SSOAR

Open Access Repository
www.ssoar.info

RSPCA and the criminology of social control

Hughes, Gordon; Lawson, Claire

Postprint / Postprint
Zeitschriftenartikel / journal article

Zur Verfügung gestellt in Kooperation mit / provided in cooperation with:
www.peerproject.eu

Empfohlene Zitierung / Suggested Citation:
Hughes, G., & Lawson, C. (2011). RSPCA and the criminology of social control. *Crime, Law and Social Change*, *55*(5), 375-389. https://doi.org/10.1007/s10611-011-9292-7

Nutzungsbedingungen:
Dieser Text wird unter dem "PEER Licence Agreement zur Verfügung" gestellt. Nähere Auskünfte zum PEER-Projekt finden Sie hier: http://www.peerproject.eu Gewährt wird ein nicht exklusives, nicht übertragbares, persönliches und beschränktes Recht auf Nutzung dieses Dokuments. Dieses Dokument ist ausschließlich für den persönlichen, nicht-kommerziellen Gebrauch bestimmt. Auf sämtlichen Kopien dieses Dokuments müssen alle Urheberrechtshinweise und sonstigen Hinweise auf gesetzlichen Schutz beibehalten werden. Sie dürfen dieses Dokument nicht in irgendeiner Weise abändern, noch dürfen Sie dieses Dokument für öffentliche oder kommerzielle Zwecke vervielfältigen, öffentlich ausstellen, aufführen, vertreiben oder anderweitig nutzen.
Mit der Verwendung dieses Dokuments erkennen Sie die Nutzungsbedingungen an.

Terms of use:
This document is made available under the "PEER Licence Agreement ". For more Information regarding the PEER-project see: http://www.peerproject.eu This document is solely intended for your personal, non-commercial use.All of the copies of this documents must retain all copyright information and other information regarding legal protection. You are not allowed to alter this document in any way, to copy it for public or commercial purposes, to exhibit the document in public, to perform, distribute or otherwise use the document in public.
By using this particular document, you accept the above-stated conditions of use.

gesis Leibniz-Institut für Sozialwissenschaften

Mitglied der Leibniz-Gemeinschaft

Diese Version ist zitierbar unter / This version is citable under:
https://nbn-resolving.org/urn:nbn:de:0168-ssoar-292084

RSCPA and the criminology of social control

Gordon Hughes and Claire Lawson

Abstract This paper contributes to a rethinking of animal abuse control and animal welfare protection in criminology, specifically, and in the social sciences more broadly. We do this, first, through a broad mapping of the institutional control complex around animal abuse in contemporary Britain. Second, we focus on the institutional strategies and practices, past and present, of the main agency of animal protection, and the policing thereof, in this society, namely the Royal Society for the Prevention of Cruelty to Animals (RSPCA). In looking back to this charity's growth since the first decades of the nineteenth century at the time of the birth of modern industrial capitalism and also to its current rationale and practices as a late-modern, corporate organisation, we explore the seeming paradox of a private body taking a lead on the regulation and prosecution of illegalities associated with animal-human relationships. Finally, the ideology and strategy of the RSPCA are explored in the context of the often visceral and culturally influential 'morality war' associated with proponents, respectively, of animal rights ('abolition') and 'anthropic' welfare proponents ('regulation' and 'protection').

Key words: animal abuse; policing; Royal Society for the Prevention of Cruelty to Animals (RSPCA); welfarism; multi-agency governance

Introduction

In the emerging subfield of the criminology of animal abuse, much attention has been on the aetiology of the perpetrator and the nature of the dyad between (human) criminal/s and (non-human) victim/s. Much less attention has been paid to the dynamics of control associated with the various agencies, both state-based and voluntary or third sector. In this paper we begin by mapping the major institutional circuits of control, linked variously to detection and enforcement, welfare provision and rights based practices in the multi-agency governance of animal abuse. In order to explore in depth these control processes we then focus on the longest established, yet curiously so often ignored, institutional player in the policing of animal abuse and the protection of animal welfare in Britain over the past two hundred years, namely, the RSPCA. To date there has been no sustained criminological analysis of this key institutional player[1]. The case of the RSPCA is notable given that 'on the ground' it is arguably both an unusual historical and contemporary instance of a non-state agency having more importance in law enforcement and regulation than the public police in addressing crimes and related harms with regard to the human ill-treatment of animals in a modern centralised state. Accordingly for nearly two hundred years it has been a powerful, non-state player in one area of the field of crime control and harm reduction in which the state has played a limited 'hands-off' role, other than in the creation of

[1]Historians have not been so guilty of this neglect, as we shall see below. The silence of most criminologists may reflect both the state-based, criminal justice system focus of modern criminology and also he more widely acknowledged marginality of animal abuse to the sociological study of crime and its control.

laws pertaining to animal abuse and dangerous animals. The RSPCA is also an institution which today is surrounded by controversy in the eyes of animal rights lobbyists due to its welfarist philosophy and its reformist, and in some eyes 'conservative', policies on farming and food production and scientific experimentation on animals alongside its role in controlling dangerous and neglected animals and killing unwanted and badly abused animals. The RSPCA is thus an institutional player actively involved in the contested politics and 'morality war' with regard to the 'appropriate' relationship of the human/non-human animal world. It is ideologically representative of the humanitarian, welfarist animal protection movement (as against the 'karmic' animal rights movement). Again such highly contested and unfinished political and normative issues are of central importance to the contemporary debates in criminology regarding environmentalism and the broader study of harms, both human and non-human in nature.

It has been noted by several key contributors to this Special Issue that animal abuse remains both a marginal and marginalised area for criminological investigation. The absence of sustained research and analysis on the causes of animal abuse in its myriad forms has rightly of late gained greater attention not least through the efforts over two decades of Piers Beirne, in particular, across the fluid disciplinary borders of sociology and criminology. Writing in the mid-1990s Beirne [1] highlighted the dearth of dedicated texts and research and in the fifteen years since this article there has been but limited growth of criminological research and expert commentary, largely confined to so-called environmental or green criminology [3, 44] but, not, surprisingly, 'zemiology'[2].

A useful working definition of animal abuse is offered by Beirne and Messerschmidt ([5] p.152) as:

> any act that contributes to the pain, suffering or death of an animal or that otherwise threatens its welfare. Animal abuse may be physical, psychological, or emotional, may involve active maltreatment or passive neglect or omission, and may be direct, or indirect, intentional or unintentional. Some forms of animal abuse are socially acceptable.

Given that the key problematic in contemporary sociological criminology is that crimes are interactional phenomena necessarily conceived as emergent properties and products of the wider human figurations in which they are embedded, it is in turn vital that theory of and research into the crimes (and non-criminalised harms) of animal abuse must in part centre questions of 'reaction' or control (alongside action and causation). Once again the silence of criminologists on the policing of animal abuse is striking with a few exceptions (see [4, 35]) This paper aims to unsettle this situation and contribute to the promotion of a sustained research programme on animal abuse control and animal welfare protection.

[2]The study of social harms, recently badged as 'zemiology', would appear an appropriate home for the growing research surrounding harms done to animals, including those in sport, entertainment and farming for they are legal activities that animal welfare and animal rights lobbies have thus far been unable to inveigle governments to criminalise. Whilst it may seem obvious to situate animal abuse within zemiology there is little evidence to demonstrate zemiologists have open arms. For example, Hillyard et al. ([24] p.48) catalogue a vast array of social harms at corporate, state and international levels yet animal abuse is overlooked.

The policing of animal abuse: mapping a criminological *terra incognita*

We offer in this section of the paper an initial mapping of the major institutional players in the circuits of control, linked variously to detection and enforcement, welfare provision, and rights based practices in the multi-agency governance of animal abuse as evident in the contemporary UK. What are the key features to the contemporary 'control complex' [18] regarding detection, prosecution and prevention of crimes and harms associated with human-animal relations?

Pierpoint and Maher ([35] pp.481-5) offer a valuable overview of both the legislative context regarding animal cruelty including the numerous pieces of legislation that have been enacted since the first successful anti-cruelty bill in Britain in 1822 which gave cattle, horses and sheep some limited protection. In particular such laws have created offences of cruelty to animals, and regulations and sanctions to protect wildlife and the welfare of livestock. The *Animal Welfare Act* (*AWA*) of 2006 is the most comprehensive piece of primary legislation to date and it now covers most of the issues contained in previous major pieces of legislation. In passing the RSPCA has been the major non-state based 'expert' lobbyist in this history of law-making as well as policy implementation.

Despite the plethora of legislation since the nineteenth century, there remains little systematic statistical evidence regarding trends and patterns in recorded animal abuse. As Pierpoint and Maher ([35] pp.485-6) note, the little that is known about the prevalence of reported animal abuse is derived from court records and animal welfare charities. Throughout this period it would appear that the RSPCA has consistently brought the majority of prosecutions to the courts. However, there is a major evidential hole awaiting any attempt to assess systematically the trends in prevalence of animal abuse both over time and cross-sectionally at any given time in Britain. Most significantly, it was accepted by the Secretary of State for Environment, Food and Rural Affairs in the post-legislative assessment of *AWA* in December 2010 that there was no national enforcement database regarding the enforcement of the Act despite the original intention of this being part of a regulatory impact assessment [11]. Furthermore, animal cruelty offences recorded by the police are not collected by the Home Office - we therefore have little other than anecdotal testimony in the absence of sustained criminological research to rely on in dealing with the seeming growth in the problem, for example, of abuse of dogs and their involvement in crime and anti-social behaviour (see Hughes et al. [26]).

Even given the above caveats regarding the nature of the problem of animal abuse and lack of systematic and coordinated recorded information regarding public efforts to control and regulate it in its myriad forms, it is clear that there are multiple types of responses. In particular, private, interest-group involvement is well established in this field, again epitomised by the work of the Society for the Prevention of Cruelty to Animals (SPCA) since 1824[3] but also including smaller charities and pressure groups. This is a field of control characterised by the actions of plural agencies though less often *coordinated* multi-agency partnership working, the latter being processes increasingly characteristic of crime prevention and community safety practices across many contemporary late modern societies [25].

[3] The prefix 'Royal' was added later as a result of formal royal patronage from Queen Victoria in 1840.

RSPCA and plural policing

The field of animal abuse control is characterised by plural policing. In this regime both private and state-based public bodies share the field from initial inquiry to prosecution and back again to prevention. Whilst much current criminological analysis points to the recent, potentially seismic shifts towards governance 'beyond' the state [14], little if any attention as yet has been given to the long-term continuity in plural policing and indeed private prosecutions in the control of animal abuse in the UK. In *Private Security and Public Policing*, Jones and Newburn ([27] p.18) examined the terminology of policing and declared that it includes 'organised forms of order maintenance, peace-keeping, rule or law enforcement, crime investigation and prevention and other forms of investigation and associated information-brokering'. Whilst plotting the growth in both private and plural policing, the influential work of Jones and Newburn [27, 28] failed to refer to the role of the voluntary sector and in particular to the RSPCA as a private, charitable policing service. In turn Crawford et al. [10] more recently researched the trend in plural policing in terms of 'visible patrols'. However, they omit any mention of a public-facing body such as the RSPCA and its nationwide uniformed body of inspectors in what is otherwise a comprehensive review of visible policing and its 'extended family'. Button ([7] p.133) has also provided an extensive discussion of the key trends in private policing but whilst noting that 'given the growing concern with the environment and with animal welfare issues, it is surprising the RSPCA has received little attention', he does little to address this. More perturbing perhaps is that Button's justification for studying the RSPCA is lodged in terms of the current growing public and criminological interest and not in the two centuries of legislation and law enforcement already in existence around animal welfare.

The silence to date of policing researchers regarding the practices of the RSPCA as a charitable organisation taking the lead on much of our society's 'fight' against cruelty to and neglect of animals stretching unbroken from the nineteenth to twenty-first centuries is indicative of the marginality of crimes and violence against animals to the criminological enterprise writ large. Later in the paper we consider the important critiques lodged at the feet of animal welfare organisations such as the RSPCA and the Humane Society of the United States ('HSUS') which have emerged from an admixture of radical moral philosophy and the animal rights movement since the latter decades of the twentieth century. These critiques have informed the emerging 'green' criminological thinking on animal abuse and the associated critique of 'speciesism' of which this Special Issue is itself largely a product. As we shall see shortly, important connections may be made between anti-speciesist critiques with regard to the 'reformist' and 'conservative' strategies of large-scale corporate animal protection organisations such as the RSPCA and the grand neo-marxist, structuralist criminological narratives of state and corporate control and punitiveness more broadly. These compelling structuralist-theoretical narratives of control also come at a conceptual price in possibly closing off healthy agonistic dispute over the difficult moral and political questions associated with the competing claims regarding the abolition of animal exploitation and the defence of a broad animal protectionism.

RSPCA, animals and the state in modern Britain

We have been at pains to note the neglect of both animal abuse and those institutions tasked with regulating such human/animal figurations in the criminological canon. Of course Beirne [1] is right to note that there has been an often hidden presence of the animal in criminology's meditations on the crime question over the course of its chequered disciplinary history. What concerns us here is somewhat more limited in scope: namely developing both a conceptual and empirical framework for locating the key control institution of the RSPCA within contemporary criminological thinking on social control more broadly.

We have noted that social scientists and in particular criminologists have neglected both issues of animal abuse and the policing of this problem. This stands in sharp relief to the work of moral philosophers, both ancient and modern [2, 19]. It also compares unfavourably with the work of social historians of the emergent industrial capitalist and urbanising society of the nineteenth century [34, 43]. Foremost among these scholars in contextualising the place of the RSPCA in terms of being a mirror reflecting and refracting key ideological, cultural and political currents and fissures in that society is the research undertaken by Harrison some forty years ago [22]. As with all good historiography, Harrison's 1973 essay *Animals and the State in nineteenth century England* provides both a window on the particularities of past human collective practices and insights for understanding our history of the present.

In this section of the paper we begin with the lessons offered by social historical research for social scientists today interested in the control and regulation of animal abuse before we turn our attention to contemporary developments, and both continuities and discontinuities with the past, associated with the work of the RSPCA at the beginning of twenty-first century.

Origins of the RSPCA: contemporary criminological lessons from the past?

Harrison ([22] p.786) begins by contrasting the commonsensical claim from judge Lord Devlin in 1968 that 'there is hardly anyone nowadays who would not be disgusted by the thought of deliberate cruelty to animals' with the realities of living in a predominantly rural society in 1800 where the dependence on the slaughter of animals was a harsh and mundane fact of life. He contrasts this with the transition wrought by the 1870s where the claims of animals for both kinder treatment and much greater regulation had become institutionalised - albeit in the face of often fierce resistance - and as statistically represented by the registration of one million licensed dogs and over 800,000 licensed horses by this latter decade.

Much of this cultural transformation was in large measure made possible by the work of the SPCA and subsequently RSPCA. It is also evident to a social historian like Harrison that the story of the RSPCA has powerful resonances with socio-political issues in his own contemporary context of the late twentieth century. Noting the pertinence of the RSPCA story to political scientists' contemporary studies of 'humanitarian' pressure groups, Harrison provides a powerful, empirically-based argument that it was one of the most continuously influential bodies on nineteenth century opinion but also almost uniquely one of the better known reform groups which consistently 'collaborated with the

authorities' ([22] p.787). The RSPCA was thus often caught between the opinions of its own members and those of the government department with which it had to work. Robert Garner [12] has more recently reaffirmed this strategy of the RSPCA continuing into the twenty-first century as we shall see below. The other key feature of the RSPCA's 'mission' in the nineteenth century was the desire for 'moral and religious progress', particularly with regard to 'the pleasures and livelihood of the very poor' ([22] p.789), both regarding the cruelty to 'beasts of burden' and to animals used in sport and for pleasure. The origins of the RSPCA were certainly of a Christian missionary and civilising zeal - according to its critics, past and present, it was a morally prudish movement and organisation of upper- and middle-class mobilisation against the dangerous and uncouth habits of the poor and laboring classes [33][4].

Harrison organises his inquiry into four questions, namely, (i) what is the chronology of legislation, (ii) how was the latter enforced, (iii) what techniques were used in winning support for animal protection, and (iv) how was it defended in argument ([22] p.787). These questions provide a valuable template for the sociological analysis of the RSPCA in our contemporary conjuncture.

Let's begin with the first area of concern: the *legislative* landmarks in the nineteenth century.

> Animals are considered as property only: to destroy or to abuse them, from malice to the proprietor, or with an intention injurious to his interest in them, is criminal; but the animals themselves are without protection; the law regards them not substantively; they have no rights! (Lord Thomas Erskine, 15th May 1809)

The above quote is from Erskine's introduction to his *Cruelty to Animals Bill* in the House of Lords debate - which signified a shift in attitude among some influential sections of 'polite' society' regarding the status of animals. Although this *Bill* and a later version failed, it laid the foundations for legislation that would protect animals for the first time in the UK. Indeed, 'by encouraging kindness to animals, the Society hoped eventually to civilise manners, and hence to make the masses more receptive to religious instruction' [21].

Lord Erskine failed on two occasions to pass his *Act to Prevent Malicious and Wanton Cruelty to Animals* in 1809 and 1810 and such efforts were greeted with widespread ridicule. The cudgels were then taken up by Richard Martin MP supported by a group of 'evangelical humanitarians' who in 1822 were finally successful in securing the first major animal protection legislation in the UK with the *Act to Prevent the Cruel and Improper Treatment of Cattle*. This was to establish the principle of protecting animals against cruelty by law and through pressure from the privileged supporters of the (R)SPCA further types of cruelty were, once again, to be banned including a range of animal fighting and baiting.

Following the 1822 Act Martin, nicknamed 'Humanity Dick' by King George IV, was soon in need of 'policing machinery' to enforce the new law ([4] p.11). As Radford ([36] p.40) observes, for legislation 'to be effective, it must be enforced' but at this historical juncture of laissez faire capitalism

[4] This accusation of an obsession with the dangerous habits of the lower orders or in contemporary argot, the 'underclass', has been reaffirmed with regard to the RSPCA's role in the policing and control of 'dangerous' dogs by libertarian journalists (O'Neil, [31]) and libertarian criminologists (Hallsworth, this issue, Kaspersson, [29]) alike.

the State undertook but a minimal 'nightwatchman state' role. Into this void the RSPCA developed its own 'constabulary', later renamed as the 'inspectorate'. Radford ([36] p.40) recounts that at the time of the creation of the RSPCA there was significant scepticism regarding, and often overt rejection of, the state's role in prosecutions and enforcement of the criminal law, thus the majority of such legal actions were brought by private individuals. This is perhaps why the Metropolitan Police, the first modern professional police force in Britain, was not created until after the SPCA in 1829. Curiously the Metropolitan Police were invited in 1852 to take over managing the RSPCA's constables, but a satisfactory agreement was never reached ([22] p.811).

'Policing' was a term in regular use long before the advent of the modern police force. Indeed in the eighteenth century, before the concept of a professional police force, there were alternatives operating in law enforcement, namely the Associations for the Prosecution of Felons which attempted to address the quandary that the prosecution was dependent on the victim discovering, detaining, and funding the prosecution, of the perpetrator ([42] p.136). This was the system into which the (R)SPCA was born and its relevance is vital to understanding the Society's role today. Garland ([18] p.32) has influentially analysed the decline of the private police and prosecution bodies in the nineteenth century but failed to recognise that at least one such body continued and thrived. While, as he describes (ibid), 'citizens increasingly orientated their complaints to the state', in terms of animal cruelty and the RSPCA there is no evidence that this was the case**.**

The traditional 'Whiggish' narrative of the onward march of progress and enlightenment tells the story in the following picaresque Dickensian terms. Several leading, religiously motivated figures such as Rev. Arthur Broome and William Wilberforce gathered at the Old Slaughter's Coffee House in London on June 16th 1824 and formed the Society for the Prevention of Cruelty to Animals. At its inauguration the members of the new SPCA described its purpose as to ensure 'the mitigation of animal suffering, and the promotion and expansion of the practice of humanity towards the inferior classes of animated beings' ([36] p.41). This is of course the language of Christian missionary evangelism directed not least also at the 'inferior' human classes. Despite the archaic sounding wording, this humanitarian and anthropocentric welfarist disposition remains that of the RSPCA to this day. In the framework provided by the sociology of deviancy we can interpret the nineteenth century history of the RSPCA as being that of a moral and political crusade manufactured by the lobbying of an increasingly influential network of 'moral entrepreneurs', successfully mobilising influential opinion by the chronicling of a 'moral panic' with its 'folk devils' (uncivilised, un-Christian savages) which needed to be subjected to reformation through new governmental modes of discipline and punishment.

We have noted that the RSPCA did not content itself with legislating as an elite pressure group. Rather, it is peculiar in creating agencies which *enforced* the new legal rules: 'a sort of private police force with a strictly limited area of concern' ([22] p.793). Between 1830 and 1900 Harrison [ibid] has estimated that its prosecutions doubled in every decade with the 1890s witnessing over 71,000 prosecutions. This successful expansion of the reach of the *de facto* major institutional expression of formal animal abuse control and repression was linked to the co-operation between the paid constables and unpaid subscribers to the Society. Harrison acknowledges that we have little written evidence of what the 'policework' of RSPCA inspectors in this period really looked like. There

is no rich evidence of the 'crucially important moments when the Society made contact with the culture it despised. Reflective accounts of these incidents would greatly clarify the relationship between nineteenth-century humanitarianism and social class' ([22] p.795). Whilst the RSPCA today certainly highlights the work of its constituent employees and volunteers in its publicity documents and public accounts (see, for example, RSPCA [38]), we still lack a rich body of ethnographic evidence on latter-day RSPCA policing work on the ground. We lack then this particular ethnography of animal abuse control as 'socially situated action' [15] which could contribute to a wider research-based criminology of social control.

Harrison's third and fourth lines of inquiry focused on what we term the RSPCA's 'mobilisation strategy' and 'ideological defence' which he described as both 'prudent' and 'professional' and opposed to what a contemporary member described as 'any fanatical excesses'. This was very evident in the RSPCA's strategy towards vivisection. Whereas anti-vivisectionists in the later decades of the nineteenth century moved towards abolitionism, the RSPCA "adopted the alternative and *characteristic* strategy of pressing for stricter regulation" ([22] p.805 emphasis added). Harrison alludes to the institution from its earliest origins to its late twentieth-century incarnation always being identified with the 'Establishment'. According to Harrison ([22] p.808) this conservative' strategy was to prove successful and may have important lessons for the current debates raging over animal rights and animal protection.

Harrison's conclusion and guarded celebration of the work of evangelical 'do-gooders' sits uneasily with the scepticism of much critical criminology over reforms in justice and punishment in modernity. Such scepticism, which reaches its apogee in the anti-humanist, anti-modernist and dystopian analysis of Michel Foucault [16] on the technologies of penality, is of course an important corrective to the Whiggish historiographies plotting the inevitable and onward march of progress and enlightenment from the great 'Victorian' reformers. However, the cost of such grand, dystopian and deterministic narratives from Foucault and his acolytes is the downplaying of the 'real stuff of disposition, choice and action – the stuff of which society and history are actually made' ([18] p.25). We need to be as wary of assuming the inferred repressive dystopian intentions and consequences of elitist reform movements and control agencies such as the RSPCA as we are regarding the supposed 'pathologies' of the poor 'deviant' sections of society most often subject to regulation and control from above.

Harrison's historical monograph represents the most sustained academic research on the RSPCA as a social institution. But the issues Harrison raises are also worthy of detailed attention given their contemporary resonance for understanding the axial role played by the RSPCA as a key agency of animal abuse control in our present times. Let us now map some of the key features of the RSPCA as a late-modern control institution.

What's late-modern about the RSPCA?

Looking across the globe, the RSPCA stands out as one of the giants of the animal protection and welfare 'enterprise' [12]. The RSPCA is a large-scale corporate body and represents one of the largest charities in the UK today. Of its total annual income over £70 million derives from legacy income built

up over the last two centuries from bequests and £35-40 million from donors. Organisationally, the institution also remains reliant on voluntary support, not just from sizeable donations as a charity but also as a result of its 170 branches run by local volunteers (who were termed 'subscribers' in the nineteenth century). Its expenditure is also large-scale, amounting to over £100 million per annum, of which £32 million is spent on the inspectorate, £23 million on its establishments, £21 million on the cost of generating funds, and £11 million on prosecutions [39].

The RSPCA is also one of the UK's most recognised 'brand names' (no doubt helped - as well as stigmatised by opponents - by the monarchical moniker 'Royal'). It was ranked recently as the fourth most prominent charity in the UK in the Charity Brand Index ([13] p.4). Such a status would appear to indicate significant sections of the public's affection for the organisation given that factors such as reputation and income generated are incorporated in this Index. Such a celebrated identity could perhaps have deterred critical inquiry if there appeared little merit in pursuing a seemingly virtuous organisation or in commonsensical, ideological terms a 'national treasure'.

However, it is perhaps more likely that researchers have misinterpreted either the law enforcement work of the RSPCA or the legal status and mandate it has to enforce such laws. Paradoxically such a myth that the organisation is a *government arm* conflicts with the very prominent charity status recorded in the Index above. Further still, if the RSPCA's status has indeed been construed as quasi-governmental, then the question of why this function has not been the subject of any significant academic scrutiny remains striking[5].

As noted above, Harrison divides his monograph on the nineteenth century development of the animal protection movement and in particular the axial role of the RSPCA in these processes into four themes covering (1) legislative and legal developments, (2) enforcement of the law(s), (3) mobilisation strategy, and (4) ideological defence. This heuristic categorisation is helpful to our understanding of the institution at the beginning of the twenty-first century.

First the RSPCA continues to influence *legal developments*. This is most recently evident in its lobbying and expert advice on the most comprehensive, enabling legislation at the time of writing, the *Aninal Welfare Act* (*AWA*) of 2006. It has been claimed by leading RSPCA representatives that the most notable shift in the RSPCA's explicit role in crime prevention emerged when it succeeded in persuading the Government to pass the new *AWA* given that this legislation contains the ability to proactively prevent the suffering of animals for the first time [37]. As a result of this legislation, a duty of care is placed on the owner or keeper of the animal and the needs of the animal must be provided for. There is no need to prove that the animal has suffered - only that it is likely suffer should the situation not improve. Inspectors appointed under the Act within local authorities can now serve statutory improvement notices. The combination of the threat of prosecution and the softer provision of assistance and financial support appear to have enabled individuals to comply with the notices, but more importantly the animals have not gone on to suffer ([37] p.6).

I n turn, the RSPCA continues to offer both expert advice and guarded criticism on current deficiencies in the legislative arsenal of the state, such as the *Dangerous Dogs Act* of 1991 (amended 1997) and proposals for amendment of this piece of legislation which is widely regarded as being

[5] Note, however, the brief but undeveloped analysis in Grabosky [20] and Scott, [41].

populist, ill-thought through and largely symbolic. The list of interventions in laws could go on and would now include the RSPCA's international lobbying for legislative changes at the EU level and most recently with the lengthy negotiations with the Chinese state in formulating its first formal enactment of anti-animal cruelty regulations. It is no exaggeration then to view the RSPCA as a global player in animal project debates beyond the UK [32].

In terms of *enforcement of the law*, the RSPCA remains *de facto* the major investigative, protection and prosecution agency on animal abuse and neglect cases[6]. Annually the organisation's national control centre receives about 1.3 million calls from the public. In turn 135,000 animals were collected and rescued by the institution [39]. The latest data compiled by the agency for 2009 reveals a count of 141,000 cruelty complaints investigated which resulted in 2,500 known convictions of 1,500 persons. The contemporary RSPCA annual reports present graphic in-depth cases of successfully prosecuted offences in its review of its activities, highlighting for public consumption in no uncertain terms the depths of cruelty perpetrated by its human offenders. In turn it is able to boast of a high success rate (98%) for cases brought to court. The types of offences prosecuted or dealt with less adversarially range in descending order from cruelty (mostly to dogs), welfare offences, adult written cautions, breach of disqualification, offences against wildlife, juvenile-related offences, and animal fighting [40]. In their discussion of the national databases, Pierpoint and Maher [35] conclude that the RSPCA prosecutes the majority of cases in comparison to the other two major prosecuting agencies, namely the Crown Prosecution Service, and local authorities. However, they acknowledge the quantitative and qualitative data to substantiate this is lacking.

With regard to front-line 'policing' staff, the RSPCA employs 300 uniformed inspectors (including inspectors in the special operations unit often working with the police on the most serious cases of abuse and cruelty). Alongside this most visible outward facing 'enforcement' group, the agency has a large body of staff including veterinary and animal care specialists in its hospitals, clinics and branches, which in recent years have treated in excess of 200,000 animals annually. According to its own latest official figures, the RSPCA's animal centers routinely microchip 73,000 and neuter 87,000 domestic animals per annum. The RSPCA also has four science departments and much of its self-promotion in terms of improving 'the lot' of livestock animals of the agri-business complex is associated with the monitoring and registration of its 'Freedom Food' label of humane treatment which currently covers 900 million animals in the UK each year [39]. As we shall see below this is an area of work for which the RSPCA has been widely criticised of late.

What, then, are the legal powers of the RSPCA as a prosecuting agency? A degree of misunderstanding or misinformation on this subject has always been prevalent and arguably utilised by the RSPCA itself [30]. Scott ([41] pp.62-63) is certainly mistaken in classifying the RSPCA as an

[6] Despite the inclusion of the term 'prevention' in its title, it is the enforcement of the law with which the RSPCA is most associated, both internally (Lawson, [30]) and in the broader public perception of its mission. In terms of notions of crime and harm prevention involving an emphasis of proactive actions *before* crimes or harms ensue, the preventive role of the RSPCA remains underdeveloped (see Hughes et al. [26]) despite the provisions in the *AWA* noted above. As noted previously, much of the day-to-day work of the RSPCA is filling in an enforcement and prosecutorial 'void' and providing a governmental function which the state has not addressed directly. In the words of a leading RSPCA spokesperson at its Status Dogs Summit in 2010, commenting on the policy transfer implications of the 'British model' for policing and law enforcement of animal abuse, 'An NGO taking the slack is not the best model to start with'.

example of ‘delegated regulatory power’ and as an institution that possesses a ‘statutory power to prosecute’. In fact the RSPCA is a registered charity, with its law enforcement role operating solely under the legal jurisdiction of England and Wales. This charitable status is an important designation to comprehend for it requires that the purpose of the organisation to be ultimately for public benefit. For the RSPCA, and other animal welfare charities, prevailing legal judgments have established that public benefit to be defined as the ‘promotion of human morality’; thus animals are only to benefit indirectly ([6] p.58].

It is not technically a formal prosecuting body because, ‘in pursuing alleged offenders, it is acting entirely as a private prosecutor’ ([36] p.380), and thus is not obliged but may have regard for the Crown Prosecution Service Code [8]. It is the category of the legislation being utilised which determines the RSPCA’s ability to prosecute. The legal theorist Radford ([36] p.380) notes that, without any formal declaration, both the criminal justice authorities and the RSPCA consider their Inspectors as investigating officers under the Police and Criminal Evidence Act. The rules under this legislation bind officers with regard to actions during custody and interrogation. However, RSPCA Inspectors possess no power or authority beyond that of an ordinary citizen, so cannot enter a premises without permission nor arrest or remove evidence; thus police assistance in these matters is paramount ([23] p.220).

The government’s own position regarding the RSPCA’s legal status as a prosecuting body has been obscure and until very recently had to be unearthed painstakingly from often obscure guidelines and documents. For example, under ‘Relations with Other Agencies’ in the Domestic and Captive Animals section of the CPS’s website [9], the only note says:

> The Royal Society for the Protection of Cruelty to Animals (RSPCA) has a long established expertise in both the investigation and prosecution of cases involving animal welfare and has built up a useful body of precedent and case law.

In December 2010, the RSPCA was acknowledged in the post-legislative assessment of the *AWA* by DEFRA as ‘the principal agency responsible for the day-to-day enforcement of the Act’ ([11] p.13). This remains a rare instance where such formal public recognition has ever been found, which could suggest a reluctance on behalf of the state authorities to fully disclose the reality, or perhaps the ignominy, of the situation [30].

Moving on to questions of *mobilisation strategy* and *ideological defence*, the historian Harrison ([22] p.805) recounts how from its earliest foundations the RSPCA ‘found itself in a political situation, where opposition to the powerful on one issue had to be moderated in the hope of attracting support from the powerful on another’. To repeat our earlier point, this centrist strategy has consistently been its doctrine into the twentieth and twenty-first centuries. For supporters of this strategy ‘radical activities have been eschewed in favour of patiently but persistently accumulating a formidable body of protective legislation’ ([22] p.808).

To this day, explicit engagement in what we may call the 'morality war' around the seemingly irreconcilable positions of animal exploitation abolitionists and those of reformist animal protection positions (of which the RSPCA is a powerful and brooding 'Establishment' representative) is impossible to find in any official RSPCA documents and statements. At best we find briefing notes for teachers on 'humans and other animals', 'creating an animal welfare charter', 'ethics, animal experiments and the law' and such like in its education publications which steadfastly avoid the type of deeply engaged moral and political debate characteristic of animal rights lobbying organisations. The ideology of the RSPCA on the vexed issue of animal rights versus animal welfare remains tellingly under- if not un-stated in any explicit manner of the kind we find in the work of an animal protectionism advocate such as Garner [12]. As an Establishment institution 'above' politics, it would appear that the RSPCA pragmatically avoids public debate on the politics and ethics of animal rights versus animal welfare.

Despite this public silence, the RSPCA is an institution which is surrounded today by controversy in the eyes of animal rights lobbyists and 'scholar-activists' ([45] p.1209) and a growing number of proponents of a 'non-speciesist' criminology. Much of this controversy is linked to its 'humanitarian welfarist' philosophy and its reformist, and in the eyes of some [12], 'conservative' policies and practices particularly with regard to 'humane' farming and animal food production and scientific experimentation on animals[7]. Meanwhile in the eyes of anti-state, libertarian critical criminologists, criticism is also lodged at the RSPCA's feet for its axial, governmental role in controlling dangerous and neglected animals and killing unwanted, badly abused animals, particularly 'dangerous' dogs (Hallsworth, this Issue, Kaspersson, [29]). The RSPCA is thus an institutional player which is, willingly or not, actively implicated in a contested politics and 'morality war' with regard to the 'appropriate' relationship between humans and non-human animals.

What in brief are the features of the 'animal welfare' view for which the RSPCA is both globally renowned and increasingly vilified?[8] The animal welfare view is widely regarded as being one in which animals are viewed as being at least 'partial members' of the moral community' due to their sentience whilst accepting that humans may use animals for human purposes. This welfarist position also claims that it is morally wrong to inflict unnecessary harm or suffering on animals or to treat them in ways that are not 'humane'. According to supporters of this avowedly anthropocentric world-view, even the property status of animals is not an inevitable obstacle to them receiving better treatment, as evidenced in the comparative treatment of animals across different cultures today ([12] pp.124-46).

[7] Animal rights critics of the RSPCA say little, it would seem, about its routine repression of animal cruelty and regular prosecution of human perpetrators which, as is clear from our previous analysis makes up a very significant area of its work and institutional logic.

[8] Of course, we do not come to this debate 'value-free' and 'politics-free'. Our broad normative position is that of humanitarian and anthropocentric welfarism. We remain wary of the more 'karmic' direction in debates on human/non human animal interface whereby the human is re-absorbed into natural history ([17] p.5). We broadly concur with the modernist founders of sociology on the uniqueness of the human animal as residing in their 'participation in large-scale corporate projects that defy the gene's eye-view of the world' ([17] p.6), not least at times in reversing or neutralising the effects of 'natural selection'. This is indeed a feature of both animal protection and animal rights political projects.

What in brief are the counter-claims of abolitionist proponents? Let's focus on a number of key claims made in Francione's abolitionist critique of the RSPCA and other globally influential animal welfare institutions. According to Francione ([12] p.51), 'Making society feel more comfortable about animal exploitation is more often than not an explicit goal of animal welfare campaigns and organisations'. Specifically cited evidence in support of this claim is the labelling schemes for humanely farmed animal food produce and in particular the RSPCA's Freedom Food label ([12] pp.52-3). In turn, it is suggested that such schemes do not translate into significant welfare benefits for non-human animals kept under such 'humane' conditions, backed up 'empirically' by the citing of notorious examples of badly regulated enterprises. Furthermore, and most crucially, it is contended that the overall consequence of animal welfarism has been to reinforce the 'property paradigm' regarding non-human animals and is often based on 'increasing the efficiency of exploitation' ([12] p.45). Radical, if not revolutionary, animal rights 'scholar-activists' like Francione conclude by condemning reformist 'traditionally conservative groups' like RSPCA and HSUS and newer, supposedly more progressive groups such as People for the Ethical Treatment of Animals (PETA), for in effect perpetuating and propping up the exploitative system.

Not unexpectedly we can find no explicit response of the RSPCA to such damning criticisms of its role in both propping up and helping perpetuate 'the system' (by 'humanising' animal exploitation). Again, this silence speaks to the mobilisation strategy and ideology of this Establishment institution. Those seeking sophisticated normative and ideological rationales of the politics of animal protectionism and the new welfarism have to turn to reformist 'scholar-activists' such as Garner [12].

Conclusion

Much of this paper's focus has been on the RSPCA as a key, if also 'strange', exemplar of developments in the policing and control of animal abuse. The RSPCA is certainly a key player both in British society and also increasingly across the globe in the politics of animal protection and abuse control. Its 'strangeness' may be due both to its charitable status and nineteenth- century Christian missionary roots and its continuing core role in policing animal abuse in a late-modern system of crime control. It is clearly an institution of social control worthy of interest in its own right. By exploring the historical continuities and discontinuities of this original 'Victorian' invention over two centuries, we also hope to have shed light on the broader issues raised for the nascent criminology of animal abuse. We await future criminological work which may inform the future practice of animal abuse control and animal welfare protection and which might ambitiously help reconstitute the *governmental savoir* surrounding this key area of public policy and practice.

References

1. Beirne, P. (1995) 'The use and abuse of animals in criminology: a brief history and current review'. *Social Justice*, 22(1) 1-21

2. Beirne, P. (1999) 'For a Non-Speciesist Criminology: Animal Abuse as an Object of Study'. *Criminology*, 37(1) 117-147

3. Beirne, P. (2007) 'Animal rights, animal abuse and green criminology' in Beirne, P. & South, N. (eds) *Issues in Green Criminology: Confronting harms against environments, humanity and other animals*. Cullompton: Willan

4. Beirne, P. (2009) *Confronting animal abuse: Law, criminology, and human-animal relationships*. Plymouth: Rowman & Littlefield

5. Beirne, P. & Messerschmidt, J. W. (2006*) Criminology*, Fourth Edition. Los Angeles: Roxbury

6. Brooman, S. & Legge, D. (1997) *Law Relating to Animals*. London: Cavendish

7. Button, M. (2002) *Private Policing*. Cullompton: Willan

8. Crown Prosecution Service (CPS) (2010) *The Code for Crown Prosecutors*. London: Crown. From http://www.cps.gov.uk/publications/docs/code2010english.pdf

9. CPS (2010) '*Legal Guidance: Offences involving domestic and captive animals'.* From http://www.cps.gov.uk/legal/d_to_g/offences_involving_domestic_and_captive_animals/

10. Crawford, A., Lister, S., Blackburn, S. & Burnett, J. (2005) *Plural Policing: The mixed economy of visible patrols in England and Wales*. Bristol: Policy Press

11. DEFRA (2010) *Memorandum to the Environment, Food and Rural Affairs Committee: Post-legislative Assessment of AWA 2006,* London, DEFRA.

12. Francione, G. and Garner, R. (2010) *The Animal Rights Debate,* New York, University of Columbia Press.

13. Donovan, T. and Wallace, C. (2009) *Charity Brand Index*. From http://charitybrandindex.com/assets/download/Charities_BrandIndex_preview.pdf

14. Edwards, A. and Hughes, G. (2005) 'Comparing safety in Europe: a geo-historical approach', *Theoretical Criminology,* (3): 345-63.

15. Edwards, A. and Hughes, G. (forthcoming) 'Control as socially situated action'.

16. Foucault, M. (1979) *Discipline and punish.* London: Harmondsworth.

17. Fuller, S. (2006) *The New Sociological Imagination*, London: Sage.

18. Garland, D. (2001) *The Culture of Control*, Oxford: Oxford University Press

19. Garner, R. (2004) *Animals, Politics and Morality*, Second Edition. Manchester: Manchester University Press

20. Grabosky, P.N. (1995) 'Using Non-Governmental Resources to Foster Regulatory Compliance'. *Governance*, 8(4) 527-550

21. Harrison, B. (1967) 'Religion and Recreation in Nineteenth-Century England'. *Past and Present.* 36-38 pp98-125

22. Harrison, B. (1973) 'Animals and the State in nineteenth-century England'. *English Historical Review*. XXXVIII (CCCXLIX) 786-820

23. Harrop, S. (2000) 'Challenges and Dilemmas Faced by Conservation and Animal Welfare Charities Who Both Enforce the Law and Press for Changes' in Dunn, A. (ed) *The Voluntary Sector, The State and The Law*. Oxford: Hart pp.211-226

24. Hillyard, P., Pantazis, C., Tombs, S. and Gordon, D. (eds) (2004) *Beyond Criminology: Taking Harm Seriously*. London: Fernwood

25. Hughes, G (2007) *The Politics of Crime and Community*. Basingstoke: Palgrave Macmillan

26. Hughes, G., Maher, J. and Lawson, C. (2011) *'Status dogs', young people and criminalisation: Towards a preventative strategy*, Horsham: RSPCA.

27. Jones, T. and Newburn, T. (1998) *Private Security and Public Policing*. Oxford: Oxford University Press

28. Jones, T. & Newburn, T. (2002) 'The Transformation of Policing?: Understanding Current Trend in Policing Systems'. *British Journal of Criminology*, 42(1) 129-146

29. Kaspersson, M. (2008) 'On Treating the Symptoms and not the Cause. Reflections on the Dangerous Dogs Act'. *Papers from the British Criminology Conference*, 8:205-225

30. Lawson, C. (2010) *Where is the 'P' in RSPCA: A Criminological Case Study of Crime Prevention Within Animal Cruelty*. MSc. Dissertation, Cardiff University.

31. O'Neil, B. (2010) 'In defence of devil dogs', *The Spectator*, 6 March, p. 24.

32. OIE (World Organisation for Animal Health) (2010) *Supporting the Implementing of OIE Animal Welfare Standards: The role that civil society plays*, Horsham, RSPCA.

33. Pemberton, N. and Worboys, M. (2007) *Mad Dogs and Englishmen: Rabies in Britain 1830-2000*, Baingstoke, Palgrave.

34. Perkin, H. (1969) *The Origins of Modern English Society*, London, RKP.

35. Pierpoint, H. and Maher, J. (2010) 'Animal Abuse' in Brookman, F., Maguire, M., Pierpoint, H. and Bennett, T. (2010) (Eds) *Handbook on Crime*. Uffculme: Willan Publishing pp 480-501

36. Radford, M. (2001) *Animal Welfare Law in Britain*. Oxford: Oxford University Press

37. Robinson, C. (2010) 'Enforcing Animal Welfare'. *Animal Welfare Science, Ethics and Law Veterinary Association*, 14(1) 6

38. Royal Society for the Prevention of Cruelty to Animals (RSPCA) (2010). *Annual Review 2009.* From http://www.rspca.org.uk/ImageLocator/LocateAsset?asset=document&assetId=1232720094195&mode=prd

39. RSPCA (2010a) *Trustees' Report and Accounts 2009*. From http://www.rspca.org.uk/ImageLocator/LocateAsset?asset=document&assetId=1232720099514&mode=prd

40. RSPCA (2010b) *Prosecutions Department Annual Report 2009*. From http://www.rspca.org.uk/ImageLocator/LocateAsset?asset=document&assetId=1232721535439&mode=prd

41. Scott, C. (2002) 'Private Regulation of the Public Sector: A Neglected Facet of Contemporary Governance'. *Journal of Law and Society*, 29(1) 56-76.

42. Sharp, J. (2001) 'Crime order and historical change' in Muncie, J. and McLaughlin (eds) *The problem of crime*, Second Edition. London: Sage. pp 107-149.

43. Thomas, R (1983) *Man and the Natural World*, London, Allen Lane.

44. White, R. (2008) *Crimes Against Nature: Environmental criminology and ecological justice*. Cullompton: Willan

45. Yates, R. (2010) 'Review of G. Francione's 'Animals as persons', *Sociology*, 44(6), 1208-10.