

Moral issues and public policy on animals

An Opinion of the Council on Animal Affairs, *the Netherlands*



RDA 2010/01

RAAD VOOR DIERENAANGELEGENHEDEN

Letter of presentation

To: G. Verburg,
Minister of Agriculture, Nature and Food Quality

The Hague, 20 July 2010

Madam,

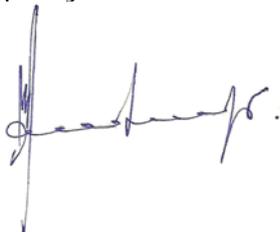
The Council on Animal Affairs has, at your request, analysed the relevant ethical issues that could influence the morality of public policy about animals in the Netherlands.

On the grounds of this analysis, the Council finds that the current social and political *debate* should make way for *dialogue*. In this dialogue, there must be opportunity for *all* pertinent aspects and views to be considered. This dialogue will then form the basis for public policy on animals.

For a sustainable and consistent public policy on animals, the Council recommends the following:

1. The government should establish and update its policy using a transparent and comprehensive *Assessment Model for Policy on Animals*.
2. The government should keep under review current knowledge and moral views in society on the keeping of animals in a *Trend Analysis of The public opinion on Animals*.
3. Using the *Assessment Model for Policy on Animals* the government should re-evaluate its answers to the following questions:
 - a. What justification is there for the *fact* that we keep animals?
 - b. What is the justification for the *purposes* for which we keep animals? These deliberations should lead to a *Positive and Negative List of Purposes of Animal Keeping*.
4. Regarding the *way* we keep animals, the government should put into effect the *Opinion Responsible Animal Keeping* of the Council on Animal Affairs
5. Basic information on the treatment and keeping of animals should be incorporated into the teaching materials of elementary schools in the Netherlands.
6. Transparency should be promoted in all types of animal keeping.
7. The government should define its own roles and responsibilities with respect to non-captive and so-called 'semi-captive' animals in nature conservation areas and in the wild.

Your question was a complex one, as attested to by the fact that even within the Council consensus could not be reached on *every* aspect of this Opinion. I nevertheless trust that with this Opinion, the Council on Animal Affairs has made a constructive contribution to policy on animals for the coming cabinet period.



Henk Vaarkamp,
Chairperson, Council on Animal Affairs

CONTENTS

1	Summary	3
2	Question.....	5
3	Introduction.....	6
3.1	The status of the animal in Dutch society.....	6
3.2	Legislation and regulations	7
3.3	Positions and polarization in the current debate in the Netherlands.....	7
4	(Animal) ethical principles	9
4.1	Intrinsic value	9
4.2	Reflective equilibrium	9
5	Balancing interests.....	11
5.1	Assessment Model for Policy on Animals	11
5.1.1	Public morals	13
5.1.2	May we keep animals?.....	14
5.1.3	For what purposes may we keep animals?.....	14
5.1.4	In what way may we keep animals?	14
5.2	Questions for the shorter term.....	15
5.2.1	Animal production in the Netherlands	15
5.2.2	The role of the government in the market and animal welfare	16
5.2.3	Scale and size in animal keeping.....	16
5.2.4	Transport of live animals over long distances.....	16
5.2.5	Killing of animals	16
5.2.6	Breeding animals with harmful breed traits.....	17
5.2.7	The welfare of non-captive or semi-captive animals	17

METHODOLOGY

After the final formulation of the research question, the Council on Animal Affairs' staff conducted an inventory of relevant social developments that could be of influence on thinking about animals in the Netherlands. At the same time, we examined various scientific methods for modelling thinking about animals. All of this information was brought together in a conceptual paper that served as the basis of a plenary discussion on this topic at a meeting of the Council. The objective of this meeting was to identify animal-related issues that should be put on the agenda for the coming Government. Then, a Forum composed of 13 council members consolidated the information emerging from that council meeting into a draft Opinion. After consulting with all council members by means of a so-called 'horizontal assessment', the chairman of the Council, in collaboration with the Forum, finalized the report on 20 July 2010, as an Opinion of the Council on Animal Affairs. This was then presented to the Minister of Agriculture, Nature and Food Quality and published by the RDA.

1 Summary

The Council answered the question *'What ethical issues in the area of animal welfare and animal health ought to be addressed in the coming years by the Ministry of Agriculture, considering the fundamental attitudes currently prevalent and the changes expected in them?'* as follows:

Views on animals in general are irrefutably culture-, time-, place- and context-dependent. Yet at the same time, many people are inconsistent in their views about animals: one and the same person might, depending on the circumstances, look at animals in any number of different ways. The Council observes that a growing split has occurred in society: on one hand, livestock farming has become more and more commercialized over time, with animals being increasingly seen as a means of production. On the other hand, companion animals are increasingly humanized and given the role of a family member. Both images of animals are based on one-sided views and incomplete information about animals, and therefore, both images are inadequate.

Furthermore, the Council sees an inconsistency between the importance that people say they attribute to animal welfare and the things they actually do, directly and indirectly, for animal welfare. The Council is of the opinion that in our secular, multicultural and individualized society, it is naive to believe that a single uniform system could explain everyone's views about animals, animal keeping and human-animal relations from people's *fundamental attitudes* towards animals.

The views that are currently dominant in thinking about animals are, nonetheless, somewhat definable, as are the bottlenecks in perspectives on the position of animals and about the human-animal relationship. We observe, for example, that animal welfare has gained an increasingly prominent place in public debate, that companion animals are viewed differently to production animals, and that there is a growing diversity of views on animals in Dutch society.

With an eye on these social developments and on changes in thinking about animals, the Council concludes that to solve today's animal-related issues, it is necessary to answer some underlying, fundamental questions. In this context, the Council concludes and recommends:

I. Assessment Model for Policy on Animals

With respect to government policy in the area of animal welfare and animal health, the Council finds that this can and must be more consistent and transparent. The Council is of the opinion that the considerations that underlie policy and regulations in this area must be made transparent. In the interest of transparency and consistency of its policies, the government should make use of a public, transparent and comprehensive model, i.e., an *Assessment Model for Policy on Animals*.

This *Assessment Model for Policy on Animals* should utilize the very latest scientific knowledge, as well as moral views on animal keeping, animal welfare and animal health that are broadly supported within society. This implies that policy and regulations should be updated regularly, incorporating the very latest scientific knowledge and considering prevailing social views. It implies at the same time that the government should regularly review knowledge and moral views on animals in a *Trend Analysis of The public opinion on Animals*.

In the *Assessment Model for Policy on Animals* all relevant interests should be considered that are associated with animal keeping in the Netherlands. The Council is of the opinion that in doing so, at least the following interests must be addressed: public health, animal welfare, environment and the economy.

- II. The Council observes that the historic fact that people keep animals is no longer self-evident to everyone in today's society. Therefore, the *Assessment Model for Policy on Animals* should first be used for a re-evaluation of the principled justification for keeping animals: On what grounds do we come to the decision that it is morally acceptable for people to keep animals?
- III. The Council likewise finds that the context of use (the purpose for which an animal is being kept) is of major importance for the views that people have about the position of that animal and about the human-animal relationship. As such, a mink may still be kept as a companion animal, though the Dutch Parliament recently decided that keeping minks for fur production is no longer acceptable in the Netherlands.¹ The Council is of the opinion that the (moral) considerations raised by the use of animals must be made explicit for all types of use. The considerations leading to either permission for or prohibition of animal keeping for all of the different purposes should be kept up to date, using the *Assessment Model for Policy on Animals*. This could, for example, lead to a *Positive and Negative List of Purposes of Animal Keeping*.
- IV. With respect to the way we keep animals, the Council points to its Opinion *Responsible Animal Keeping* (published in March 2010) about roles and responsibilities in relation to animals kept by man. The Council also considers the formulation of such an Opinion to be desirable on non-captive and semi-captive animals, due in part to the public and political debates about the welfare of large herbivores in nature conservation areas. In this regard, the Council is of the opinion that the *Assessment Model for Policy on Animals* can also be employed to reach a clear and broadly supported definition of 'captive' and 'non-captive' – and any gradations therein.
- V. In conclusion, the Council is of the opinion that greater efforts should be made to ascertain the knowledge of citizens in the Netherlands with respect to animal keeping and animal welfare, so that moral views are based on relevant and accurate information and on careful consideration of all relevant factors. For this, subjects such as animal keeping and animal welfare should be incorporated in the curriculum of the Dutch (elementary) school system, and transparency should be promoted in all types of animal keeping so as to enable citizens to form their opinions based on relevant and accurate information.
- VI. Considering social developments, the Council advises putting the following current animal-related issues on the agenda for the coming Government:
- Animal production in the Netherlands
 - The role of the government in the market and animal welfare
 - Scale and size of enterprise in animal keeping
 - Transport of live animals over long distances
 - The killing of animals
 - Breeding animals with harmful traits
 - The welfare of non-captive or semi-captive animals in nature conservation areas

¹ Here the Council also points to the Rathenau Institute's (2000) report (in Dutch) on assessing the moral acceptability of production objectives in animal keeping (*Toetsing van de morele aanvaardbaarheid van productiedoelen in de dierhouderij*)

2 Question

Minister Verburg, of Agriculture, Nature and Food Quality asked the Council in a letter dated 12 November 2009 the following: *How can insight into and acknowledgement of the different fundamental attitudes and opinions within society contribute to the debate and policymaking on animal welfare and animal health and prevent further polarization?*

After the Balkenende IV coalition government was relegated to caretaker status in late February 2010, this question was narrowed down, in consultation with the Ministry of Agriculture, as follows: *'What ethical issues in the area of animal welfare and animal health ought to be addressed in the next five years by the Ministry of Agriculture, considering the fundamental attitudes currently prevalent and the changes expected in them?'*

3 Introduction

A broad range of social developments influence the way that we in the Netherlands think about animals and about the human-animal relationship. The description presented here below in no way professes to be complete, but is meant only to outline the context and background for the Council's conclusions and recommendations. In reaching its conclusions, the Council took a broad perspective of (social) developments and scientific modelling on views on animals.

3.1 The status of the animal in Dutch society

The current public debates about animal health and animal welfare and the arguments used in them are not new. Massive outbreaks of contagious animal diseases have occurred regularly over the ages. As early as the 18th Century there were discussions about the use and killing of animals for laboratory purposes and vivisection. More recently, Western civilization has developed a dual, context-dependent attitude towards animals, varying between exploitation (for example, in the context of using animals) and affection (for example, with animals providing companionship). Thus, the interests of people and animals are increasingly balanced against treatment, on one hand, as part of the family and, on the other hand, as commodity.² This duality cannot be viewed in isolation of the religious, economic and emotional values that are ascribed to animals in our society, from which a diversity of images of and attitudes has emerged – often even within one and the same person – in different contexts of use. As such, in Dutch society the welfare of a mouse is generally viewed as less important than that of a dog – and the welfare of a mouse kept as a companion animal is accorded a different value than that of a mouse used as a laboratory animal or a mouse labelled a 'pest'.

The extensive rationalization of intensive livestock farming and the remoteness of the modern city dweller from rural life and food production, have led to conflicting values and norms about our treatment of animals. Due to advancing industrialization (including in livestock farming), urbanization and secularisation and our increasing knowledge about animals and attention paid to animal welfare, the attitude of the modern citizen towards hunting, nature management, slaughter and the culling of production animals has drastically changed. Support for food production, and livestock farming, by the (Dutch and also the European) government has led not only to improved health of livestock, a secure and safe food supply and high export earnings, but also to the (controversial) policy of non-vaccination, a rising use of antibiotics, long-distance transport of live animals and animals' adaptation to the systems in which they are kept instead of the other way around.

Increasingly, intensive contact between people and their companion animals (including horses) has also led to a growing concern for animals: the overwhelming majority of these animals are no longer used for work, but are kept for companionship (or sometimes decoration, as a status symbol and for sport and hobby). Furthermore, there is a significant group of people who keep companion animals for professional reasons (security, search & rescue, guide dogs, service dogs) or for commercial purposes (breeding, trade, zoos).

In recent decades, the companion animal sector has grown strongly. Next to the enjoyment that many people experience with companion animals, there is also a darker side inherent to this sector: illegal trade in animals, hereditary defects due to breeding policy, abnormalities caused by unbalanced feed, and the killing of young because of undesired breed traits or sex. Objectively viewed, then, when it comes to issues of animal welfare, the difference between companion animals and production animals is smaller than it may at first appear. Numerically, however, more animals are kept in livestock farming than in the companion animal sector. The Council concludes that the status of the animal in the Netherlands has clearly changed in recent decades.

² Karel Davids (1989) *Dieren en Nederlanders: Zeven eeuwen lief en leed* (Utrecht); Amanda Kluvelde (2009) *Mens en dier: Verbonden sinds de zesde dag, een cultuurgeschiedenis* (Amsterdam & Antwerpen), 50-76

3.2 Legislation and regulations

Changing social views about animals are reflected in the political attention paid to animal-related issues as well as in legislation. Most laws and regulations were established to protect and improve the health of animals, with economic interests often at the fore. From the Law to Contain Rinderpest of 1799, and the Livestock Law of 1870 to the Law on Animal Health and Welfare (GWWD) of 1992, a clear trend is observable. Measures to prevent or to combat animal diseases were given an enormous boost at the international level throughout the 20th Century. From the Meat Inspection Act (1919) to the Destruction Act (1942) and the EU Hygiene Ordinance (2006) a similar trend is observable in the area of sanitary legislation regarding food of animal origin. With the Law on the Practice of Veterinary Medicine (1874-1990), the professionalism of veterinary care for animals was regulated. With the Antibiotics Act (1964) and the Veterinary Medicines Act (1985), law-makers attempted to manage all aspects of veterinary medicine, from production of animals (normally for food) to administration of medicines.

Law and regulation are less abundant in the area of animal welfare, but under pressure of public opinion this too has been expanded, especially in recent decades. Animal abuse has been listed in the Dutch penal code since 1886, and in 1961 a separate Protection of Animals Act was introduced. Regulations were put into effect on draught dogs (1910), compulsory stunning of cattle before slaughter (1919), and transport of cattle by rail (1928) and by road (1938). The Experiments on Animals Act of 1977 brought the use of laboratory animals under government supervision. In 1992, the Protection of Animals Act was incorporated into the Law on Animal Health and Welfare, together with other welfare-related topics, such as the killing of animals, housing and care (of battery hens, pigs, calves), the Dog and Cat Act, transportation and the Intervention Act. The notion of the 'intrinsic value' of the animal formed the ethical starting point for these measures. In the design of the Law on Animals, various laws and regulations pertaining to animals were further brought under a single heading. These developments, moreover, did not take place in isolation, but were flanked by and derived in part from European regulation.

3.3 Positions and polarization in the current debate in the Netherlands

Views about the human-animal relationship are cultural, social and political constructions that, moreover, are time-bound. Discussions have for centuries been held about the extent to which humans and animals are equal. In science, differences between humans and animals has been viewed as less distinct since Darwin's theory of evolution, and the religious image of humanity at the apex of the Creation has lost power for many. Research into animal behaviour has shown that traits once considered uniquely human can also occur in (certain species of) animals,³ while 'primitive' instincts and emotions play a role in steering the behaviour of humans as well. This has diminished the importance of the differences between humans and animals, in favour of the similarities. The viewpoints that individual people hold tend to be strongly related to the question of whether the *differences* or the *similarities* between humans and animals are being emphasized.

As stated in section 3.1, in recent decades a wide range of images and attitudes have emerged about the (moral) position of the animal and the (post-modern) human-animal relationship. This is reflected in the scientific literature.⁴ Next to the traditional division into production animals and companion animals, various other categories are employed from the philosophical, ethical, social-historical and cultural standpoints. In ethics, the utilitarian, deontological and relational views on the human-animal relationship are used, among others. Sociologist Paul Schnabel has formulated a classification of animals similar

³ Frans de Waal (2009) 'Een tijd voor empathie: wat de natuur ons leert over een betere samenleving'

⁴ Steve Baker (2001) 'Animals, representation, and reality', *Society & Animals* 9: 189-201; Paul Cliteur (2009) *Darwin, dier en recht* (Amsterdam); Kluveld (see note 1); Frank Kupper (2009) *Democratizing animal biotechnology* (Amsterdam); Peter Sandøe & Stine Christiansen (2008) *Ethics of animal use* (Oxford); Paul Schnabel (2003) 'Het doden van dieren: een sociologische visie op wat sociaal kan en a-sociaal is geworden', in: P.A. Koolmees, J.M. Swabe & L.J.E. Rutgers (eds) *Het doden van dieren: Maatschappelijke en ethische aspecten* (Wageningen), 23-30; Zweers (1989) *Grondhoudingen ten opzichte van de natuur*

to the one commonly employed in day-to-day life.⁵ On the basis of that, our treatment of animals in society is labelled 'social' or 'antisocial'.

While the keeping of all kinds of animals for a variety of purposes has been widely accepted for centuries, nowadays it is no longer self-evident. The problems surrounding BSE, outbreaks of contagious livestock diseases such as swine fever, foot and mouth disease and avian flu, the handling of circus animals, the dog trade and other forms of animal suffering, and most recently Q fever, have been highlighted in the media and have led to an increasingly prominent place for animal health and welfare on the political agenda. Various groupings and Dutch celebrities have carried out campaigns for improved animal welfare and animal health. In these campaigns, emotions often run high among the parties involved. Thus, a lack of concern for the health and welfare of animals has made way for a discussion about the rights, integrity and intrinsic value of animals. These ideas are at the forefront of debates about meat consumption⁶ and the use of laboratory animals. Such moral questions seem for many to be too complex to answer with a simple 'I am for or against'.

It appears that views on animal health and animal welfare have become increasingly diverse within society and in politics in recent years. Consensus on ethical questions therefore is now far away. There is general agreement that animals are creatures with feelings and can experience pain and that humans, as rational beings, have a duty to care for captive animals.

In the current social and political debate, people often choose to acknowledge only those arguments that support their own position. Yet, if the various parties start from entrenched, different points, it will be difficult to arrive at consensus. People should therefore choose *dialogue* instead of *debate* – and in this dialogue there should be an opportunity for *all* relevant opinions and facts to be considered.

⁵ Our own animals; other people's animals; animals that are nice to have outside; frightening animals inside and outside; utility animals; animals to enjoy looking at.

⁶ In this, opponents refer to the humanization of the animal, while proponents put forward the 'animalization' of humans as their argument. Opponents claim that fewer and fewer people eat meat and that people are switching to organic meat or becoming vegetarian. LEI (the agricultural economics institute) and PVE (the semi-governmental farmers association) statistics show that meat consumption has been stable in recent decades and that the organic market contributes some 2.5% of the total on offer.

4 (Animal) ethical principles

Two ideas from ethics are of special importance for this Opinion of the Council on Animal Affairs: the concept of the *intrinsic value* of animals and the ethical paradigm of *reflective equilibrium*.

4.1 Intrinsic value

Why is there such extensive discussion about the keeping and utilization of animals? After all, we also use plants and other parts of nature. What then makes animals so different? In the Memorandum on Animal Protection (*CRM*, 1981), in the draft Law on Animals and in the Experiments on Animals Act (*WOD*), animals are deemed to have an intrinsic value. That means they have a worth independent of their utility or use. Even if a cow does not give milk or if a mouse is not used in an experiment, each has a value for its own sake.

Recognition of the intrinsic value of animals can be supported in different ways.

Some are of the opinion that animals with a central nervous system similar to that of humans consciously experience discomfort, which is to say, they can suffer, just like people. However, there is much less agreement about the level of consciousness that animals possess. Discussion therefore continues about the extent to which animals do possess consciousness – and for which animal species this holds true. From the perspective that animals can experience pain, animals certainly have an interest in avoidance of such pain, and in this sense animals are similar to people. That means animals, just like people, must never be arbitrarily subjected to pain.

In practice, this results in an approach in which animal welfare is central. This approach to animal welfare is based on the ethical principles of 'beneficence', 'no harm', 'autonomy' and 'justice'.⁷ This perspective is clearly evident in current legislation, namely, in the places where the law emphasizes the need to strive towards the avoidance of pain (suffering) of animals and where it underlines the importance of animal welfare.

Another conception of intrinsic value, while not denying the importance of welfare, states that we should begin with an attitude of *respect* for animals. Most important then is not whether our actions result in welfare for the animal, but whether an action reflects respect for the animal and its worthiness of protection. An animal deserves such respect because it has certain powers of thought, such as consciousness or ability to learn or because it exhibits purposeful behaviour. This line of reasoning too is evident in legislation, for example, in the introduction to the Law on Animals which speaks of 'awareness of the need for respectful treatment of animals'.

Recognition of the intrinsic value of the animal means that the use of animals has to be justified. So there will have to be a balancing of the interests of humans against those of the animal. Practices that are thus deemed acceptable or unacceptable, and the conditions under which utilization of animals is considered justified, will then have to be argued.

4.2 Reflective equilibrium

In general, the ethical discussion about animals revolves mainly around the position and interests of *animals*. That is not really surprising, because the discussion about the acceptability of using animals only just begins once people start to take animals seriously morally. In practice, however, Dutch society believes not only that animals are morally valuable, but also that other issues are important too, such as public health, safety, the environment and the economy.

If animals are used for the benefit of human health and welfare, then the interests of the animal could clash with those of people. That raises the ethical question of whether and

⁷ Beauchamp T L, Childress J F. (2001) *Principles of Biomedical Ethics*. (5th edition) Oxford University Press, Oxford

when, we are morally justified in 'using' animals and thus in putting the interests of people above the interests of the animal.

How can this complex question be answered? Various ethical decision-making methods have been developed to find answers and to compare and assess their merits. One method is to seek a so-called 'reflective equilibrium'.⁸ In *reflective equilibrium* the idea is to arrive at a reasoned conclusion, in which an attempt is made to bring intuitive judgements, principles and relevant facts into balance with one another.

The process of *reflective equilibrium* starts with intuitive judgements, i.e., first impressions. Intuitive answers often come to the fore in discussions about animals. In the search for a reflective equilibrium these intuitions are an important signal. They usually indicate that there is a problem or a question at hand. At the same time, they are no more than a beginning. A first reaction can be valuable, but people can also be completely wrong due to lack of knowledge, for example, because one misjudges the purpose for which an animal is used or because they fail to take the interests of the animal seriously.

Certainly with intuitive judgements there is a risk that someone will have an eye only for what he or she wants to see. That conflicts with the ethical principle that the person making an ethical judgement must try to take to heart the interests of *all* the parties involved. Besides, intuitive moral judgements can be contradictory: whereas one person might have no problem with a certain usage, someone else might consider that purpose entirely unacceptable. That is why in any ethical deliberation it is not enough to look at intuitive judgements only.

In striving towards a *reflective equilibrium*, two other elements are also essential. First of all, it is important to be clear about what *ethical principles* underlie the intuitive judgements. These could be, for example, i) to take animals seriously in moral terms ('animals can, like people, experience ill-being' and 'animals should be treated with respect'), but it might also be the ethical principle that we must advance human health; or ii) the autonomy of citizens (and animals) should be respected.

Secondly, *facts* play a key role in any ethical deliberation. For example, if someone's intuition tells them that a certain use is not problematic because with it the animal demonstrates no suffering, then it is relevant to establish whether that usage in fact really does not inflict suffering. It is also relevant to know when negative factors (hunger, thirst, fear) do actually impair welfare; for example, it is biologically useful for an animal to react fearfully to a new environment and the welfare of an animal will only be impaired if it turns out to be unable to adjust to its new environment.

With the method of *reflective equilibrium*, ethical principles and relevant facts are employed in critical reflection upon intuitive judgements. This requires a critical look at the similarities and differences between first impressions, principles and facts. If it turns out that there are inconsistencies, then one would initiate a search for their cause and examine which parts are in need of modification. Once coherence is achieved between the intuitive judgements, the principles and the facts, then we can speak of a *reflective equilibrium*.

For a complete moral assessment, it is therefore necessary to be provided with adequate knowledge and to be aware of and have thought about individual principles and about the principles that are considered binding for society as a whole.

⁸ Rawls (1972); Van der Burg & Van Willigenburg (1998)

5 Balancing interests

This Opinion of the Council on Animal Affairs deals with the (ethical) issues to be put on the policy agenda regarding animal welfare and animal health in the Netherlands. Within Dutch society today, there are very diverse views on the interests of animals and the weight these should be given in relation to other interests. An objective and fair balancing of *all* the interests is not easy for everyone. Moreover, the reasoning underlying existing policy on animals is often not clear to everyone. As a result, views within society on animal-related policies appear to be based more on intuitive judgements than on consistent (moral) arguments. Furthermore, the government – but also science – appears to be ‘estranged’ from the citizen on this topic: do we even know what ‘society’ thinks about animals? What are the society-wide shared moral values in thinking about animals?

The Council is of the opinion that future (government) policy has to be based more on transparency, consistency, and clear and substantiated arguments.

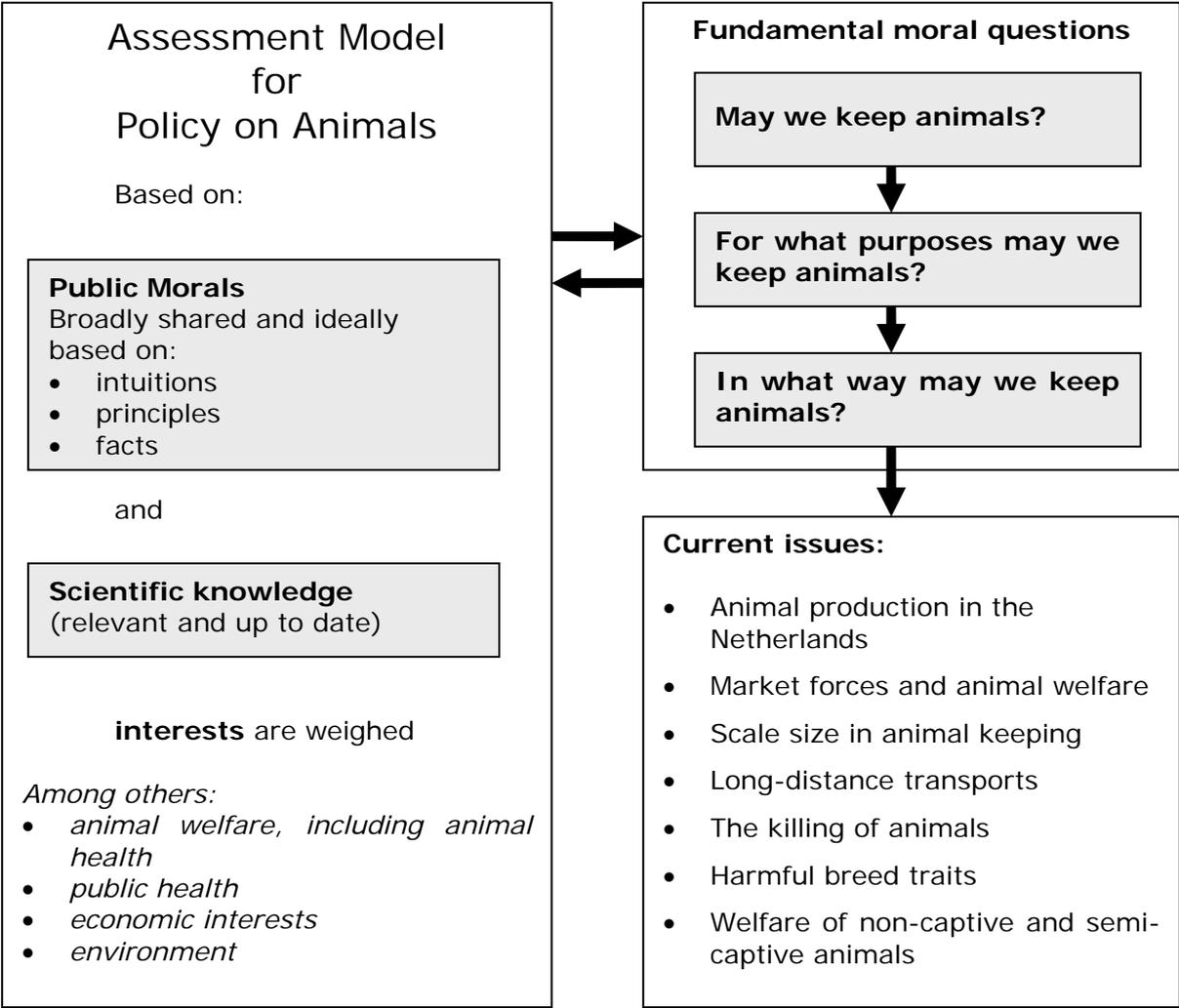
5.1 Assessment Model for Policy on Animals

The Council is of the opinion that future policy on animals should be based on a public, transparent and comprehensive ‘Assessment Model for Policy on Animals’. The considerations that underlie final policy in the area of animal welfare and animal health have to be made transparent.

In establishing the *Assessment Model for Policy on Animals*, the latest scientific knowledge should be utilized as well as moral views that are broadly shared within society regarding animal keeping, animal welfare and animal health. The Council is of the opinion that policy and legislation should be repeatedly updated, employing the most recent knowledge and with consideration of the prevailing public administrative context and social attitudes, using the *Assessment Model for Policy on Animals*. To this end, the Council advises the Minister to regularly conduct an inventory of public knowledge and morals with respect to animals in the form of a *Trend Analysis on Thinking about Animals*.

The *factors* that, in the view of the Council, must at the very least be taken into account in the assessment model are presented in the figure on the next page.

This figure also shows the assessment model’s relationship with the fundamental moral questions and resulting current dilemmas.



5.1.1 Public morals

Regarding the Minister's request to base our agenda-setting on fundamental attitudes prevalent within society, the following should be said: relatively little scientific research is available on people's specific views about animals and about the human-animal relationship. To set this agenda, the Council made use of, among other sources, the thesis '*Democratizing Animal Biotechnology*' by Frank Kupper (UvA, 2009), in which the author describes, for example, not only how fundamental positions and attitudes diverge within society, but also how they can fluctuate within one and the same person, depending on the context in which animals are used.

The Council observes a split in society: on one hand, livestock farming has over time become more and more commercialized, with animals being increasingly viewed only as a means to an end. On the other hand, companion animals are increasingly humanized and given the role of a family member. Both images of animals are based on one-sided views and incomplete information about animals and neither does justice to the animal.

Lack of information, however, does not prevent people from having an opinion on animal welfare and animal health. These opinions are, moreover, dependent on culture, time, place and context: one and the same person can in different contexts hold different views about animals. For instance, a mouse kept as a companion animal is viewed differently than a mouse that is a laboratory animal or pest.

In addition, there appears to be some inconsistency between the importance that people say they attribute to animal welfare and the things they actually do, directly and indirectly, for animal welfare. Examples of this are the still small market share held by meat produced in a more animal friendly way, and the perpetuation of hereditary defects in companion animals. In this context, the Rathenau Instituut (2009) stated in a report recently published for the Dutch Ministry of Agriculture on a strategic agenda for ethical policy: '*Government and the private sector often complain that citizens have double standards (expecting a lot from food but being unwilling to pay more for it). The question is whether that is fair. After all, producers generally use powerful means of advertising to create demand for their products and in doing so intervene in the market, while the consumer demand for sustainable and animal-friendly produced food is apparently expected to spontaneously emerge. For its part, the government decided to intervene firmly to reduce smoking and lead in gasoline and to require the use of seat belts in automobiles. But it has not used its power to restructure the food market. It is important for the agricultural sector to analyse why the government sees as its task to intervene the moment that public health or the living environment is at risk, but then points to the free market and responsibility of individual citizens when it comes to animal welfare and sustainability. Without a strong argumentation for this difference in attitude, any accusation of double standards risks bounding back like a boomerang.*'

Taking all this into consideration, the Council is of the opinion that government policy must proactively target raising knowledge and awareness among Dutch citizens regarding animal keeping and animal welfare. Only once people actually know how animals are (and should be) kept and when people are in a position to reflectively weigh their own interests against the interests of the animal, can they:

- form a balanced and facts-based opinion on animal keeping.
- do justice to the needs of the animals that are dependent upon them for their care.
- play their rightful role in steering animal welfare by means of market forces.

The Council is of the opinion that the knowledge of citizens in the Netherlands with respect to animal keeping and animal welfare must be increased, so that attitudes towards animals are based on relevant and tenable information and on well-considered values. To this end, subjects such as animal keeping and animal welfare should, on one hand, be incorporated into the curriculum of the Dutch (elementary) schools and, on the other hand, transparency should be promoted in all types of animal keeping.

Current policy formulation is primarily steered – via political decision-making – by that which the citizen *wants*. For the instrument of policy implementation, however, the choice is often made for steering according to what the citizen *does*, namely by means of market forces. Consistent policy, whereby not only regulations but also (putting in place the preconditions for) deployment of market forces as a steering instrument is only possible if citizens' views are consistent and if there is a relation between what citizens say they want and what they actually do. To promote such consistency, government policy must be aimed so that citizens know what is happening (transparency), why things are done as they are (awareness-raising) and what their own options are for improving the situation (conscientious choice behaviour).

In order to be able to make (moral) judgements related to animal welfare and animal health, people need more than information. They also need a frame of reference in which they can place the information and a willingness to apply moral considerations. To be able to develop such a frame of reference and attitude, knowledge is necessary.

5.1.2 May we keep animals?

Current policy allows people to keep animals. Yet this is not an absolute right. The Council observes that the mere fact that animals have been kept since time immemorial for their meat, milk, eggs, fur, work and companionship no longer constitutes sufficient reason for justifying the keeping of animals.

The Council advises the Minister of Agriculture to make the principled justification for the keeping of animals transparent using the 'Assessment Model for Policy on Animals'. The central question here should be, 'On what grounds do we decide that it is morally acceptable for people to keep animals?'

5.1.3 For what purposes may we keep animals?

The justification for keeping animals can be based on a range of moral backgrounds and views. The Council finds that the purpose for which an animal is kept has a major influence on views about the position of that animal and the human-animal relationship. This is also reflected in current policy, as the Dutch parliament decided in 2009 that fur production is no longer a justifiable purpose for keeping mink in the Netherlands. The (moral) considerations underlying this decision, however, were not made transparent.

The Council is of the opinion that the (moral) considerations associated with the keeping of animals for all purposes must be made explicit. The government could formulate this as a 'Positive and Negative List of Purposes of Animal Use'⁹ as part of the 'Trend Analysis on Thinking about Animals'.

5.1.4 In what way may we keep animals?

With respect to the way people keep animals, the Council refers to its Opinion *Responsible Animal Keeping* (RDA 2009/02, March 2010), about roles and responsibilities with regard to captive animals.

⁹ Such a list cannot be seen in isolation of the earlier proposed *positive list of animals that may be kept*. The Council issued an Opinion on this in 2006 (RDA 2006/10, *Positieflijsten*, in Dutch)

The Council, moreover, considers the formulation of such an Opinion desirable with respect to non-captive and semi-captive animals, due in part to the public and political debates about the welfare of large herbivores in nature conservation areas.

All of the major animal welfare and animal health issues come down to three fundamental questions: 'may we keep animals', 'for what purposes may we keep animals' and 'in what way may we keep animals'.

This is not to say, however, that we cannot take steps forward in animal-related policy without first answering these questions. Nonetheless, for a sustainable and broadly supported policy on animals, the principle and moral justifications for the keeping of animals will have to be addressed.

5.2 Questions for the shorter term

The connection between the recommendations that are more fundamental in nature becomes clearer when we look closer at a few issues that, according to the Council, will have to be addressed in the short term. The choice was made for current issues on which social views have recently significantly changed, or on which views within society are widely divergent.

The Council is of the opinion that to respond to the current issues described below an assessment is needed following the *Assessment Model for Policy on Animals* and that this assessment should be public, transparent and based on the very latest scientific knowledge and broadly shared social views. Ideally, these social views would be derived from a full ethical assessment, which is to say, incorporating in addition to intuitive judgements, knowledge, principles and ethical reflection as well.

5.2.1 Animal production in the Netherlands

The issue of animal production in the Netherlands appears at first to be directly linked to the moral question about the purposes for which it is justified to keep animals. Nonetheless, it is just as much about a transparent balancing of interests such as the economy, environment, food safety, food security, public health, animal health and animal welfare. It is also about the ability of citizens to make conscientious choices as consumers.

We therefore also have to consider the fact that livestock farming in the Netherlands is an important export industry. Influencing the behaviour of the *Dutch* consumer will therefore have a mixed effect. Moreover, Dutch consumers purchase not only food items of animal origin that are produced in the Netherlands: retailers are free to procure their products wherever they see fit. For these products too, animal welfare, environment and food safety aspects etc. must be considered.

5.2.2 The role of the government in the market and animal welfare

The government should make a well-considered decision on what position it wants and can take with respect to market forces in animal keeping.

On one hand, it is desirable for citizens to become aware of the constraints in animal husbandry and of their own abilities to do something about these via conscientious consumption behaviour. On the other hand, it is difficult to disqualify animal-keeping practices that comply with current rules.

The *Assessment Model for Policy on Animals* should be used to map the effects of a choice for or against reliance on market forces in animal keeping, including *all* related aspects such as food security, food safety, animal welfare and the economy.

5.2.3 Scale and size in animal keeping

The subjective value of animals is partly determined by the attention that a person can give to an individual animal. If someone keeps a single pig for a hobby, then that animal has an entirely different status than its counterpart that is fattened in five months on a 3,500-head farm. Scale and size, in that sense, is perceived as being at odds with the value of the animal for its own sake.

Objections against scale increases in farming, for example, in discussions about development of very large-scale industrial production systems for pigs and poultry, therefore often find their origin in the moral intuition that these will lead to further 'objectification' of animals. Arguments tend to revolve around animal welfare, public health and environmental aspects. At the same time it must be observed that small-scale husbandry systems are no guarantee of good welfare.

An analysis of scale and size in relation to *all* factors in the assessment model therefore appears necessary for sustainable policy development.

5.2.4 Transport of live animals over long distances

At first sight, the issue of live animal transport over long distances also seems to be related to the way we keep animals. However, when we make decisions about the acceptability of long-distance transport of animals, we directly influence a number of other important factors as well, such as the development of the meat production industry. Thus, for example, a ban on the long-distance transport of live piglets would block further specialization of Dutch pig-farming. A decision to prohibit long-distance transport therefore requires careful and transparent balancing of all interests, including those associated with livestock farming in the Netherlands.

5.2.5 Killing of animals

Increasing social protest against a failure to stun animals before slaughter, but also against the killing and the method of killing of pests and surplus animals, suggests that the balance of human and animal interests should be re-considered. In the former case, these interests would include animal welfare and freedom of religious practice.

Likewise, the killing of healthy animals as part of policies for controlling animal diseases should be re-assessed. In so doing, *all* aspects, including animal welfare, animal health, public health, food safety and the economy, should be incorporated in a transparent and comprehensive way, in light of the latest scientific developments and with consideration of the prevailing social views. This is, first and foremost, a task for government.

5.2.6 Breeding animals with harmful breed traits

Certain breed traits in companion animals impair the health and welfare. For example, extreme short-headedness (brachycraniality) of some dog and cat breeds can cause eye, skin and respiration problems.¹⁰ Many people are unaware of this, or believe that the associated impairment of well-being is not as severe as veterinary experts claim, or in forming their opinion they allow (often subconsciously) other interests, such as their own aesthetic enjoyment, to weigh heavier than the interests of the animal.

Similarly harmful breed traits can be identified in the breeding of horses, hobby animals and production animals. The Council will investigate this subject matter more in depth in its Opinion on *breeding and reproductive techniques* (expected end 2010).

5.2.7 The welfare of non-captive or semi-captive animals in nature conservation areas

This issue often aims directly at a very narrow aspect of the life of the concerned animals, analogous to the question on the way in which we may keep animals. In fact, it is about where the boundary lies between 'captive' and 'non-captive'. In addition, the extent to which humans are responsible for the welfare of non-captive and semi-captive animals also has to be considered.

¹⁰ See, e.g. the 2002 RDA report on the breeding of recreational animals ([Fokken met recreatiedieren](#))

6 Conclusions and recommendations

With an eye on the recent social developments and changes in thinking about animals in the Netherlands, the Council has arrived at the following conclusions and recommendations:

- I. With respect to government policy in the area of animal welfare and animal health, the Council finds that this can and must be more consistent and transparent. The Council is of the opinion that considerations that underlie policy and regulations in this area must be made transparent. In the interest of transparency and consistency of its policies, the government should make use of a public, transparent and comprehensive '*Assessment Model for Policy on Animals*'.

This Assessment Model for Policy on Animals should make use of the very latest scientific knowledge as well as moral views on animal keeping, animal welfare and animal health that are broadly supported within society. This implies that policy and regulations should be regularly updated, with the very latest knowledge and considering prevailing social views. It implies at the same time that the government should regularly assess knowledge and moral views on animals in a '*Trend Analysis of The public opinion on Animals*'.

In establishing the *Assessment Model for Policy on Animals*, multiple interests should be considered that are related to animal keeping in the Netherlands. The Council is of the opinion that in so doing, at least the following interests will have to be addressed: public health, animal welfare, environment and the economy.

- II. The Council observes that the historic fact that people keep animals is no longer self-evident to everyone in today's society. Therefore, the *Assessment Model for Policy on Animals* should first be used for a re-evaluation of the principled justification for keeping animals: On what grounds do we decide that it is morally acceptable for people to keep animals?
- III. The Council likewise finds that the context of use (the purpose for which an animal is being kept) is of major importance for the views that people have about the position of that animal and about the human-animal relationship. For example, a mink may still be kept as a companion animal, though the Dutch parliament recently decided that keeping minks for fur production is no longer acceptable in the Netherlands.¹¹ The Council is of the opinion that the (moral) considerations raised by the use of animals must be made explicit for all purposes of use. The considerations leading to either permission for or prohibition of animal keeping for all of the different purposes should be kept up to date, using the *Assessment Model for Policy on Animals*. This could, for example, lead to a '*Positive and Negative List of Purposes of Animal Keeping*'.
- IV. With respect to the way we keep animals, the Council points to its Opinion *Responsible Animal Keeping* (published in March 2010), about roles and responsibilities in relation to captive animals. The Council also considers the formulation of such an Opinion to be desirable for non-captive and semi-captive animals, due in part to the public and political debates about the welfare of large herbivores in nature conservation areas. In this regard, the Council is of the opinion that the *Assessment Model for Policy on Animals* can also be employed to reach a clear and broadly supported definition of 'captive' and 'non-captive' – and any gradations therein.
- V. In conclusion, the Council is of the opinion that the knowledge of citizens in the Netherlands with respect to animal keeping and animal welfare must be increased, so that moral views are based primarily on relevant and accurate information and on careful consideration of all relevant factors. For this, subjects such as animal keeping and animal welfare should be incorporated in the curriculum of the Dutch (elementary) school system, and transparency should be promoted in all types of animal keeping so as to enable citizens to form their opinions based on relevant and accurate information.

¹¹ See also Rathenau (2000) (note 1)

About the Council on Animal Affairs

The Council on Animal Affairs (RDA) is a council of experts that advises the Minister of Agriculture, Nature and Food Quality on issues related to animal welfare and animal health. The Council bases its opinions on the latest developments in science, society and ethics.

The Council consists of some forty experts who in their personal capacity, without obligation or compulsion, serve on the Council. Every opinion of the Council is completed by a Forum. A Forum is made up of council members with expertise relevant to the issue at hand, in some cases supplemented by external experts. The Forum then finalizes the Opinion in consultation with all council members and in consultation with the council chairperson. With this, an Opinion of the Council is expressly a product of the full Council.

The Council on Animal Affairs consists of the following experts:

A. Achterkamp	F. van Knapen
J.A.M. van Arendonk	P.A. Koolmees *
H.M.G. van Beers-Schreurs *	J. Lokhorst
F.W.A. Brom	C. van Maanen
W.H.B.J. van Eijk	F. Ohl *
A.A. Freriks	P.I. Polman, MPH
L.J. Hellebrekers *	P. Poortinga *
W.H. Hendriks	F.C. van der Schans *
S.A. Hertzberger	M.M. Sloet van Oldruitenborgh - Oosterbaan
J.E. Hesterman	F.J. van Sluijs *
A.J.M. van Hoof *	J.A. Stegeman
H. Hopster *	M.H.A. Steverink, MFM
R.B.M. Huirne	H.W.A. Swinkels *
M.J.B. Jansen	H. Vaarkamp, <i>chairperson</i>
M.C.M. de Jong	H.M. van Veen
M. de Jong-Timmerman *	P.J. Vingerling
J.Th. de Jongh *	C.M.J. van Woerkum
J. Kaandorp	W. Zwanenburg *

The names of the members of the Council who formed the Forum for this Opinion are marked with an asterisk. F.L.B. Meijboom (University of Utrecht, Ethics Institute) was added to this Forum as an external expert.

More information about the Council on Animal Affairs can be found on our website: www.RDA.nl

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Council on Animal Affairs
P.O. Box 20401
2500 EK The Hague
T: 070-378 5266
E: info@rda.nl