



Science and animal welfare in France and European Union: Rules, constraints, achievements



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ABSTRACT

The welfare of food-producing animals is a focus of public debate in Europe. Political institutions, have introduced regulations based on scientific data. Meanwhile, the practices of producers and transformers were modified. Implementation of care practices is added to the goal of sustainable basic health of animals. Nevertheless urban consumers still look for the “naturalness” of living animals. A brief historical perspective introduces the building process of European regulations. A short list of Directories and Recommendations provides a clue on the complexity of resulting construct. Now, this complexity is calling for simplification of rules while practices should be compatible with professional constraints. Few selected examples are brought to illustrate how the concepts initially studied by scientists (welfare, pain, stress, “consciousness”/awareness) were integrated in regulations and implemented by producers and meat industry in order to simultaneously maintain the requirements for high quality and security standards. At the same time, free trade market constraints introduced new distortions, in particular those linked to the world demand for proteins. Indeed, the controversy about animal welfare, initially brought on ethical grounds, became a case for ongoing adjustments of EU policy, requesting to combine scientific knowledge on animals, consequent evolution in the representation of animals by urban consumers with the challenge of adaptation and implementation of regulations.

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1. Introduction

The welfare of animals raised for food-production became a focus of public debate in Europe over the “sixties”. From then, European institutions have introduced regulations that are theoretically based on scientific data. Meanwhile, animal producers, who have a direct experiential knowledge of animals, have modified their practices. Implementation of care practices was added to the goal of achieving sustainable basic health and providing safe animal products that would meet the challenge of a growing consumption demand.

Nevertheless contemporary consumers, now living in highly urbanized and technological environment, seem to look for more “humane” and “natural” conditions for farm animals.

From few selected examples in pork or poultry productions, and from the case of cattle slaughter, the aim of the article is to show how notions such as welfare, stress reduction, pain avoidance or “consciousness” have been assessed by scientists and are progressively integrated in state regulations and implemented by producers and meat industry. Such an evolution is leading to the development of more complex production schemes basically aimed at fulfilling new requirements about ‘animal care’ as well as keeping high standard food safety and organoleptic

quality. Simultaneously, the global raise in the world market demand for proteins remains the main driving force to increase animal productions at optimal prices.

2. Recent history of the interest in domestic animal welfare in western countries

From the end of the 19th century, breeding procedures have evolved under the constraint of better rationalization and productivity at every step of the food production chain, “from farm to consumer fork”. The dominant model was the one of rational and standard processes. The unintended consequence happens to be that farm animals were implicitly considered as “living-machines” optimally adapted for transforming grass, seed or any other crop into high quality proteins for humans. During the first part of the 20th century, this implicit vision of farm animals grew without any major controversy, especially since the aim was to provide food at low price for everyone. Along the same period, a general philosophical attitude known as “scientific empiricism” developed along the intense growth of theoretical and applied knowledge. It reached a point that a new branch of psychology, pushed forward by behaviourists eager to promote a “true psychological science”, developed as a new discipline based on the theoretical grounds of a strict positivism. Under the cover of this theoretical frame, some researchers denied the existence of animal “consciousness” or “sensitivity” and developed

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experiments in which animals were used as living models to understand the basic components of the (human) psyche. Until the second part of 20th century, the overall sensitivity was such that very few paid attention to the fate of farm animals.

Public awareness campaigns informing against the conditions of animals appeared in the mid-sixties. The most noticeable one happened in England with the publication of the book *“Animal Machines”* (1964) by the vegetarian Ruth Harrison. In her book, she gathered striking examples of the living conditions of chickens, pigs and veal calves kept in confinement production systems. She also called for the respect of animals that have to be considered as sentient¹ beings and, as such, should deserve much better treatments. The large uproar of indignation triggered by this testimony, led the British government to react immediately. The appointed committee formed to conduct hearings (Brambell committee) suggested research lines, legislative creations and wrote a public report (1965) describing the general principles for the care and use of farm animals. When discussing the confinement of animals, the emphasis was put on the behavioural needs of animals: *“in principle we disapprove of a degree of confinement of an animal which necessarily frustrates most of the major activities which make up its natural behaviour”*. The core principle for animal care was expressed as the “five freedoms”; it constitutes a milestone for most of the modern European official texts and research action plans, 1 – freedom from hunger and thirst, 2 – freedom from pain, injury and disease, 3 – freedom from discomfort, 4 – freedom from fear and distress, and 5 – freedom to express normal behaviour.

Ten years later, in the influential book *Animal Liberation*, Peter Singer (1975–1st edition) provided one theoretical grounds for contemporary “animal rights” defenders and drew on the 17th English philosopher, Jeremy Bentham (1789), his basic criticism of the treatment of animals. According to P. Singer any action should be judged right or wrong on the basis of the amount of pain or pleasure caused by this action, *“there can be no moral justification for regarding the pain (or pleasure) that animals feel as less important than the same amount of pain felt by humans”*. He was the first to claim for “animal rights” and founded this request on their capacity to suffer, more than their ability to reason. Using the concept of “speciesism”, defined as the discriminatory attitude towards animals based on species membership causing unjustified prejudices, he popularised the slogan of “antisppeciesism” accordingly which equal moral consideration should be given to any living creature.

Adding to the first claim for “animal liberation”, T. Regan published “the case of Animal Rights” (1985) in which he stated that the deep flawed position of western societies is to consider animals only as resources, implying that they could be eaten, exploited or surgically manipulated instead of considering their value as sentient beings that carry an intrinsic value. Like Singer, he claimed that animals should belong to a unique moral status as any living creature (Regan & Singer, 1976). Along these lines, B. Rollin, published *“The Unheeded Cry. Animal Consciousness, Animal Pain and Science”* (1989) and called for: *“a much increased concept of welfare. Not only will welfare mean control of pain and suffering, it will also entail nurturing and fulfilment of the animals’ natures...”*. More recently he developed the proposition according which moral obligations towards animals are deeply rooted into the fact that they can experience pain (Rollin, 2011) and should not be considered any more as neutral “tools” in scientific experimental approach (Rollin, 2007). As compared to P. Singer’s argument in line with initial position of Bentham (i.e. “the question is not they talk or think, but can they suffer?”), Rollin articulate his moral reasoning on more modern basis such as these provided indirectly by the neurosciences. Indeed pain is understood as sensory experience linked, almost “hardwired with” unavoidable intense aversive emotional component that triggers a deep motivation to organise an escape/protection behaviour which correspond to the general process of arousal, linked to awareness and consciousness. In regard to the power of the emotional drive triggered by pain, this kind of emotion has been also referred as belonging to

the category of primordial or homeostatic emotions (Craig, 2002; Denton, McKinley, Farrell, et al. 2009; Le Neindre et al., INRA-ESCo Report, 2009, 2014).

In 1993, the UK Farm Animal Welfare Council (FAWC) took up again the “five freedom principles” insisting on the necessary link between the property of sentience, shared by animals (without any precision for the species or phylogeny level), and the resulting prescriptions to treat them: *“It is now widely accepted that all vertebrates are sentient .../...they have the capacity to feel pain, to experience distress and suffering and experience both positive and negative feelings”*. The document indicated ways to make welfare effective according to five principles: freedom from hunger and thirst achieved by ready access to fresh water and a diet adequate to maintain full health and vigour; freedom from pain, injury and disease achieved by prevention or rapid diagnosis and treatment; freedom from discomfort imply to provide an appropriate environment including shelter and comfortable resting area; freedom from fear and distress achieved by providing appropriate setting conditions and care to avoid mental suffering; and finally freedom to express normal behaviour would be achieved by providing sufficient space, facilities and company.

Shortly after, at the time of earliest steps of European foundation (1997), the Amsterdam Treaty establishing European Community (Appendix A of the Protocol on Protection and Welfare of Animals) stated: *“Animals are sentient beings...”*¹. This position was re-expressed in the Treaty of Lisbon (2009) which rules present principles of EU². In France, an identical position was already enacted in 1976 (1st article of the French Rural Code (L214-1). Whatever new legal issues would be developed, it is noticeable that in USA, law schools anticipated on the rapidly growing field of animal law. This new area of study now often challenges how “past laws” considered animals. While a handful of US law schools offered courses in animal law at the beginning of the century, roughly 120 schools now offer such a training, including several premier law schools like Harvard, Stanford, and Columbia (“Animal rights. The rise of animal law” Greg, 2011, <http://www.sciencemag.org/content/332/6025/28>).

Indeed one dimension of the debate on animal welfare and animal status is nowadays linked to the controversy about “animal rights”. Originally developed on philosophical grounds in the USA, the question equally concerns Europe. Some argue that “animal rights” is far beyond the initial question of “suffering” since it also implies the need to express species behaviour, leading to consideration for potential psychic suffering due to frustration. Such an argument has been developed along a law-centred perspective by the US philosopher M. Nussbaum who co-published “Animal Rights” with C. Sunstein (2004). The logic developed in this book was that any improvement of farm conditions cannot make them more « humane », and the end point was to abolish any kind of animal utilisation in agriculture or sciences.

Along the first animal welfare studies, other fields of academic study became gradually involved. This is the case of neurosciences, sociology, history, anthropology, law studies and prospective economical studies

¹ Sentience: beyond common understanding, the word is defined in ethology as “the capacity to evaluate the actions of others in relation to itself and third parties, remember some of its own actions and their consequences, have feelings (sensation, emotional status, background mood) and have some degree of awareness (of surrounding world and own body state) (Broom D. The evolution of morality; Appl. Animal Behav. Sci., 2006. 100(1/2): 20–28). In animal ethics, the concept of sentience implies the ability to experience negative or positive emotions (feelings) such as those involved in pain, fear, stress or involved in positive sensations such as those triggered by a reward.

² Lisbon Treaty, Article 13, Title II (Treaty on the Functioning of the European Union-TFEU) some principles that should be respected are listed, including: *“In formulating and implementing the Union’s agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.”*

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