

## **On Treating the Symptoms and not the Cause**

### *Reflections on the Dangerous Dogs Act*

Maria Kaspersson, *University of Greenwich*

#### **Abstract**

The experience of saving a dog that later turned out to be a Pit Bull and therefore banned under the Dangerous Dogs Act 1991, made me investigate the Act and its implications. The Act is not built on evidence and by compiling results from different studies on dog bites and breed-specific legislation in different countries the conclusion is that there is not much empirical support for breed bans either. 'Dangerous breeds' do not bite more frequently than German Shepherds and directing legislation towards certain breeds deemed as 'dangerous' cannot therefore be seen as justified. The strength of the label 'dangerous dog' seems to rule out policies that follow the facts and there is more treating of symptoms than causes.

**Key Words:** dangerous dogs, breed-specific legislation

#### **Introduction**

Sometimes your research interests move in unexpected directions. In my case, the pivotal point was rescuing a dog that later turned out to be a Pit Bull Terrier, and consequently banned under the Dangerous Dogs Act 1991 s.1 (hereafter DDA or 'the Act'). The experience of getting an Exemption Order and registering the dog on the Dangerous Dogs Register highlighted some problematic areas of the Act in particular, and breed-specific legislation in general. Firstly, on what facts and evidence was the Act based? Secondly, is the singling out of certain breeds justified, or is it merely stigmatising those breeds, thereby treating the symptoms -

aggressive or dangerous dogs - rather than the causes - irresponsible owners?

This paper will try to answer these questions by looking at how the DDA was implemented, utilising research on dog bites in general and research into the effects of breed-specific legislation. Despite the reporting in media of serious cases of dog attacks (e.g. the aptly named dog 'Asbo', who ran amok and bit four people, one of which was a one-year-old boy, in Mitcham October 2008 (reported in *The London News*, 9 October, and by Sturcke, *The Guardian*, 2008)) there is generally not much debate of the law. The media, as Chibnall (1977:26) points out, is 'focusing public attention on the symptoms rather than the causes of 'social problems''. I would like to argue that, in the case of dangerous dogs, so does the legislation.

## **Method and material**

This paper is mainly based on secondary data. The information available on dogs in general was in the form of research on dog bites, research on dog behaviour, specifically aggression, media reports, 'grey' literature such as pro-Pit Bull literature - where reliability and eventual bias or polemics need to be assessed carefully - and personal experience. It is generally difficult to get information regarding the owners of Pit Bulls, so I will draw from my experience of meeting other Pit Bulls and their owners in South East London. Utilising the 'ice breaking effect' (McNicholas and Collis, 2000) of having a Pit Bull on a convenience sample (Bryman, 2004) - meaning data gathered from a sample that is too good to miss - some additional information was extracted. Interestingly, McNicholas and Collis (2000) found that the 'scariness' of the owner had a stronger effect, than the 'scariness' of the dog. By not looking as a stereotypical Pit Bull owner (what a typical owner looks like we do not really know) I am often approached by people who have no idea my dog is a Pit Bull or by those who are impressed I walk a 'red nose pit'.

When it comes to dog bite research, only information on serious cases of aggressive dog behaviour, i.e. bites, is available. Either these are studies carried out in hospital (of people seeking medical assistance for dog bites), or dog owners seeking veterinary assistance for dogs or other animals bitten by dogs. This latter category is often not directly relevant to breed-specific legislation as dogs biting other dogs does not constitute dangerous behaviour, even though a dog that has killed another dog is classified as 'vicious' or 'dangerous' in some studies (e.g. Barnes et al., 2006) where the label 'dangerous' is in focus.

Studies show that very few of medically attended dog bites are reported to the police and usually it is in cases where an unknown dog was the offender (Klaassen et al., 1996; Kahn et al., 2003; De Keuster et al., 2006). This can be compared to rape, where female victims are more likely to report stranger rapes, even if intimate and date rapes are the more

common, making up for 75 per cent of all rapes (Gavey, 2005). In dog bite studies, known dogs made up for just over half of the cases in Scotland (Klaassen et al., 1995) and 71 per cent of cases where children were bitten in Belgium (De Keuster et al., 2006).

When dog bites are the result of working dogs, e.g. police or guard dogs, these bites are not included in bite statistics and, worryingly as regards reliability and validity, in some studies, unclassifiable breeds (crosses or breed unknown) are excluded, as breed is the decisive factor to control for (Delise, no date b). When it comes to medically attended bites, however, all cases of dog bites are included.

Another problem with many studies cited below is that 'breed' is based often on accounts of the people involved in incidents and research has shown that it is not always easy in a traumatic situation to establish whether you were attacked by a Pit Bull or something else (Buckley and Kleiner, 2002; Deffenbacher et al., 2004). As about half the cases involve unknown dogs, the margin for error is potentially large. There might also be reason to believe that someone attacked by a dog might assume erroneously that the dog was a Pit Bull as we are led to believe this is the most likely breed to be attacked by. This links to why newspaper accounts are not always reliable as dogs are commonly called Pit Bulls, whether they are or not (Cohen and Richardson, 2002; Delise, 2008a). Several researchers also point out that cases involving Pit Bulls are more likely to be reported (Cohen and Richardson, 2002; Labonté, 2005b; Collier, 2006) and therefore over-represented in the news.

What all these sources have in common is a bias towards medically attended bites or fatal bites that does not provide an 'actual' dog bite picture (Collier, 2006). What this means is that there is no information available regarding the whole spectrum of dog aggression from growling, baring teeth and 'scary behaviour' to actual attack, bites and, in some cases, death. We know of the serious end, fatalities and actual bites being serious enough to need medical attention, but not of the lower end and of cases of bites not requiring medical attention.

All studies are slightly different in focus and approach, but the data and results have been presented in as similar a way as possible to enable comparisons and generalisations. All countries in which dog bite research has been carried out have been treated as essentially the same and differences in legislation and dog population have not been discussed. The purpose here is to study general effects of breed-specific legislation, not individual differences.

## **The Making of the Act**

The 1991 Dangerous Dogs Act is in many ways a controversial piece of legislation. It has been hailed as example of poor legislation, 'hasty' and 'ill-conceived' and the result of a moral panic (Jones, 2006:93); and it is questioned on what evidence it was actually based. Wring in *The Guardian*,

Hollingshead (2005) claims that the DDA has been 'widely criticised as an archetypal piece of knee-jerk nonsense' and is referred to 'as a classic example of what not to do'. The RSPCA calls the act 'a sledgehammer to crack a nut' (BBC News, 2007).

In 1990 and 1991 there were sensationalist tabloid newspaper reports on Rottweilers and Pit Bull Terriers that mauled and killed children (Hollingshead, 2005). Goode and Ben-Yehuda (1994) illustrate how a moral panic starts with a concern over certain behaviours; in this case Pit Bull attacks on humans and media demands that something must be done. The then Home Secretary Kenneth Baker tells us in his memoirs that the

... worst of these attacks were by the notorious pit bull terrier, and the menace of these particular dogs was compounded by increasing evidence that they were being bred quite specifically for their power and viciousness (Baker, 1993:433).

This illustrates Goode and Ben-Yehuda's (1994) second criterion of moral panic is hostility, meaning there is an increased level of hostility towards the group causing concern. Baker mentions three pivotal cases of Pit Bull attacks from 1991 - none of which was fatal - and states that the 'pit bull issue was now up and running' (1993:434). Goode and Ben-Yehuda (1994) claim that there must also be a substantial or widespread consensus - that Pit Bulls pose a real and serious threat; and the way the media reported these cases ensured this by branding Pit Bulls 'devil dogs' (Gillan, 2007). Baker felt that the media outcry required emergency legislation that imposed penal restrictions (i.e. destruction) of dogs of the same breed as the attacking ones (Hattersley, 2005). Goode and Ben-Yehuda's (1994) fourth criterion is disproportionality. They state how there is a sense on the part of many members of the society that a more sizeable number are engaged in the behaviour causing concern than actually are, in this case that there were more Pit Bulls roaming around than was the case. The threat, danger, or damage caused by the behaviour, is also exaggerated so the threat these dogs posed was portrayed as larger than it actually was. This illusion of greater danger than is the case is achieved by using exaggerated figures, fabricated figures and a concentration on one particular harm - Pit Bulls - over others that might be greater - German Shepherds/Alsations. Baker is demonstrating some awareness of this disproportionality when he openly admits he is specifically targeting the Pit Bull. He states:

The issue was made more complicated by the fact that the largest number of reported dog bitings was caused by Alsations and other domestic breeds whose owners would never have regarded their pets as dangerous. But I considered that Pit Bulls represented a quite different scale of menace and caused far worse injuries than other dogs (Baker, 1993:434, emphasis added).

As Lodge and Hood (2002:5) point out, the dog attacks and the moral panic alone might not have been the only reasons behind Baker's actions. Baker was in trouble after a major riot at Strangeways prison in 1990 and he needed to restore his political fortunes ahead of the summer Cabinet-reshuffle. Baker initially responded to the media by stressing the difficulty in dealing with the dog attack problem via legislation (Baker, 1993). The media criticised him heavily, also putting pressure on John Major, the Prime Minister. The government was in trouble, they had lost in by-elections and they had to hold a general election in 1992, which it was not sure it would win (Lodge and Hood, 2002). By quickly responding to the moral panic on dog bites Baker could restore the precarious situation and demonstrate he was a 'man of action'. It also goes in line with the fifth criterion for a moral panic proposed by Goode and Ben-Yehuda (1994), namely volatility. Moral panics are volatile as they erupt suddenly and subside nearly as suddenly. Baker rushed through the DDA in record time and, once that was done, his and the general public's major concern shifted to joy-riders in the autumn of 1991 (Baker, 1993).

There was also what can be seen as a 'canine class issue' (Lodge and Hood, 2002) at stake here. When forced to act, Baker (1993:435) admitted:

There was a danger of over-reaction, with demands to have all dogs muzzled and to put Rottweilers, Dobermans and Alsations in the same category as Pit Bulls. This would have infuriated the 'green welly' brigade.

He also states that: 'I was not in the business of legislating to control chihuahuas when I wanted to rid the country of Pit Bulls' (Baker, 1993:435). This can be interpreted in terms of conflict theory – that those in power were not worried about their own dogs, but of those of the 'dangerous' classes (e.g. Chambliss, 1974, *cited in* Lilly et al., 1989). The UK Kennel Club and breed associations did not - and still do not - recognise the American Pit Bull terrier as a breed, but recognised its close relative the Staffordshire Bull Terrier. Class bias is clear, as the fierce dogs favoured by the affluent and landed classes - the Rottweilers and Dobermans - are recognised and well represented by breed associations and among people with financial and political power (Lodge and Hood, 2002), as well as in biting incident statistics (see Tables 1-10). There was never much lobbying to include them in any legislation, apart from Labour who wanted Rottweilers and German Shepherds to be muzzled as well (Baker, 1993). As Chambliss (1975:152, *cited in* Lilly et al., 1989:163) states: '[A]cts are defined as criminal' - or breeds of dogs in this case - 'because it is in the interest of the ruling class to so define them'. Pit Bulls were seen as fighting dogs that had no place in society and were thought to be owned by drug dealers who used them as legal weapons (Baker, 1993).

As Baker states himself that the Pit Bulls did not cause the majority of dog bites, on what other evidence did he base his concentration on Pit Bulls? Lodge and Hood (2002:6) claim that there 'is no evidence that the act

was based on learning from other countries to any extent'. Apart from newspaper reports, Baker mentions that one - unnamed - dog expert assured him:

... that 'All Pit Bulls go mad'. Unlike other recognised breeds they were unpredictable and could not be reliably trained' (Baker 1993:435).<sup>1</sup>

According to the 1991 Dangerous Dogs Act in its final form (s. 1), it is illegal to own, breed, sell or give away any dogs, or crosses, of Pit Bull type ('type' since it is not recognised as a breed), Japanese Tosa, Dogo Argentino or Fila Brasileiros. Dogs that appear to be bred for fighting or have the characteristics of a type bred for that purpose are also banned. Anyone who owns a dog of this type must have it neutered, micro chipped, tattooed, insured and muzzled and on lead in public places. This is the controversial, breed-specific part of the law.

Section 3 of the Act deals with dogs classified as being 'dangerously out of control in a public place'. Such a dog, no matter the breed, can be destroyed and the owner can be fined and imprisoned for up to six months. If the dog injures someone, the owner can be imprisoned for up to two years. This part of the law is less controversial, but has not been without its problems - for example that the police cannot act on dogs that are 'dangerously out of control' in private places (BBC News, 2007). The main difference from the 1871 Dogs Act was that the older piece did not impose criminal penalties on owners with dangerous dogs, but they were treated as civil matters (Lodge and Hood, 2002).

In 1997 The Dangerous Dogs (Amendment) Act was passed that removed the obligation on courts to impose destruction orders of banned dogs and gave magistrates more discretion whether to order the destruction of a dog (Lodge and Hood, 2002; Jones, 2006). Both the police and the courts had always been reluctant to kill a non-aggressive dog that had responsible owners (Police Dog Handler Ian Morrison, personal communication, June 2008).

Baker claims the 1991 Act 'saved many children and adults from vicious attacks of Pit Bulls' (Baker, 1993:436). In a piece in the Guardian in January 2007 he states:

There is no doubt that the act has been a success in that the number of attacks by Pit Bulls declined dramatically - there was only one last year and it was not fatal - and so Britain has been a safer place as a result of the Dangerous Dogs Act (Baker, 2007).

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<sup>1</sup> Interestingly, and opposite to what Baker argues, Collier (2006) points out that even if Pit Bulls have been bred for their dog fighting traits, they have also been bred because of their stability and tractability with people. See also Diane Jessup's webpage regarding how she trains Pit Bulls to work as, for example, bomb sniffer dogs, [www.workingpitbull.com](http://www.workingpitbull.com).

However, he also mourned the ‘watering-down’ of the act in 1997 ‘when the argument was put that it was the owners and not their dogs that were at fault - so dogs were given a second chance. This was a mistake’ (Baker, 2007). It is also obvious that Baker still has it in for Pit Bulls as he claims that ‘there is no place in the dog-loving community of our country for Pit Bulls’ (Baker, 2007). Baker always saw the eradication of Pit Bulls as the measure that would treat or cure the problem with dangerous dogs.

## **Law enforcement of the Act**

Initially, there was vigorous enforcement of the 1991 DDA by the police. In London, especially, the police used the law as part of a crackdown on drug dealers. After about a year or so, the Act ceased to be actively enforced by the Metropolitan Police and was placed low on the priority list. By 1994, it had gone back to the traditional ‘one free bite’ approach to dangerous dogs (Lodge and Hood, 2002). In October 1991 the first Pit Bull was destroyed and by the time the amendment Act removed the mandatory destruction in 1997, 900 dogs had been killed (Gillan, 2007a). In September 2006, 1,067 Pit Bull terriers and three American Staffordshire bull terriers were on the exempted dogs register (Doward, 2007a). In 2007, the Metropolitan Police recorded 943 reports of dogs being out of control (Meikle, 2008).

One of the main problems with the act is the difficulty of establishing what a ‘Pit Bull type’ dog actually is (Hollingshead, 2005). Many arguments have been conducted in court when owners try to prove their dogs are not Pit Bulls and it has been difficult to establish a dog is a Pit Bull in court (Doward, 2007a). Baker (1993:436) foresaw these problems, but thought ‘it better to risk those difficulties, because having realized the danger of these dogs it would have been irresponsible to have done nothing.’ The Kennel Club finds the law flawed as it targets specific dogs and not their owners and uses the mantra: ‘Blame the deed, not the breed’ (Gillan, 2007a) which is another way that the concentration should be on the causes, not on the symptoms. Roll and Unshelm (1997) and Barnes et al. (2006) wonder if it is not more fruitful to talk in terms of high risk owners, rather than high risk breeds. In February 2008 the Liberal Democrats called for a review of the Act to make the owners more responsible (Meikle, 2008) in line with Kennel Club, Dogs Trust and RSPCA criticisms (Doward, 2007a; Satchell, 2008), but so far nothing has come out of it.

## **Impact of the Act**

What impact has the Dangerous Dogs Act made - and can it thereby be justified? Is Britain a safer place today regarding dogs as Baker claims? Three questions are considered:

1. Which breeds bite the most?
2. Do ‘dangerous breeds’ bite at rates justifying breed-specific legislation?

3. What has been the effect in countries that have implemented breed-specific legislation?

Before attempting to answer these questions, it is necessary to provide some general information on dog bites. In 2007, nearly 3,800 persons needed emergency hospital treatment in the UK after being attacked by a dog, which is an increase from previous years (Meikle, 2008). Dog biting affects children more than adults (Morgan and Palmer, 2007) and younger children more than older ones (De Munnynck and Van de Voorde, 2002). Also, young children run a higher risk of being bitten more severely, mostly due to their size (i.e. a child's head is at dog's biting height) and because of the skeleton not being fully developed (Morgan and Palmer, 2007). The majority of dog bites in children occur in the home with dogs familiar to the children while doing everyday activities (De Keuster et al., 2006). More dog bites at home take place during the weekends, during the summer holidays and more boys than girls are bitten (Kahn et al., 2003). When it comes to fatal dog attacks, victims are under the age of twelve in 85% of the cases and in 70% of the cases the family dog was involved. Stray dogs are usually involved in less serious incidents (De Munnynck and Van de Voorde, 2002). Most accidents happen when a child is unsupervised (Kahn et al., 2003).

The relative risk of dog bites was studied by Kahn et al. (2003) and they found that the frequency of dog bites equated to about 25% of all road traffic casualties and about 33% of burns at home. The dog bites of children in their study made up 0.24% of all children brought to the emergency department.

Most dog attacks appear unprovoked on the surface, but when considering the circumstances the dogs are not always to blame. Dogs do not like being disturbed when sleeping or eating and can feel threatened or jealous (Kahn et al., 2003; Morgan and Palmer, 2007). The owner's failure to control the dog is also crucial as when people are bitten in public places the majority of the biting dogs are not on a lead (Roll and Unshelm, 1997; Kahn et al., 2003). Male dogs, especially non-neutered, bite more than female dogs and younger dogs bite more than older ones (Netto and Planta, 1997; De Munnynck and Van de Voorde, 2002).

Killings by dogs are rare. Between 1999 and 2004 an average of 2.3 persons were killed each year in the UK (O'Neill, 2007) (compare to two women per week being killed by a partner or ex-partner (Women's Aid, no date)). The number of fatalities can be compared with the 63 people who suffocated from plastic bags in 1999, or the 20 people that died as a result of being thrown off horses or other animals in 2003 (O'Neill, 2007).

*In studies of dog bites, which breeds bite the most?*

De Munnynck and Van de Voorde (2002) claim that of dog bite fatalities, Pit Bull Terriers, German Shepherds and Rottweilers are the breeds most commonly involved, but 70% were still committed by a pet dog in, or in the vicinity of, the dog's home. In a number of studies of dog bite fatalities in



different countries, German Shepherds made up on average 17%, Rottweilers on average 8% and Pit Bulls on average 13% (De Munnynck and Van de Voorde, 2002:297).

So called ‘dangerous breeds’ are not the ones that bite the most. However, when they bite, the bites are more serious (see Table 1). In different studies in different countries the German Shepherd is the most commonly biting breed (Roll and Unshelm, 1997) (see Tables 2-6). The number of bites also co-varies with the popularity of the breed - and German Shepherds are very popular across the world (Delise, no date a). Interestingly, German Shepherd is the only breed that is positively associated with causing an incident. This is not the case for ‘dangerous’ or other breeds (De Keuster et al., 2006; Rosado et al., 2007). One has to bear in mind, though, that German Shepherds are commonly used as police, military and guard dogs, where biting is part of ‘their job’ (see Dorriety, 2005). Kahn et al. (2003) found that German Shepherds represented 29% of the dog population in Belgium, but accounted for 52% of the bites. For Rottweilers, the frequency of bites corresponded proportionately to the number of dogs, while Labradors made up a percentage much smaller than their proportion of the dog population. There was no information given for Pit Bulls.

The answer to the question which dogs bite the most is the German Shepherd. As a consequence, different ‘dangerous dogs’ are not the ones biting the most, especially when taking into account that guard and police dogs are not always included in bite statistics (Delise, no date b).

**Table 1. Frequency of serious and lethal injuries of all injuries caused by each breed, Germany**

|                                  | <i>Lethal</i> | <i>Serious</i> |
|----------------------------------|---------------|----------------|
| <b>Most common breeds (%)</b>    |               |                |
| German Shepherd + crosses (n=88) | 2             | 20             |
| Bull Terrier breeds* (n=15)      | 27            | 46             |
| <b>Dangerous breeds (%)</b>      |               |                |
| Rottweiler (n=7)                 | 14            | 28             |
| Pit Bull Terrier (n=5)           | 20            | 40             |

\* Bull Terrier, Staffordshire Bull Terrier and American Staffordshire Terrier.  
Source: Roll and Unshelm (1997, Table 6)

**Table 2. Reported Dog Injuries in Adelaide, Australia, 1990 and 1996**

|                            | <i>%</i> |
|----------------------------|----------|
| <b>Most common breeds*</b> |          |
| German Shepherd            | 25       |
| Bull Terrier               | 14       |
| Cattle dogs                | 14       |
| <b>‘Dangerous’ breeds*</b> |          |
| Doberman                   | 12       |
| Rottweiler                 | 9        |

\* Breeds were identified by the people involved in the attacks  
Source: Collier (2006:20)

**Table 3. Reported Dog Attacks in Public Places in Victoria, Australia, 1997-1999**

|                           | %  |
|---------------------------|----|
| <b>Most common breeds</b> |    |
| German Shepherd           | 31 |
| Cattle dogs               | 22 |
| <b>'Dangerous' breeds</b> |    |
| Rottweiler + Doberman     | 24 |
| Pitt Bull Terrier         | 5  |

Source: Collier (2006:20)

**Table 4. Reported Dog Attacks in New South Wales, Australia, 2001-2003**

| No. dog bites reported = 547 | %  |
|------------------------------|----|
| <b>Most common breeds</b>    |    |
| Crossbreeds                  | 33 |
| German Shepherd              | 10 |
| Cattle dogs                  | 8  |
| <b>'Dangerous' breeds</b>    |    |
| Rottweiler                   | 7  |
| Pitt Bull Terrier            | 4  |

Source: Collier (2006:19)

**Table 5. Breed distribution of aggressors and victims of dog fights in Frankfurt am Main, Germany, 1996**

| No. of dog-on-dog bites reported = 206 | <i>Aggressors</i> | <i>Victims</i> |
|--|-------------------|----------------|
| <b>Most common breeds (%)</b>          |                   |                |
| German Shepherd                        | 35                | 7              |
| Crossbreeds                            | 6                 | 24             |
| Dachshund                              | -                 | 8              |
| Poodle                                 | 2                 | 7              |
| <b>Dangerous breeds (%)</b>            |                   |                |
| Rottweiler + Doberman                  | 7                 | 5              |
| Pit Bull Terrier                       | 2                 | -              |

Source: Roll and Unshelm (1997, Table 1)

**Table 6. Frequency of occurrence of the breeds as aggressors, Germany**

|                               | <i>Roll and Unshelm's study</i> | <i>All of Germany</i> |
|-------------------------------|---------------------------------|-----------------------|
| <b>Most common breeds (%)</b> |                                 |                       |
| German Shepherd + crosses     | 43                              | 29                    |
| Bull Terrier breeds*          | 6                               | 1                     |
| <b>Dangerous breeds (%)</b>   |                                 |                       |
| Rottweiler + Doberman         | 5                               | 4                     |
| Pit Bull Terrier              | 2                               | -                     |

\* Bull Terrier, Staffordshire Bull Terrier and American Staffordshire Terrier  
Source: Roll and Unshelm (1997, Table 2)

*Do 'dangerous breeds' bite at rates justifying breed-specific legislation?*

'Dangerousness' with regards to dogs usually refers to aggression. This 'aggressiveness' can be established either on grounds of breed or on grounds of previous history of aggressive displays, most commonly biting. However, in breed-specific legislation, as the name indicates, the breed is used as the classifier, not the actual behaviour and is based as much on the symbolic value (Reiner, 2007) of certain breeds (Barnes et al., 2006) as on facts (Collier, 2006). The problem is that different countries - and sometimes different parts within one country - have different breeds included in the 'dangerous' group (see Tables 1-10). In the studies referred to here, Pit Bulls are always included, quite often Rottweilers, sometimes also Doberman Pinschers and Staffordshire Bull Terriers, but never German Shepherds.

Breed is not a very good indicator for aggression, as the variation between individuals within the breed vary widely. Usually, a breed has a certain genetic aggression (Netto and Planta, 1997) - like different bull terrier breeds are bred to be aggressive to other dogs (Fogle, 2000) - but just as much is about learned aggression (Netto and Planta, 1997; De Munnynck and Van de Voorde, 2002). Aggression in Pit Bulls (and other breeds) is therefore a human problem, not a breed problem (Roll and Unshelm, 1997; Labonté, 2005a).

Breeds bred for aggression, such as Pit Bulls and other bull terrier breeds, are usually not human aggressive, but animal aggressive, and are more likely to attack other animals than they are people (Fogle, 2000; Collier, 2006). Even dogs bred and used for fighting are not human aggressive, as in a fighting pit the handler of each dog and a referee are present, and you cannot risk being attacked yourself and you have to be able to break up the fight once it has ended (Evans et al., 1998; Cohen and Richardson, 2002). One problem when discussing 'dangerous' breeds, especially in the media, is that human and animal aggression is not separated (Cohen and Richardson, 2002). Only human aggressive dogs are 'dangerous' in the sense the Dangerous Dogs Act defines it.

Breed-specific legislation is more commonly based on the belief that certain breeds have the potential to be dangerous because of their physical characteristics and functional history, rather than the fact that the breeds in question have records of bite frequency supporting a view of them as aggressive towards humans (Collier, 2006). Once the character of being dangerous becomes the breed's master status (Lilly et al., 1989), with the consequence that most individuals of the particular breed are, in Becker's terms (1963, cited in Lilly et al., 1989) falsely accused as most dogs never attack humans, it is all but impossible to change the view of the public and media (Fennell, 2004; Collier, 2006). This is clear regarding the Pit Bull because of the strength of its 'dangerous' label. Again, Becker (1963) discusses how deviant labels are attached with different strength to working and middle class boys, or to white and Black people. In this sense, a Pit Bull could be compared to a Black working class boy as reports often connect the 'underclass' with owning dangerous dogs (Hansen, 2006;

O'Neill, 2007). One effect of breed-specific legislation is the labelling and the dramatisation of evil (Tannenbaum, 1938, *cited in* Lilly et al., 1989) that takes place. One evil act of a Pit Bull turns all Pit Bulls into evil dogs. As Garfinkel pointed out, the aggressive act of one dog labels all dogs of that breed as aggressive (Lilly et al., 1989).

The bad reputation and the labelling and stigmatisation of Pit Bulls and their owners is clear when considering how the media portrays them. Chibnall's (1977) and Reiner's (2007) analysis of crime news reporting applies well to the media's portrayals of Pit Bulls and their owners. Pit Bulls are described as commonly having irresponsible owners: macho men that do not treat the dogs properly and therefore make the dogs aggressive, even human aggressive (Barnes et al., 2006). The stereotypical Pit Bull owner - often in media reports joined up with the Staffordshire Bull Terrier owner - is portrayed as male, big build, tattooed, living in a housing scheme and wanting to show himself off (SNP member quoted in Beckett, 2008). The Pit Bull's standing as a macho status symbol for young men is also seen as the reason behind many attacks (Barnes et al., 2006; BBC News, 2007); and there are several news reports forwarding this image (Hankins, 2002; Gillan, 2007b; Gillan and Allison, 2007). The Staffordshire Bull Terrier has similar status (Doward, 2007b) but is legal and therefore easier to obtain and is owned for similar reasons, which is causing the Kennel Club problems as the breed is being 'tarnished' with its close link to Pit Bulls (Wickham and Winterman, 2008). Another issue is that Pit Bulls are portrayed as connected to gangs and drug dealers (e.g. BBC News, 2006; Beckett, 2008) and as being used as weapons (*The Guardian*, 2001; Beckett, 2008). As Cohen and Richardson (2002:297) point out: 'drug lords and street gangs are hard to control, but their alleged mascots, Pit Bulls, may be easier to control, through legislation'. However, it is difficult to ascertain whether this view of the stereotypical Pit Bull owner is corresponding with the typical owner as little such research has been carried out (Evans et al.'s 1998 study of dog fighting is an exception -even if far from all Pit Bull owners are fighting their dogs). Utilising the convenience sample of Pit Bull owners encountered when exercising my own Pit Bull, two types of owners were identified: ones that walk their dogs in public and in daylight, and another that either do not exercise their dogs or do so late at night. The 'daylight' group consists mainly of male, white, middle aged and working class owners. The 'night-time' owners are also working class but are younger and more often Black.

Breed-specific legislation has a tendency not only to merely treat the symptoms - Pit Bulls and other 'dangerous' breeds - rather than the causes - dog owners - but also to ignore other symptoms of this problem in the shape of all other dogs that bite. Delise (2007) points out how the eradication of the Pit Bull is portrayed as the cure of serious dog attacks. Instead of owners taking responsibility of controlling their dogs, the Pit Bull is made the scapegoat for the sins of its owners. Delise (2007) calls this 'the Pit Bull placebo'. It is easier for politicians to direct 'quick fix' legislation towards certain breeds, than tackling the underlying causes of

dog attacks, i.e. the attitudes and responsibilities of the owners. Breed-specific legislation usually does little to address the source of the dog problem and Ferguson (2005) calls such legislation a 'band aid' solution as it, in practice, offers little protection for the public from dangerous dogs. Ultimately, the aim of breed-specific legislation is to eliminate the banned breed (Baker, 1993; Collier, 2006) and without Pit Bulls, many believe, everything would be safe on the dog front. People opposing breed-specific legislation crudely call it 'doggy genocide' (Labonté, 2005a).

Doggy genocide or not, the DDA has not managed to rid the UK of Pit Bulls as was Baker's intention. In 1991 there was an estimated 10,000 Pit Bulls in the UK. Baker initially wanted the destruction of all Pit Bulls, but had to settle for extinction of the breed by stopping procreation, therefore the demand that all Pit Bulls are neutered (Baker, 1993). This has not been the result. Even if there are no exact figures of how many Pit Bulls live in the UK, a very crude estimate can be arrived at, based again on the convenience sample of Pit Bulls regularly encountered in one area of South East London. I regularly meet about 15 Pit Bulls and Pit Bull crosses (belonging to the 'daylight' group above) and know of about five further (belonging to the 'night-time' group). This means there are at least 20 Pit Bulls living in this area and, of those, my dog is the only one on the Dangerous Dogs Register, a percentage of five. If about 1,000 dogs are on that register each year (Doward, 2007a) and we assume they make up for five per cent of all Pit Bulls, then there can be as many as 20,000 around, meaning the figure has doubled since 1991. This crude estimate - or guess - is very problematic, but we can at least be sure there are still quite a few Pit Bulls around after 17 years, when they should have all died out by now.

There is also an extreme belief in the powers of breed-specific legislation. This belief in the powers of an Act can be compared to the Swedish belief in the powers of their prostitution law that prohibited the purchase of sexual services (Gould, 2001). As Delise (2008c) points out: will humans who have dogs as an extension of their own aggression suddenly become law-abiding citizens due to legislation? If owners are already criminal, will they be deterred? They are rather those that Mathiesen (1990) refers to as being too involved in a law breaking lifestyle to be deterred by such legislation.

Breed-specific legislation can also be used politically for ulterior motives such as re-election (Lodge and Hood, 2002; Labonté, 2005a), and has been introduced, or lobbied for, by sometimes dubious methods - such as selectivity of data used and tweaking the interpretation of these data. Although both pro-Pit Bull, Matt Ferguson and Karen Delise provide useful examples of doubtfully conducted campaigns to introduce breed-specific legislation in Lakewood, Ohio and Denver, Colorado (Delise, 2008b) and Ontario (Ferguson, 2005).

Breed-specific legislation banning the American Pit Bull terrier was exported from the UK to Australia in 1991 without any record of Pit Bull attacks, but based on the Pit Bull's reputation of being a 'dangerous' breed (Collier, 2006). Nineteen deaths were caused by dog bites in Australia

between 1985 and 2005, but none of these was caused by a Pit Bull (Collier, 2006). The data from Australia (Tables 2-4 above, and Table 7 below) suggest a relatively small number of breeds contribute to a large proportion of the attacks - and the Pit Bull is not one of these breeds. Collier (2006) questions whether this is a viable strategy if the aim is to reduce the number of dog attacks.

On the other hand, the breeds that bite the most are also among the most common, so the proportion of the breed that poses a risk is small. Collier (2006) provides data from Australia regarding the percentages of breeds that are reported to have attacked. According to his data, 0.2 percent of German Shepherds and Rottweilers have attacked, 0.1 per cent of Staffordshire Bull Terriers and 1 per cent of Pit Bull Terriers. One has to bear in mind, however, that this is a percentage of the number of registered dogs, and more Pit Bulls than dogs of other breeds are not registered (Barnes et al., 2006; Collier, 2006), so it might be that Pit Bulls do not attack at any rate higher than other commonly attacking breeds (Hinkle, no date). Collier (2006) claims that the better approach would be to declare dangerous individuals of certain breeds, i.e. concentrate on the deed and not the breed.

**Table 7. Dogs registered as dangerous in Brisbane, Australia, 1995**

| <b>No. of dogs registered = 751</b> | <b>%</b> |
|-------------------------------------|----------|
| <b>Most common breeds</b>           |          |
| Cattle dogs                         | 27       |
| German Shepherd                     | 25       |
| Bull Terrier                        | 10       |
| Kelpies                             | 6        |
| <b>'Dangerous' breeds</b>           |          |
| Rottweiler                          | 9        |
| Pit Bull Terrier                    | 0.3      |

Source: Collier (2006:20)

**Table 8. Child victims of dog bites in A&E Departments, Belgium, 2001**

| <b>No. of child victims participating = 100</b> | <b>%</b>                        |
|---|---------------------------------|
| <b>Patient under 15</b>                         |                                 |
| Bitten by family/known dog                      | 71 (94% in home, 29% in public) |
| Bitten at home                                  | 65                              |
| <b>Most common breeds</b>                       |                                 |
| German Shepherd                                 | 28                              |
| Labrador  | 9                               |
| <b>'Dangerous' breeds</b>                       |                                 |
| Rottweiler                                      | 11                              |

\* Breeds were identified by the people involved in the attacks

Source: De Keuster et al. (2006:483)

Regarding child victims of dog bites, in Belgium Kahn et al. (2003) and De Keuster et al. (2006) (Table 8) found that 'dangerous dogs' such as Pit Bulls and Rottweilers were not the most frequent biters of children. Controlling one or a few breeds in breed-specific legislation ignores the

true scope of the problem and causes a false sense of accomplishment. Labelling breeds as 'dangerous' and banning them does not entail a responsible approach to protecting the community and its citizens (De Keuster et al., 2006).

The answer to the question whether 'dangerous breeds' bite at a rate justifying singling out for breed-specific legislation is therefore 'no.' 'Dangerous breeds' do not bite at significantly higher rates and their singling out for bans is therefore not justified. Instead, there are adverse effects of breed-specific legislation as it gives the illusion of tackling a problem, when it in practice only addresses a limited number of symptoms. It also has a labelling and stigmatising effect and there are speculations - and some research (Barnes et al., 2006) - indicating that one result of banning Pit Bulls has been that they have become even more attractive to the 'wrong' people (Labonté, 2005b; Barnes et al., 2006). Responsible behaviour is not encouraged by banning certain breeds - rather the opposite.

*What has been the effect in countries that have implemented breed-specific legislation?*

Generally, comparative studies conducted before and after the introduction of breed-specific legislation in different countries are notably scarce. However, Klaassen et al. (1996) conducted a limited questionnaire study in the Accident and Emergency department of a hospital before and after the implementation of the DDA in the UK (Table 9). Klaassen et al. (1996) found that the act seemed to do little to protect the public from dog bites and found no reduction in bites by Pit Bulls. They therefore concluded that the Act singled out certain breeds as 'dangerous' without any substantive data to support it.

So-called 'dangerous breeds' contribute only to a few of the incidents of dog bites in Spain (Table 10), and thereby discredit breed-specific legislation (Rosado et al., 2007). In the same study, a behaviour test did not show any major differences in aggressive behaviour between 'dangerous breeds' and Golden Retrievers (Rosado et al., 2007). A slight increase in 'dangerous' breeds was noted in Spain after the passing of their Dangerous Animals Act, but it is likely that a heightened awareness meant an increased propensity to include breed information when reporting an incident (Rosado et al., 2007). Rosado et al. find breed-specific legislation discriminatory as it assumes all dogs of 'dangerous breeds' are aggressive by nature. Even if some breeds have tendencies to behave more aggressively than others, there is still a wide variation within the breeds. This means 'breed' is a less reliable predictor of aggression than is environment, learning, physical and mental health (Rosado et al., 2007). The Spanish Dangerous Animals Act was not effective in protecting people from dog bites. The main biting breeds were not included in the 'dangerous breeds' list, but were the same before and after the Act (Rosado et al., 2007).

**Table 9: Dog bites treated in Dundee Royal Infirmary, Scotland, 1991 and 1993/4**

| <i>Number of dog bites treated</i> | <i>Before the Act (1991)</i> | <i>After the Act (1993/4)</i> |
|------------------------------------|------------------------------|-------------------------------|
|                                    | <i>N=99</i>                  | <i>N=99</i>                   |
|                                    | <b>%</b>                     | <b>%</b>                      |
| Patient under 15                   | 30                           | 38                            |
| Bitten by family/known dog         | 54                           | 51                            |
| <b>Most common breeds</b>          |                              |                               |
| German Shepherd                    | 24                           | 17                            |
| Crossbreeds                        | 18                           | 31                            |
| <b>'Dangerous' breeds</b>          |                              |                               |
| Rottweiler + Doberman              | 3                            | 6                             |
| Pit Bull Terrier                   | 3                            | 5                             |

Source: Klaassen et al. (1996:89-90)

**Table 10: Dog bite incidents reported in Aragón, Spain, 1995-9 and 2000-4**

| <i>Number of dog bites reported<br/>(c. 50% of all cases)</i> | <i>Before the Act* (1995-9)</i> | <i>After the Act* (2000-4)</i> |
|---|---------------------------------|--------------------------------|
|   | <i>N=915</i>                    | <i>N=1,203</i>                 |
|   | <b>%</b>                        | <b>%</b>                       |
| <b>Most common breeds</b>                                     |                                 |                                |
| German Shepherd + crosses                                     | 30                              | 24                             |
| Crossbreeds   | 19                              | 21                             |
| <b>'Dangerous' breeds**</b>                                   |                                 |                                |
| Rottweiler  | 2                               | 2                              |
| Pit Bull Terrier  | 0.4                             | 0.6                            |

\* Spanish Dangerous Animals Act 1999

\*\* Dangerous Breeds = American Pit Bull Terrier, Staffordshire Bull Terrier, American Staffordshire Terrier, Rottweiler, Dogo Argentino, Filo Brasileiro, Tosa Inu and Akita Inu

Source: Rosado et al. (2007:168-170)

Breed-specific legislation is often influenced by biases in the media and moral panics following fatal dog attacks (Rosado et al., 2007). In studies, breed-specific legislation has not been proven to effectively diminish either the number of dog bite injuries or the number of fatal attacks (Rosado et al., 2007). Collier (2006:21) asks if 'laws to extirpate a breed can be justified when, by the worst case data, 90% of its individuals are not recorded to attack a person or animal over their life span'?

On 9 June 2008 the Dutch government lifted their 25 year ban on Pit Bulls because it had not led to any decreases in the number of bite incidents (Delise, 2008b). So far, there has been no debate or indications that any other country is to follow.

## **Conclusions: What do we need?**

The purpose of the DDA was to rid the country of Pit Bulls. As this has not happened the effectiveness of the Act can be questioned. This paper has also demonstrated that there is no research to support that breeds labelled 'dangerous' are those that attack the most. The Act, therefore, needs to be



reviewed to cover dangerous dogs based on actual behaviour, rather than breed (i.e. deed not breed).

Attention should be on treating the causes of aggressive dogs rather than the symptoms by directing the focus to the owners of potentially dangerous dogs and they, in turn, need to be made fully responsible for their dogs' actions (Doward, 2007a; Meikle, 2008). By abolishing breed bans the attraction of Pit Bulls for the 'wrong' kind of owners will diminish, rather than increasing it as the outlawing of certain breeds does.

Educational intervention is important in preventing dog bites (Kahn et al., 2003; Morgan and Palmer, 2007). Children need to be taught how to behave with dogs as most dog bites, with both children and adults, seem attributable to human misunderstanding of their behaviour (Roll and Unshelm, 1997). For instance, De Keuster et al. (2006) found that 67% of accidents might not have happened had the children and parents had adequate education on safe conduct towards dogs. The most important message is that a child should never be left alone with a dog (De Munnynck and Van de Voorde, 2002).

Finally, there are a lot of stereotypes regarding owners of Pit Bulls and other dogs that can be 'dangerous', but there is little knowledge of the typical owner. Research needs to be carried out on these people, because only by knowing who they are and why they own 'dangerous' dogs can we establish what needs to be done to encourage responsible ownership. If we are lucky, the current popularity of Pit Bulls and Staffordshire Bull Terriers is merely a trend. As more and more young males get them, there will be saturation and the attraction of owning them will diminish. As Beckett (2008:31) concludes: 'Tough dogs seem less tough when everyone you know has one.'

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**MARIA KASPERSSON** is a senior lecturer in Criminology at the University of Greenwich. She has published on the history of violence, domestic homicide and honour-related violence. Research also includes the Swedish prostitution law and, recently, the Dangerous Dogs Act and breed-specific legislation.