

## POSITION PAPER

# The need for an ‘animal ethics turn’ in animal husbandry

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In the following paper I argue that there is an urgent need for an ‘animal ethics turn’ in animal husbandry. There are various reasons for this demand, such as the negative impact of livestock farming on climate change and the fact that current animal protection laws only address minimum standards of animal welfare, which, in some cases, are systematically violated. Some animal ethics approaches such as abolitionism argue that the only moral solution is to completely renounce the use of animals as resources or products. The present paper, however, represents an animal welfare position. It rejects the reduction of animals to a mere means for human purposes as morally offensive and unacceptable. This does not mean to reject the use of animals in any form as ethically objectionable, but demands that humans should always respect animals’ pursuit of a flourishing life by responding positively to their species-specific and individual needs and capabilities.

## 1 Introduction: two examples

a) While attending ‘International Green Week 2017’ in Berlin, the Catholic Archbishop of Berlin, Heiner Koch, sharply criticised the poor conditions in large-scale livestock farming (Öhler, 2017). He reprimanded pig farmers whose animals never see daylight, who treat the creatures like industrial mass-market goods and slaughter them under cruel conditions. The cattle breeders who brutally violate their animals by

transporting them over thousands of kilometres throughout Europe and beyond. In response to this incisive statement, Koch generated a huge number of counter-reactions from farmers’ representatives. Finally, the then Federal Agricultural Minister, Christian Schmidt, felt compelled to declare: “With all due respect to the voice of the Church, food production deserves to be considered and discussed in a restrained way. I am, therefore, very surprised at some of the statements. I expect care for our animals, but also for our farmers.”<sup>2</sup> Koch reacted somewhat meekly and said that he was aware that the vast majority of farmers would carry out their work with great awareness of their responsibility towards God’s creation and thus also towards the animals.

b) On 15 March 2019, the Ulm District Court sentenced a pig farmer from Merklingen in Baden-Württemberg to three years’ imprisonment without probation (Herrmann, 2019; ZEIT Online, 2019). According to the court’s ruling, several hundred pigs had died as a result of the poor housing conditions or had to be killed on the instructions of the veterinary office due to their acute injuries. Altogether, over 1,600 pigs died on the farm. The 56-year-old defendant is said to have killed two injured animals with a sledgehammer. The poor conditions of animal husbandry on the farm were uncovered in 2016 by an animal protection association. Activists had filmed the animals on the farm. The proceedings against

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them were suspended after a fine of 100 Euros was paid. The farm was closed. The court based its judgment on the argument that in this particular case of detected animal cruelty, protecting animal welfare weighed more heavily than protection against trespassing. An interesting marginal detail revealed that the pig farmer's produce had previously been sold EU-wide using various quality seals, for example, 'quality produce from Baden-Württemberg' and 'animal welfare approved'. The Federal Agriculture Minister Julia Klöckner commented on the Ulm District Court ruling: "Our animal protection laws do not constitute a suggested quality threshold; they are there to be complied with. Anyone who treats animals as though they are merely a commodity, lets them die in desolate conditions or torments them should not be allowed to keep animals. And it is right that those who torture animals and do not obey our laws are punished. Farmers who do not treat their animals properly harm not only the animals, but the entire profession, and there are many farmers who behave in an exemplary manner."

These two examples serve to illustrate the same problem. The livestock farming conditions that Koch reprimanded were neither invented nor exaggerated but correspond to a wide-spread reality. It is also noticeable that farmers' associations usually demonstrate an almost knee-jerk defensive response in line with their policies; either they deny the issue entirely or they defend the farmers by lauding their personal ethos and efforts in guaranteeing animal welfare standards.

In my opinion, many farmers do indeed try to ensure the welfare and health of their animals, but often the concrete conditions and economic constraints do not permit appropriate animal husbandry. The economic output required for a farm to make a profitable income is often at the cost of the health and welfare of livestock. The discussion is often confined to the question of the correct interpretation and enforcement of legal procedures whilst disregarding the question of ethics. Legal requirements are largely based on minimum standards. There are, however, also cases of overt pain and death-provoking cruelty to animals as the second example shows.

This introduction has already named a number of aspects which demonstrate the complexity of the issues within livestock farming. I believe there is an urgent requirement for reform in agriculture. My two main reasons for this are outlined below: the impact of livestock on climate change and animal ethical requirements. The focus of this position paper will be on the second aspect.

## 2 Impact of livestock on climate change

According to the latest studies, intensive agriculture and industrialised livestock farming account for up to 24% of annual greenhouse gas emissions worldwide – particularly methane and nitrous oxide – and are thus significantly responsible for global climate change (PIK, 2016; Stevanović et al., 2017; Grossi et al., 2019). Furthermore, the livestock sector requires a significant amount of natural resources. An estimated 1.5 billion cattle and domestic buffalo, 15 billion poultry and nearly 1 billion pigs are kept worldwide for human

consumption. To feed these animals, huge areas of rainforest are cleared or burned. Soil degradation contributes significantly to global emissions of carbon dioxide. The production of feed, which is often transported between continents, requires enormous amounts of energy and synthetic fertilisers. Soil degradation, loss of biodiversity, and the pollution of soil, water and air are some of the serious consequences. Finally, orientation towards the criterion of economic efficiency largely ignores animal welfare (Gottwald and Boergen, 2014). In order to radically change this system and to avoid environmental trade-offs, there is a need for effective strategies and complex interactions. One aspect is the urgency to establish an animal ethics standpoint. An 'animal ethics turn' in livestock would lead to the reduction of animal numbers in farming and, therefore, change the use of land in many regions, which would consequently represent a significant climate change mitigation (Havlík et al., 2014; Stevanović et al., 2017).

## 3 The 'animal turn' in our society and animal welfare in animal husbandry

There is currently an ambiguous trend in our society. On the one hand, a so-called 'animal turn' can be observed, i.e. an increasing scholarly interest in animals, their abilities and functions, the relationships between human and non-human animals, and in the role and status of animals in modern human society (Ritvo, 2007). Even a new scientific discipline has been established: Human-Animal Studies (Kompatscher et al., 2017). On the other hand, although we know much more than former generations about the behaviours, needs, requirements, and sensitive, emotional and cognitive abilities of animals, as well as how to keep and farm different animal species appropriately, the economic efficiency of livestock farming is in great conflict with the goals of animal welfare. Livestock farming is mainly orientated towards economic efficiency and compatibility with technical systems. In other words, the technical systems in livestock farming are not adapted to the basic species-specific needs and behavioural patterns of animals, but rather the opposite.

To clarify, this is not only a problem for farming, but also for trade and consumer behaviour. Wholesale and retail trade as well as consumers are indeed co-responsible for the way animals are kept, treated and slaughtered. Owing to the market dynamics of supply and demand, by buying animal products, distributors, retailers and consumers not only implicitly approve of, but directly co-finance how these products are produced on farms and are treated at auctions, in transit and at abattoirs. Analogous to the basic principles of fair trade, it is therefore a matter of sensitising the producers (farmers, butchers, and so on), distributors, retailers and consumers of animal products to the ethical concerns of dealing with animals, and of motivating them to treat animals fairly. Within the complex system of economics, no single party is able to change things for the better by working in isolation. Therefore, there is a need for strong collaboration between all parties. At the same time, there is a need to overcome widespread practices within the livestock industry

that still violate existing animal protection laws. In order to reduce painful mutilation in livestock farming and to prevent, for instance, tail-docking pigs, castration without pain management, disbudding calves, sheep and goats without anesthesia or analgesia, etc., animal welfare legislation has been enacted and certain non-legislative initiatives implemented. These include the Council of Europe's recommendations concerning cattle (1988) and national cattle welfare legislation in single EU member states as well as various initiatives of NGOs (Spoolder et al., 2016). Although significant effort has been undertaken and steps have been taken so as to ban painful methods of mutilation and to improve animal welfare, there are still several deficiencies in how these measures are implemented (Spoolder et al., 2016; Schröder, 2019; Goldschalt, 2020). For instance, the EU-Directive 120/2008/EC laying down minimum standards for the protection of pigs still isn't respected in most member states (Nalon and Briyne, 2019). Also the "2010 European Declaration initiated by the EU Commission on the voluntary end of the painful castration throughout Europe by 2012 did not have a measurable effect. And even the German legal deadline of ending castration without anaesthesia, which was set by the German Welfare Act for the 31.12.2018, has been postponed by the German government" (Blaha, 2019) at least until 2021. Furthermore, even where legal requirements are observed, they often only represent the minimum acceptable standards for livestock and, therefore, insufficiently protect animal welfare. At the same time, improving legislation in the field of animal welfare would require more effective systems for verifying legal compliance and punishments for violating the law. This can only be achieved if the concern is upheld by society as a whole, including all aforementioned parties.

### 3.1 Basic animal-ethical aspects

What does 'treating animals fairly' mean? There are many animal ethics approaches ranging from animal protection and welfare positions to animal rights concepts (Grimm and Wild, 2016; Schmitz, 2017). A strong animal rights stance would argue that justice for animals means stopping using them altogether as resources and products and, therefore, claim that animals should not be used at all by humans. Abolitionism, for instance, represents such an approach, maintaining that on the basis of the principle of equal consideration, all sentient beings – independent of cognitive abilities – share the basic pre-legal right not to be treated as the property of others (Francione, 2000; Francione and Charlton, 2015). Contractarians, based on the theory of justice by John Rawls, argue that animals must be considered as members of the moral community in the hypothetical scenario of an original position where no moral or political principles have been accepted as yet, but need to be found and agreed behind a 'veil of ignorance', i.e. not knowing in which status of gender, race, age, intelligence, wealth, skills, education, religion and species one will be part of the contractual community (Rowlands, 2009; Rosenberger, 2015). These authors, however, go beyond Rawls' position. He said that the basic condition for taking part as a member of the original hypothetical scenario is that a member must be able to comprehend and embrace

a contract, to agree freely and to act morally. Rowland and others argue that there is nothing in contractarianism that requires the contract be restricted to rational agents only.

To explain and discuss adequately and comprehensively all the different animal ethics approaches would go beyond the scope of the present paper (for this see e.g. Moling, 2017; Lintner, 2018). I prefer to support an animal welfare stance, which, on the one hand, does not reject the use of animals as ethically objectionable but, on the other hand, clearly recognises the status of animals as moral patients. I, therefore, argue that we have moral obligations towards the welfare of animals, especially of those whose living conditions depend on us or are somehow affected by our way of life. Although it was doubted for a long time, animals actually have emotions and feelings and experience pleasure as pleasant and pain, stress and fear as unpleasant. Furthermore, different hormones in animals can be associated with the neuronal correlates of these emotions. This scientific knowledge and empiric evidence is of moral relevance for our treatment of animals. It is a question of hermeneutical interpretation of the given reality and of moral insights, meaning that inflicting pain on a sentient being is recognised as morally bad, while supporting a flourishing life is morally good. Furthermore, every animal – independently of whether it is a sentient or a non-sentient animal – strives naturally for a flourishing life lived according to species-specific needs and capabilities (Nussbaum, 2006). To respect the pursuit of a flourishing life can be understood as a demand to respect a being according to its species-specific and individual capabilities, in order not to hinder, but rather to allow and even actively promote a flourishing life, especially if it concerns domesticated animals that depend on humans.

On the one hand, to respect this natural pursuit and these different capabilities allows us to ascertain whether an animal is sentient or non-sentient, for example, and on the other hand, to use animals only if, we are both willing to respect and satisfy their basic needs, and to respect and enable their capabilities. Therefore, my position regarding animal ethics can be summarised in the following imperative: "Act in such a way that you never treat an animal merely as a means to an end, but that, at the same time, you always respect both its species-specific needs as well as its sensitive, emotional and cognitive capabilities" (Lintner, 2017).

As Kant says in his categorical imperative even humans can be used as means to an end, but 'never merely' as such. They should always be treated at the same time as an end in themselves. While for humans this means respect for moral self-determination, where non-human animals are concerned – according to the present paper – it means respect for their striving for a flourishing life and, therefore, to consider their species-specific needs as well as their sensitive, emotional and cognitive capabilities. Only if we are willing to respect these needs and capabilities to the best of our abilities, and to respond to them as effectively as possible, are we allowed to use animals for human ends. Although it may not be possible to completely satisfy all the needs and to bring all the capabilities to full development, no need or capability may be suppressed or violated in such a way and to such a

degree that the general welfare and health of an animal be neglected or permanently affected (Lintner, 2020).

The following are the most important needs of animals, among others: eating and drinking; defecating; refuge; rest and sleep; social, territorial and aggression behaviour; social grooming; reproduction and rearing of offspring; caring behaviour (Röhrs, 2000). Once again: although it may not be possible to completely satisfy all their needs, no need should be suppressed or violated in such a way and to such a degree that the general welfare, physical fitness and health of an animal are neglected or permanently affected. Practices such as culling day-old chickens, killing cows with mastitis, fattening cattle such as Belgian Blues or broilers, and so on, should be ethically rejected under this perspective because they simply do not ensure, but rather impede, any animal welfare. Conversely, according to the presented approach, it would be ethically justifiable to keep cattle in sheds and housing systems if they permit and guarantee the welfare and health of the animals. In this respect, since healthy animals with good welfare are the most efficient means for production, ethical standards should be of fundamental interest to farmers. Further, by responding to the needs of animals they prevent reducing them to mere means, although – paradoxically – the use of animals as a resource still remains the purpose.

### 3.2 Animal welfare as essential aspect of sustainable agriculture management

The Farm Animal Welfare Committee (FAWC), an independent advisory body established by the UK Government, started with these ‘five freedoms’ – basic and vital needs formulated as minimum standards – in order to guarantee animal welfare that implies both physical fitness and a sense of wellbeing: “freedom from hunger and thirst, by ready access to water and a diet to maintain health and vigour; freedom from discomfort, by providing an appropriate environment; freedom from pain, injury and disease, by prevention or rapid diagnosis and treatment; freedom to express normal behaviour, by providing sufficient space, proper facilities and appropriate company of the animal’s own kind; freedom from fear and distress, by ensuring conditions and treatment, which avoid mental suffering” (FAWC, 2009: 2).

Even though this ‘five freedoms-principle’ was formulated already in 1992 (at the basis of the ‘Brambell-Report’ on the parliamentary enquiry into the Welfare of Livestock kept under Intensive Conditions in the UK 1965) and updated in 1992, it still “offers a useful and practical approach to the study of welfare and, especially, to its assessment on livestock farms and during the transport and slaughter of farm animals” (Manteca et al., 2012: 1). But despite the clear usefulness of this principle, it is far from being implemented on the ground in livestock farming and slaughterhouses.

Furthermore, there are other approaches and projects that aim to guarantee animal welfare. Worthy of mention is the Welfare Quality® project, a five-year European Union research project launched in May 2004. One of its objectives was to develop European standards for animal welfare assessment, based on an animal-oriented parameter system. This objective has been adopted as well by the Welfare Quality Network.

In March 2015, the Scientific Advisory Board on Agricultural Policy (WBA) at the Federal Ministry of Food and Agriculture (BMEL) published a report on ‘Pathways to a socially accepted livestock husbandry in Germany’. In the field of animal welfare, the WBA formulated the following points as guidelines for the development of viable livestock husbandry accepted by large parts of the population: “(1) access of all livestock to various climate zones, preferably including outdoor climate; (2) provision of different functional areas with various floor coverings; (3) provision of installations, substances and incentives for species-specific activities, feed in-take and grooming activities; (4) provision of sufficient space; (5) a halt to amputations; (6) routine farm self-inspections based on animal-related animal welfare indicators; (7) a clear reduction in the use of medicinal products; (8) improved level of education, knowledge and motivation of people working in the livestock sector; (9) and greater consideration of functional characteristics in breeding” (WBA, 2015).

A final project that should be mentioned is the ‘Dairy Sustainability tool’. This is a scientifically based system that can be used to gather facts about the sustainability of milk production throughout Germany. In this system, animal welfare represents – together with economics, ecology, and social issues – a key criterion for sustainability that is also of relevance to milk production. Animal welfare here is understood in the sense of properly addressing animal needs in order to ensure the health and wellbeing of the cows (Flint et al., 2016; QM-Milch, n.d.).

These examples reflect that animal welfare has become an essential aspect of sustainable management in agriculture. The above-mentioned projects also show that there is not a lack of approaches. However, there is still a lack of application and implementation of animal-welfare measures.

## 4 Some practical measures

As shown above, the problem in question is complex, and therefore needs various measures and solutions on different levels. The ‘animal turn’ concept that originated in science, humanities and society regarding the relationship between humans and animals, as well as the role and significance of animals for humans, must have an effective impact on animal ethics in livestock farming. The following are predominantly suggestions for possible measures which aim to reduce the negative impact of livestock on climate change, to establish effective measures to protect the agri-environment and to improve animal welfare conditions in farming.

- Animal welfare requires a forum in which frank communication takes place between farmers, butchers, manufacturers, retailers and consumers of animal products.
- Farmers must communicate openly regarding their endeavours to act responsibly when working with livestock. Improvements in animal welfare can only be achieved by working with farmers while recognising their legitimate financial interests.
- The reduction of meat consumption is inevitable because the high rate of annual per capita meat consumption – e.g. 60 kg in Germany (BLE, 2019; Ritchie and Roser,



2017) – makes intensive livestock farming necessary. There needs to be a general willingness from everyone to reduce his/her meat consumption.

- Following the ‘polluter pays-principle’, animal products from intensive agriculture and industrialised livestock farming must increase in price through a kind of ‘punitive tax’ for environmental damage. The income coming from this taxation must be used for the specific purpose of agri-environment measures and precautions as well as for animal welfare projects in farming.
- The increased costs of these products would reduce the actual price gap between these products and animal products from ecological and organic farming with high standards in animal welfare. The lower price difference would render expensive organic product lines and advertising strategies unnecessary. The effect would be a price reduction in organic animal products so that they would be more attractive for consumers from an economic point of view.
- Animal products should be subject to mandatory labelling to include information on the product’s origin, the type of farming used, type of livestock keeping used and its ecological footprint.
- In order to promote greater trust among consumers of animal products, farmers should voluntarily adopt a greater willingness to be clear and transparent about how they farm and keep their livestock.
- Wholesalers, retailers and consumers also have to accept more responsibility for animal welfare by obtaining up-to-date information on a product’s origin, type of farming and type of livestock keeping, and by being prepared to pay a fair price for organically farmed products and animal products with guaranteed animal welfare labelling.
- Finally, there is a need for legislative measures. The legislation regarding livestock farming issues – including standards for transport and slaughter – should be aimed unequivocally at animal welfare. The above mentioned ‘five freedoms’ should serve as minimum standards.
- There must be a legal duty to respect these basic freedoms in any pursuit of farming interests in order to respond to the vital needs of farm animals and to promote their physical wellbeing and health.

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