being by treating it in a way that is excessively instrumental. Humphreys' concluded that there was an ontological explanation for why some actions that harm nonhuman animals can be thought of as a violation of dignity.

Further unpinning research of Humphreys linked to the impact include research on flourishing, conflicts of interests, and arguments concerning a worthwhile life; research published in the Encyclopaedia of Global Bioethics (vi) and in the paper 'The Argument from Existence, Blood-Sports, and 'Sport-Slaves'' (v). Conclusions include, for example, that the development of notions of suffering and well-being, and our understanding of the principle of equal consideration of interests, as well as issues concerning conceptions of the sphere of morality, require that there is a need for our understanding of morality to be brought in line with our understanding of justice. These underpinning conclusions have been published in a paper of two parts (iii, ii), entitled 'Justice and Nonhuman Beings, Part 1', and 'Justice and Nonhuman Beings, Part 2'. Further conclusions have been published very recently in 'Suffering, Sustainability and Climate Change: A Non-Anthropocentric Framework for Climate Ethics' (i).

Overall, Humphreys' research, and in particular the paper on the revised concept of dignity in relation to nonhumans (iv), was fundamental in providing the ethical grounds for the Bill, which has resulted in primary legislation. As stated in the Welsh Government's Explanatory Memorandum, incorporating the Regulatory Impact Assessment and Explanatory Notes (Jul. 2019), 'The use of wild animals in travelling circuses raises concerns around animal dignity. It is increasingly difficult to justify keeping wild animals in travelling circuses and requiring them to perform tricks' (Reference, Part 5, c). The consequences of this impact are great for current animals and countless future ones, but also for humans whose judgments (regarding the use of animals in circuses and for entertainment in general) stand to be affected – perceptually and educationally – by the legislation.

### 3. References to the research

- i. Humphreys, R. 'Suffering, Sustainability and Climate Change: A Non-Anthropocentric Framework for Climate Ethics', in *Ethics beyond Anthropos: Climate Change and the Non-Human World* (Palgrave, 2020), pp.49-62.
- ii. Humphreys, R., and R. Attfield. 'Justice and Non-Human Beings, Part II', in *Bangladesh Journal of Bioethics* (8:1), 2017, pp.44-77. ISSN 2226-9231 (print); 2078-1458 (online).
- iii. Humphreys, and R. Attfield. 'Justice and Non-Human Beings, Part I', in *Bangladesh Journal of Bioethics* (7:3), 2016b, pp.1-11. ISSN 2226-9231 (print); 2078-1458 (online)
- iv. Humphreys, R. 'Dignity and its violation examined within the context of animal ethics', *Ethics and the Environment* (21:2), Fall 2016a, pp. 143-162, Indiana University Press. ISSN: 1085-6633, e-ISSN 1535-5306.
- v. Humphreys, R. 'The Argument from Existence, Blood-Sports, and 'Sport-Slaves'', *Journal of Agricultural and Environmental Ethics* (published by Springer), Vol. 27, Issue 2, 2014, pp. 331-345. ISSN: 1187-7863. DOI: 10.1007/s10806-013-9466-7.\*
- vi. 'Biocentrism', entry in *Encyclopedia of Global Bioethics*, Springer, online publication 2014. ISBN: 978-3-319-05544-2 (Online). Hard copy of the Encyclopedia due to be published in late 2016.

\* This article has been featured in the 'Key Research Article' section of the journal *Sociology Research* ([www.sociologyresearch.org](http://www.sociologyresearch.org), 28th May 2014).

#### 4. Details of the impact

##### Expert Advisory Roles:

Humphreys' research on notions of justice, equality, autonomy, interests, flourishing and animal cognition has been widely disseminated at national and international conferences since the start of her academic career. Such dissemination, together with the publication of her research, particularly the research on dignity and papers on justice (the latter which have found that what we say about justice and morality need to be brought into line) led to an invitation to be a Working Party Expert Advisor for the Nuffield Council on Bioethics in relation to their consultation for Genome Editing and Farmed Animals: Fact Finding Meeting on Genome Editing to Produce Disease Resistance Animals, 23 Jul. 2019. Humphreys contributed her findings to the Council's multi-disciplinary panel of experts.

Not long after this contribution, as a specialist in environment and animal ethics, Humphreys was invited to work as an expert advisor for the Welsh Assembly Government's Wild Animals in Circuses Bill; a Bill which proposed / proposes to ban the use of wild animals in circuses in Wales. The Bill follows legislation introduced in England by Act of Parliament (Wild Animals in Circuses Act 2019), passing an Act that would ban the use of Wild Animals in Circuses from 2020. This Act follows Scotland's ban in 2018 (Wild Animals in Travelling Circuses (Scotland) Act 2018). The Welsh Bill was subsequently brought forward largely in response to overwhelming public support and decades of committed campaigning by animal charities and their members, including Humphreys herself who has a long-established relationship with Animal Defenders International (ADI), which has been at the forefront of successful campaigning for bans on a global level (for example, countries in South America have taken the lead in banning the use of wild animals in circuses). Humphreys' activity has included lobbying MPs, relevant organisations and stakeholders for the Bill.

##### Establishing the basis for legislation:

The Welsh Government (**j**) invited Humphreys to provide expert advice in relation in the Bill, citing her research on ethics and dignity (**iv**). As the Senedd Wild Animals in Travelling Circuses Research Briefing (**e**) details, this expertise was required as both the UK and Welsh Governments had commissioned reviews into wild animals in travelling circuses, with differing scopes and outcomes. The 'Radford Report' (2007) was carried out by the Circus Working Group (a mix of industry and animal welfare representatives). It was established to inform the UK Government of any scientific evidence relating to a potential ban under the then-Animal Welfare Bill (now 2006 Act). The report considered evidence relating specifically to the transportation and housing needs of non-domesticated species. Although the authors identified that the present situation acted against the animals' interests, they found insufficient evidence that animals kept in travelling circuses were better or worse off than those in static environments. Following the Radford Report's conclusions that there was insufficient evidence to introduce a ban on animal welfare grounds, the UK Government decided to pursue a ban on ethical grounds, a position which was also adopted by the Welsh Government.

The Explanatory Memorandum (EM) for this Bill (**d**) emphasises that the Welsh Government has chosen to introduce primary legislation to ban the use of wild animals in circuses on ethical grounds. The EM states: 'The use of wild animals in travelling circuses raises concerns around animal dignity. It is increasingly difficult to justify keeping wild animals in travelling circuses and requiring them to perform tricks. [...] There is a strong body of opinion that the welfare needs of wild animals in travelling circuses cannot be met. Whilst there may not be conclusive evidence that welfare is compromised to a greater extent in travelling circuses than in any other 'artificial' environment, the Welsh public and third sector organisations have overwhelmingly lobbied for this practice to be banned' (**d, page. 13**). In response, during the summer of 2019 Humphreys provided written evidence in the form of a written report analysing the Terms of Reference underpinning the Bill, which were essential in securing the ethical grounds on which it was to be based (as opposed to welfare grounds). The Committee Ministers then consulted this evidence in order to inform and review their understanding of the Bill as it progressed through the primary legislative process during the introduction of the Bill (8 July 2019), Stage 1: Committee

considerations of general principles (July Dec 2019), Stage 1: Debate in Plenary on general principles (Jan 2020); Stage 2: Committee consideration of amendments (Feb 2020); Stage 3: Plenary consideration of amendments (March 2020); Stage 4: Passing of the Bill in Plenary (July 2020). Royal Assent. Adoption of the Act (September 2020). The expert evidence, was based on the conclusions of Humphreys' research (**f,g**), which concludes:

- 1) that animals have interests in not suffering, in flourishing, and wellbeing; and that animals have their own good; a good which makes them creatures to which the concept of dignity may be applied such that it makes sense to say that some harms constitute a violation of their dignity;
- 2) that such interests are weighty and significant and often more-weighty than other interests at stake in cases of conflict;
- 3) that these interests are more significant than – at the very least – the peripheral interests of humans (in pursuing particular forms of entertainment or gaining pleasure from particular forms of entertainment, for example);
- 4) that (c) is a matter of justice, not just a matter of morality;
- 5) that what we say about justice and morality need to be brought into line

This written evidence was then used by the Commission to inform the questions and comments that they had regarding not just the wording of the Bill but its enactment, purpose, and long-term consequences. Subsequently, in Sept. 2019, along with two other experts in the field (Prof. Ron Beadle, Professor of Organisation and Business Ethics, Northumbria University, Michael Radford, Reader in Animal Welfare Law at the University of Aberdeen), Humphreys presented oral evidence to the Commission by responding to the questions and comments that had been written up in response to her (and the other experts') written evidence (**h, i**). During this part of the process, she discussed those who stand to be affected by the Bill, including the public, travelling communities, those who work in the entertainment industry, cage manufacturers, business owners, and last but not least wild animals and animals more generally. Humphreys' input here was informed by her empirically led research in animal ethics, including, for example, plausible conceptions of a worthwhile life in terms of species-specific capacities and research on an ontological conception of dignity (**i, ii, iii, iv, v, vi**).

#### **Legal Impacts:**

The Act came into force on 7 September 2020 and will continue to have an impact for as long as it remains a piece of legislation. Aligning with similar legislation in England (The Wild Animals in Circuses Act 2019), and Scotland (Wild Animals in Travelling Circuses (Scotland) Act 2018) it significantly adds to the UK's measures to strengthen its position as a world leader on animal protection, and brings further acknowledgement, and national acceptance, that the exploitation of animals is wrong and needs to cease. In this regard, Welsh law, along with that of England and Scotland, is now aligned with thirty-three countries globally (including eighteen EU member states) that already have nationwide bans on the use or import/export of some or all wild animals in circuses. The RSPCA's and ADI's written submission to the Committee (**g**) state that these impacts are as follows:

- 1) The itinerant, transient nature of circuses means the complex needs of wild animals cannot be adequately met in such an environment which includes confinement, constant transportation, forced training and being placed within abnormal social groups. Further welfare problems are exacerbated by forced performances to strict timetables and the performance of unnatural acts and tricks. The RSPCA are clear that the animal welfare benefits of a ban on this practice are clear and have long rendered Welsh Government action necessary.
- 2) The use of wild animals in travelling circuses is out-dated and firmly out of step both with public opinion, and how animals should be treated in a modern compassionate society. The Welsh Government's public consultation on the issue in 2018 showed 97% support a ban and 97% agree it would have a positive impact on attitudes of children and young people towards animals. In addition, a 2018 opinion poll on the use of wild animals in circuses in Europe showed that 81% of adult respondents in Wales agreed that such acts

should not be allowed. UK polls over many years have also consistently shown overwhelming support for a UK-wide wild animal ban. Utilising legislation to deliver an outright and absolute ban on this practice sends a powerful and an important statement as to how the welfare of animals is regarded in modern Wales.

- 3) While the numbers of wild animals used in the circus environment in Wales is currently low, the absence of a ban offers no protection to those animals, nor mitigates against the possible growth of an industry which is so damaging to wild animal welfare. The passing of the legislation into Law will severely restrict the ability of current and future circuses to display wild animals bringing Wales into alignment with legislation in England, Scotland and globally, strengthening the international impetus to ban a practice which sees animals exploited on a global basis.

#### 5. Sources to corroborate the impact

- a. Committee Support Officer, Climate Change, Environment and Rural Affairs, National Assembly for Wales.
- b. All related / relevant reports and the legislative process can be found at: The National Assembly for Wales, 'Wild Animals and Circuses (Wales) Bill', <http://senedd.assembly.wales/mgIssueHistoryHome.aspx?Ild=25643&Opt=0>
- c. National Assembly for Wales/ Senedd Research Wild Animals and Circuses (Wales) Bill: Bill Summary. December 2019  
<https://senedd.wales/laid%20documents/cr-ld12912/cr-ld12912%20-e.pdf>
- d. Wild Animals and Circuses (Wales) Bill Explanatory Memorandum incorporating the Regulatory Impact Assessment and Explanatory Notes July 2019.  
[pri-ld12632-em-e.pdf](http://pri-ld12632-em-e.pdf) ([senedd.wales](http://senedd.wales))
- e. National Assembly for Wales, Senedd Research. Research Briefing June 2019. Wild Animals in Travelling Circuses.  
<https://senedd.wales/media/g3blukbb/wild-animals-in-travelling-circuses.pdf>
- f. Humphreys' written evidence. Wild Animals and Circuses (Wales) Bill. WA 03  
<https://business.senedd.wales/documents/s93134/WA%2003%20Dr%20Humphreys.pdf>
- g. Wild Animals and Circuses (Wales) Bill Consultation.  
<https://business.senedd.wales/mqConsultationDisplay.aspx?id=364&RPID=1020997515&cp=yes>
- h. Transcript of Humphreys' evidence to the Climate Change, Environment and Rural Affairs Committee 18/09/2019  
<https://record.assembly.wales/Committee/5701>
- i. Recording of Climate Change, Environment and Rural Affairs Committee, 3 - Wild Animals and Circuses (Wales) Bill - evidence session 1 (Start time: 09:31)  
<https://www.senedd.tv/Meeting/Archive/4c4d3874-56c2-4a40-a3bd-29a876a1b4a7?autostart=True#>
- j. Invitation by email correspondence to give evidence to the Climate Change, Environment and Rural Affairs Committee (available on request).