

DT033 - Should bestiality be a crime?

Tom Utley (7 December 2002) pillories the sloppy thinking behind David Blunkett's white paper *Protecting the Public*, which proposes fundamental changes to our criminal law governing sexual behaviour. A nation's laws need to be based upon its accepted morals and values, yet on these the white paper is strangely silent. Blunkett's proposals are based on no discernible moral framework, which invalidates them at the outset.

Utley alludes to paragraph 79 of the white paper, which introduces a new imprisonable offence of bestiality on no better basis than that sexual activity with animals 'is generally recognised to be profoundly disturbed behaviour'. This is the language of psychiatry, not criminal law.

In my book on secular sexual ethics *The Sex Code: Morals for Moderns* I suggested that it is contrary to the moral duty of respect for one's sexuality for a human being to have sex with an animal. I did not suggest that therefore this should be a criminal offence, additional to the offences relating to cruelty to animals.

Tony Honoré, Regius Professor of Civil Law in the University of Oxford, said in his 1978 book *Sex Law*, that there is no satisfactory reason for including in modern law a crime of having sexual relations with an animal. He added that though the law books would be poorer if they ceased to mention Coke's great lady who supposedly had sex with a baboon and conceived by it, the crime of bestiality should be consigned to the scrapheap.