

A transparent Methodology for Society to Address Animal Welfare from the Intrinsic Value and the Justifying Reason to A Transparent Methodology for Society Addressing Animal Welfare–Proposal for an Ethical Based Framework for Decision Makers

Mette Uldahl^{1*}, Dominique Autier Dérian², Susanne Hartmann³, Thomas Richter⁴

¹Vejle Equine Practice, Vejle, Denmark

²Animal Welfare Consulting, PhD, Lyon, France

³Chemical and Veterinary Investigation Laboratory Karlsruhe, Germany

⁴Nürtingen-Geislingen University for applied Sciences, Emer. Prof., Germany

Review Article

Received: 06-May-2022, Manuscript No. JVS-22-63014; **Editor assigned:** 10-May-2022, Pre QC No. JVS-22-63014 (PQ); **Reviewed:** 24-May-2022, QC No. JVS-22-63014; **Revised:** 30-May-2022, Manuscript No. JVS-22-63014 (R); **Published:** 06-Jun-2022, DOI: 10.4172/2581-3897.6.3.005

***For Correspondence:**

Dr. Mette Uldahl, Vejle Equine Practice, Vejle, Denmark

E-mail: mette@vejlehestepraktis.dk

Keywords: Animal welfare; Ethical framework; Animal law; Intrinsic value; Transparent methodology; Responsible intervention

ABSTRACT

Animal welfare plays an increasingly important role in society. Traditionally, many laws and regulations within the area of animal welfare have been focused on a particular intended use for a group of animals and/or the avoidance of negative experiences and states. Today, this is no longer a sufficient platform when making decisions involving animals. To go forward an ethical framework, has been developed, where the starting point is the animal's intrinsic value supplemented by the claim for a good life for the animal. This does not mean that animals can't be negatively affected by for example societal needs, but the process of taking such a decision should be systematic, transparent and evidence-based. If compromises of animal welfare are deemed necessary by human intervention the arguments to do so should be accessible for all wishing to assess the decision. The first step of the process of decision-taking is to identify whether a legitimate purpose is pursued. The second step is to evaluate whether the elements of the principle of proportionality have been respected: "Appropriateness," "necessity" and "proportionality in the narrower sense". By going step-wise through this decision model all ethical implications and proposed solutions are debated. If compromising interventions are deemed necessary, the arguments and chosen method to do so is presented in a systematic a transparent manner.

INTRODUCTION

The idea of animal welfare plays an increasingly important role in the public debate and thus in politics for about 200 years. The first act of Animal Welfare was implemented in England in 1822 ^[1]. However, for the past 20 years society has gained a steady increasing interest in animal welfare.

Animal welfare sometimes becomes at odds with human well-being, as human interests are potentially being prioritised to a lesser extent when the interests of animals are taken into account. It potentially restricts people in their personal freedom.

LITERATURE REVIEW

In modern times, animal welfare is a general public consensus in many societies around the world, which entails that reason is needed for why, and especially arguments of to which extent animals need to be protected. Although, the individual and stakeholders view on a matter may vary widely, consensus and broad agreement is necessary at an increasing level for securing a social license to operate when handling animals for any intended use or govern animals' life conditions and ability to live in nature.

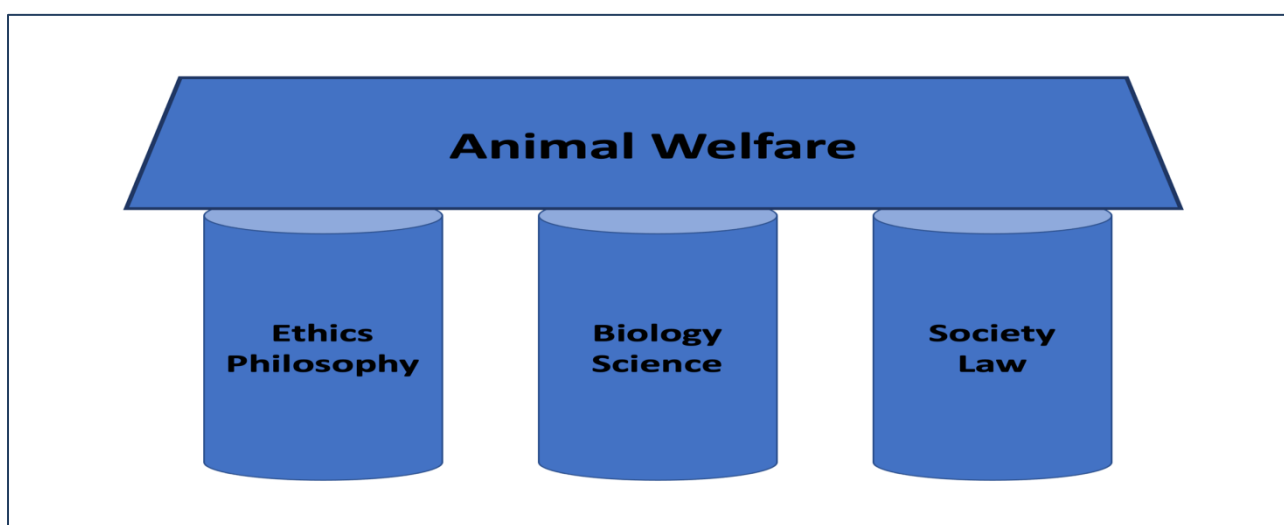
This compilation tries to clarify through clear comprehensible reflection whether and to what extent consideration for animals is to be taken.

Handling the field of animal welfare is dependent upon a clear consensus of how we classify animals on the “principle of ethical concern and importance”. This is the philosophical aspect.

The next step is to identify to which level the position of an animal on the “principle of biological concern and importance” entitles them to welfare. These are scientific facts.

The third step is to establish a methodology of how to argue for, and decide, when humans and society is entitled to compromise the level of welfare and to which extent. Hence, this involves the social respective legal consequences (Figure 1).

Figure 1. The three pillars of animal welfare.



Prioritizing financial aspects and an inaccurate understanding and classification of biological entities, including sentient beings, are the greatest threats to animal welfare. Further research within the field of animal consciousness, including cognition and metacognition skills, sensitivity, and ability to feel emotions is still needed.

To consult professionals with a high level of evidence-based knowledge and experience within this field is paramount when developing and securing animal welfare. Veterinarians have the highest competence in questions

about welfare and protection of all types of animals, and are trained in recognizing level of sentience and needs for groups of animals and individual animals.

The objective for this paper is:

- To propose a transparent methodology for society to consider animals when addressing animal welfare
- To provide an ethically justifiable means for humans to intervene responsibly with animals by using an ethical based framework for decision-taking
- To provide a reproducible and consistent way of addressing animal welfare in legislation

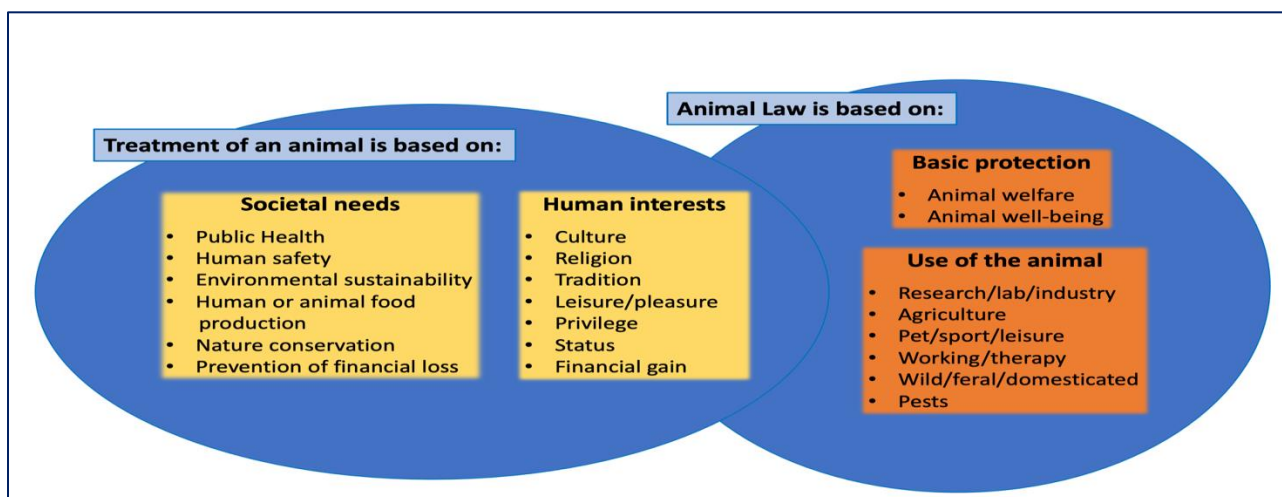
The traditional field of human-animal interaction and legislation

In traditional legislation across nations the basics for the laws are, on one hand, general or species level protection of animals and animal welfare [2], but on the other hand there are also many laws made according to a specific intended use of an individual or a specific group of animals [3,4]. For example, there is legislation addressing animals as:

- Laboratory animals
- Agricultural animals
- Pets
- Animals in sport
- Feral animals
- Wild animals
- Pests

Treatment of animals in society has traditionally been influenced by, and defined according to, societal needs and human interests of a broad variety [5]. Hence, this has equally influenced and directed the law-making process in the area of animal law (Figure 2).

Figure 2. Areas of animal/society/human interception and how traditional animal law has been based on basic protection and intended use.



A traditional perspective on animals and animal law has been based on few parameters, like basic protection of animals against pain, neglect, discomfort etc., focusing on avoiding negative experiences and states [6]. Some of the more recent legislation is directed more towards management and keeping of specified animal entities, focusing also on promotion of positive experiences and states [6].

The differences in focus and perspective when developing legislation affecting animals has led to a situation where a particular individual or an entity can be regulated by legislation that differ tremendously according to the use humans intend for the animal.

By issuing laws depending on the intended use of an animal, an animal is not legally handled according to its intrinsic value, but rather according to human interests in a particular field, tradition, culture, anthropomorphism and other parameters. The logic with regards to level of animal welfare can be hard to establish in between laws addressing individuals of the same species.

In most countries it will be very different to live as a rat with regards to level of animal welfare measures according to its classification as either a laboratory animal, pet or pest. It is in many cases permitted legally to kill a young and healthy pest-rat, even by methods known to cause severe suffering, but it would not be legitimate to do so with a private owned pet-rat.

Philosophical justifications for animal welfare

The historical arc of arguments about animal welfare: The arc of arguments for the human-animal relationship spans from early historical recordings, like the statement in the Bible (Moses 1, 1) around 1450-1500 b.c.: "God blessed them and said to them: Be fruitful and increase in number; fill the earth and subdue it. Rule over the fish in the sea and the birds in the sky and over every living creature that moves on the ground" [7], to philosophers thinking, i.e., Rene Descartes (1596-1650) who argues that animals are mere machines, can't reason, think, feel pain or suffer [8], up to Albert Schweitzer's statement in 1915: "I am life which wills to live, and I exist in the midst of life which wills to live" [9,10].

While the Bible imposes virtually no barriers to humans, Schweitzer makes, at least initially, no moral distinction between bacteria, plants, animals and humans, even if he acted quite differently in his real life. Both positions, the extremely anthropocentric of the Bible, and the extremely biocentric Albert Schweitzer's pass by the modern reality of life. The fact that an unrestricted ruling of the earth is causing chaos is demonstrated daily not only by the man-made climate change. A moral equivalence of all life, on the other hand, cannot be reconciled with the survival of man, even a vegan meal contains herbal life, not to think upon hygiene or antibiotics in medicine.

The "animal rights movement" has a significant following worldwide, which draws on Peter Singer's statement from around 1989: "The basic principle of equality, I shall argue, is equality of consideration" [9,11]. Singer, in turn, refers to Jeremy Bentham, who notes in 1789: "The question is not, can they reason? nor, can they talk? but can they suffer?" [10]. According to this view, sentient animals should be taken into account as well as sensitive humans. According to this position, any animal husbandry and even killing of sentient animals due to human interests are excluded.

In real life we are all living on a balance of principles, which we sometimes refer to as common sense. This is due to the fact that ethical principles implemented in its extremes leads to unsustainable and sometimes even absurd results, as evidenced by the thought experiment constructed by the famous German philosopher Ernst Tugendhat in 1997: In a hopeless traffic situation, it is only possible to choose between killing a human being or a sheep. A consistent supporter of the animal rights movement would have to run over humans by 50% willingly [12,13]. This is inhumane and for most people unacceptable in today's society.

Ethics helps us to reflect and dynamically change our views according to updated evidence-based and value-based knowledge. Hence, ethics is the philosophical discipline that helps us make choices based on a balance of principles, including current knowledge of present time [12].

This is also why decisions should regularly be re-visited, preferably with a transparent methodology in an ethical framework model providing a reproducible and consistent manner of considering aspects of animal welfare, as a justified decision in former time might not be justified in present time.

The concept of the intrinsic value

The critical appraisal of historical statements regarding animals' position in society, with additional consideration of the views from the animals' perspective, leads to a differentiated view. A solution for the whole complex of the justification for animal welfare that can also be implemented in practice is offered by the concept of the intrinsic value [14].

The concept of the intrinsic value obliges us to consider all animals, regardless of their phylogenetic status, i.e., sponges as well as apes.

Although all animals have intrinsic value to be considered, negative interventions in their autonomy may still be justified. Whether a negative intervention can be morally and legally justified depends on a justifying reason.

Consequences of the concept of intrinsic value for the treatment of animals

All animals have the same intrinsic value.

Humans are responsible for the welfare and well-being of animals if and when they are affected by human actions, which is always for domesticated animals, but also often for wild and feral animals.

All animals in the responsibility of humans should be secured the right to animal welfare and well-being according to their intrinsic value.

All individuals, kept by humans, should always have a "live worth living" regardless of the purpose of their life and their life span.

However, this does not exclude the right for humans to intervene in the well-being of animals according to specified human interests. To justify the right of human intervention towards specific entities or individual animals, society should always act based on plans made by experts using recognized ethically justifiable principles for handling animals. The means and ways of intervention should be prioritized according to the individual and overall purpose. Two aspects must be taken into account: firstly, whether the intervention in the autonomy of the animal is in principle justifiable and, secondly, whether the planned method is necessary, appropriate and proportional. The less the intervention affects the well-being of the animal, the easier it is to reach a level of acceptance, the more massive the intervention, the more important the justifying reason must be. In addition: the least intrusive measure available should have the highest priority. Keeping, training, teaching and even killing of animals should always be according to best practice.

Examples of socially recognized reasons for intervention in the autonomy of individual animals and entities of animals can be:

- Human or animal food production
- Human leisure
- Public health
- Human safety
- Nature conservation (for example eradication of invasive species)
- Prevention of financial loss

Animals biological needs

To secure and protect animals use of biological parameters and indicators are paramount, i.e., level of expected good health, protection against disease, ensuring mental well-being and protecting them against pain, suffering, death, discomfort, extended fear and neglect. For each species there'll be different basic needs to ensure if wanting to secure proper welfare and protect individuals. Beside the morphological integrity the innate behaviour has to be considered as well. For example: it is cruel to keep social animals like horses alone ^[14], but it is cruel as well to keep animal species known to be fully or semi-solitarily in groups, like for example Syrian (golden) hamsters (*Mesocricetus Auratus*) ^[15].

As a paramount principle, animals should be treated according to their level of sentience and needs. This includes both acknowledged needs for a species, but also recognized individual needs. For example: individuals not capable of taking part in regular social activities or group structures, should be protected according to their individual capability.

For example: there is big differences in the social abilities between dogs having been socialized in a family; being trained to interact in close relationship with humans and other animals in their surroundings, compared to feral dogs living in the street.

The classification can be limited by the current availability of human evidence-based insight of the species characteristics and sentience. However, lack of current evidence of sentience level for a species does not preclude humans' responsibility for the animals, and should be taken into account when examining the level/extent to which the animal is entitled to welfare and well-being.

This is corresponding to Paul Flecknell's statement related to handling of laboratory animals: "Until further progress is made in assessing the nature of pain in animals, it should be assumed that if a procedure is likely to cause pain in man, it will produce a similar degree of pain in animals" ^[16]. The principle being giving the animals the benefit of the doubt.

An ethical framework: a model for decision-taking when humans intervene with animals: The two stage-examination for justified reasoning

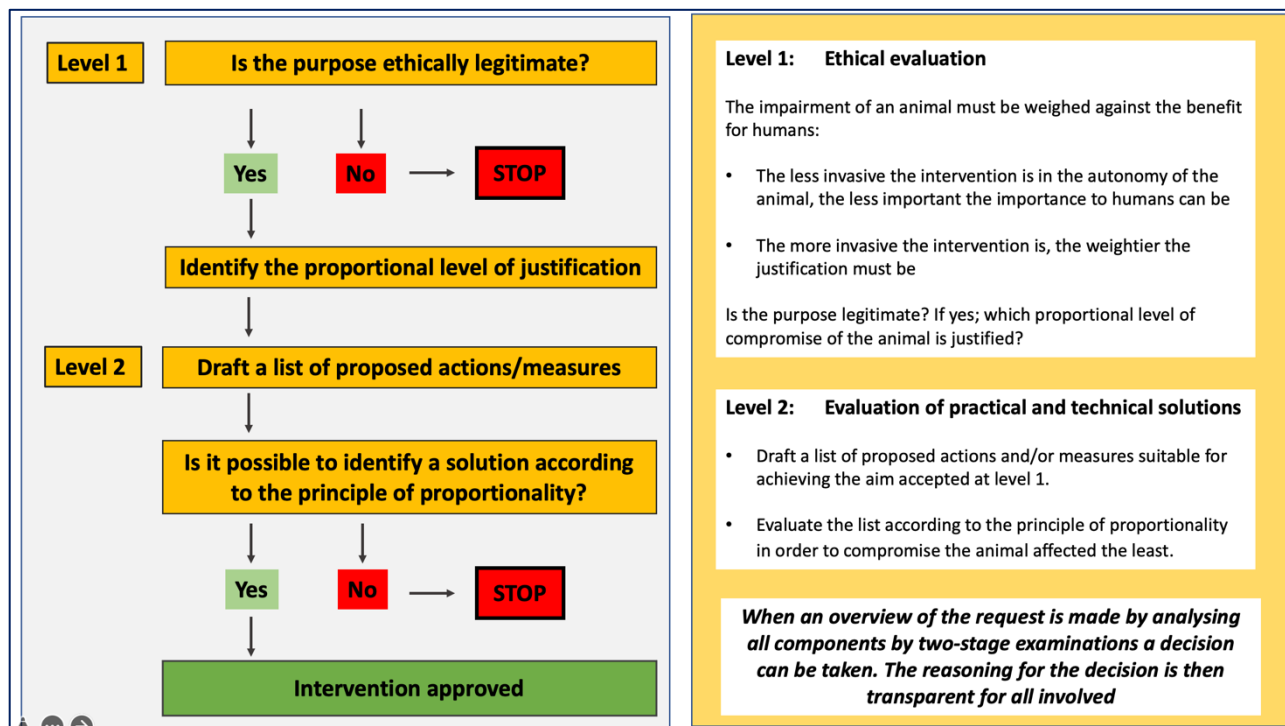
Animals are often influenced by human interests and demands. All negative interventions must be justified by good and transparent reasons. For all justified reasoning biological concepts, like the functional analogy ^[17,18] and the state of feeling ^[19], as well as legal concepts, like the one of the justifying reason²³ are to be consulted.

The decision as to whether there is a justifying reason for interventions in the autonomy of animals requires an examination of two crucial basic questions ^[20]:

1. Whether a legitimate purpose is pursued
2. Whether the elements of the principle of proportionality have been respected "Appropriateness," "necessity" and "proportionality in the narrower sense."

This can be implemented in a two-stage model for use in practice to evaluate whether an intervention is relevant or not, and to assess which technical and practical actions are needed and justified (Figure 3).

Figure 3. Two stage examination of a justifying reason, including evaluation of components of the overall decision: methodology for examining the legal justification as part of a decision-taking.



The first level is a pure ethical evaluation; is the purpose legitimate? Also, the impairment of the animal must be weighed against the benefit for humans. The less invasive the intervention is according to the autonomy of the animal, the less important the importance to humans can be, the more invasive the intervention, the weightier the justification must be.

Level two, on the other hand, concerns evaluation of proposed practical and technical solutions in an ethical context. The aim being to identify the measure or action most suitable to achieve the accepted ethical frame set at level one. For this a full list of optional actions and/or measures should be drafted followed by evaluation according to the principle of proportionality in order to compromise the animals affected the least.

An example may illustrate this:

In a local area, farmers have problems with wild boars roaming and damaging agricultural land. They propose to solve their problem by reducing the population of wild boars. Here the purpose is to save agricultural land from damages caused by wild boars [21-23].

The first level ethical evaluation should be based on facts like:

- How much damage has been done?
- What are the costs?
- What is the individual/societal need for the farmland?
- Which short/long term impact will it have on the animals involved?
- Which short/long term impact will it have on other animals?
- Which short/long term impact will it have on the environment?
- Which short/long term impact will it have on people apart from farmers?

Evaluation of all perspectives of the matter at level one should lead to an answer of the question: Is intervention proportional at all? If yes, an outline of the proportional level of justified compromise of the animals should be identified.

If reduction of the boar population is acceptable according to the level one ethical proportionality test, and a proportional level of compromise acceptable for the animal has been identified, a separate level two examination of proposed actions and/or measures is needed. For this a comprehensive list of optional actions/measures should be drafted.

As a theoretical example, we'll look at available/proposed methods for reduction of the wild boars, and evaluate each action/measure in an ethical "in practice" context:

- **Poison:** poisoning might be suitable in means of killing the boars. However, it does also inflict pain and unnecessary suffering etc. Therefore, it might be deemed unsuitable for the purpose. Additionally, poison is not to be seen as a proportional method, due to the overall environmental effect, the adverse risk of unintended killing of other animals, the rejection of venison for human consumption, and also the affective impact on people in the area finding dead carcasses*.
- **Relocation of animals:** This would include no killing of the animals, but the whole area had to be fenced to avoid invasion of boars of the reproductive surplus from the neighbourhood. Also, a suitable area of land with no endemic boar populations would be needed. In reality this is not possible. The stress of handling the animals while relocating should be included in the evaluation as well.
- **Regulation of reproduction:** Is it possible to regulate the number of animals by castrating male boars? In reality not, because if the area is not fenced intact males will invade immediately and the stress to catch all of the males for all of the boars, even for the females and youngsters would be enormous.
- **Traditional rifle hunting:** It might be accepted as a killing method, provided that the hunters are experienced and skilled at a standardised level. For traditional rifle hunting the meat can be utilised.

*: For proposed killing methods there might be additional requirements for particular species according to their phylogenetic and sentience level.

By performing the level two evaluation of methods for regulation of the wild boars, according to the ethical frame set at level one, a conclusion for the overall proportionality test of the farmers request to regulate the population of boars can be reached.

In the example above the purpose and all components of actions needed is scrutinised by the two-stage examination, to secure that only well considered decisions can be taken in a transparent manner, where only proper professional arguments are accepted, ideally all based on facts.

The outcome might be that the classification of level of welfare and well-being which the animal is entitled to is compromised to some extent, but the compromise is based on transparent justifying reasoning, where the overall human needs and societal structures are taken into account.

The consequence of using a systematic approach to reach decisions is:

- To take the best care possible for the animals at the given circumstances
- To act according to modern and current evidence of the animal's needs.

The outcome should be provision of proper, decent and justifying reasons for when we use animals in a way that potentially or factually compromises the animal's health, welfare, life quality, duration of life etc.

DISCUSSION AND CONCLUSION

Whenever a proposal for legislation is being evaluated the imperative starting point should be the animals' intrinsic value. From there arguments can be made for societal, cultural or other needs and/or interests, which allows for additional intervention, sometimes including compromising of animal welfare and protection, provided that this is deemed to be necessary measures to add to secure "common good" in society. Decisions should be taken in accordance with an ethical framework like the one stated above, and all elements of the decision should always be disclosed openly.

To secure a rational strategy towards handling and implementing animal welfare in society, which is justifiable from an ethical perspective, it is imperative to avoid classification based on culture, religious belief, anthropomorphic assumptions etc. Categorization and strategies for interventions should be based on solid facts, preferably evidence-based arguments, and always taking sentience and ethology into consideration.

If human interventions towards animals are needed, they should be examined in a reproducible ethical framework, including the two-stage examination method (see Figure 3) where purpose and proportionality of an intervention is transparently analyzed. An individual animal should always be regarded as being entitled to welfare and well-being as according to its biological concern and importance.

This secures that only appropriate interventions towards animals, including compromising of their welfare, can be justified. It does mean that humans can decide to keep, to train, to teach, and even to kill or inflict pain on animals, but only if the proportion of the intervention can be justified in an open and transparent manner, where the compromise for the animal is qualitatively and quantitatively assessed.

By using the above principles, the handling of animals in various societal roles will become justified at a defined level, transparent and reproducible among societies.

DECLARATION OF INTEREST

No conflict of interests to declare.

ACKNOWLEDGEMENTS

None

ANIMAL WELFARE IMPLICATIONS

In this article a methodology for transparent and ethical decision-taking is described for all processes in society involving human-animal interference and potential affection of animal welfare. The model is based on animals' intrinsic value as a starting point for all considerations.

REFERENCES

1. Inglis L. What folly is this? Animal welfare in Georgian London. London Historians. 2012.
2. Animal welfare act. Retsinformation. 2020.
3. Act amending the nature conservation act, the forest act, the animal welfare act, the land and road peace act and the traffic act (Access to establish nature national parks and mandatory digital communication m.v.). Retsinformation. 2022.
4. Promulgation of the animal experiments act. Retsinformation. 2014.

5. Fuseini A. The stunning and slaughter of cattle within the EU: A review of the current situation with regard to the halal market. *Animal Welfare*. 2016;25:365-376.
6. Mellor J. Moving beyond the five freedoms by updating the five provisions and introducing aligned animal welfare aims. *Animals (Basel)*. 2016;6:59.
7. Haldane ES, et al. *Descartes discourse on method and philosophical work*. London, Cambridge University Press, United Kingdom, 2016:115-118.
8. Globokar R. Reverence for life: The currency of Schweitzer's ethics. *Mednarodni filozofski simpozij, At: Celje*. 2009.
9. Singer P, et al. *Animal rights and human obligations*. 2nd ed. London, Pearson, United Kingdom. 1989.
10. Schweitzer A. *Collected works in five volumes*. 1st ed. Munich, Verlag C.H.Beck, Germany. 1974.
11. Richter T. *Animal-friendly livestock husbandry*. Springer. 1999.
12. Bentham J. *An introduction to the principles of morals and legislation*. 1789.
13. Tugendhat E. *Nature ethics: Basic texts of the current animal and eco-ethical discussion (suhrkamp paperback science)*. 9th ed. Berlin, Suhrkamp Verlag, Germany. 1997.
14. Tugendhat E. *Moral justification and justice. Lecture and colloquium in Münster* LIT-Verlag. 1997.
15. Fraser D. Understanding animal welfare. *Acta Vet Scand*. 2008;S1:50.
16. Dol M, et al. Recognizing the intrinsic value of animals. *Beyond animal welfare. Ethical Theory Moral Pract*. 2000;3:93-97.
17. Goodwin D, et al. The importance of ethology in understanding the behaviour of the Horse. *Equine Vet J Suppl*. 1999;28:15-19.
18. Ross AP, et al. Social housing and social isolation: Impact on stress indices and energy balance in male and female Syrian Hamsters. *Physiol Behav*. 2017;177:264-269.
19. Flecknell PA. The relief of pain in laboratory animals. *Lab Anim*. 1984;18:147-160.
20. Sambraus HH, et al. *The book of animal welfare*. 1st ed. Erlangen, Enke, Germany. 1997.
21. Singer P. *Practical ethics*. 1st ed. Stuttgart, Reclam Verlag, Germany. 1994.
22. Tschanz BJ, et al. Determinability of psychological processes in animals from the perspective of ethology. *German veterinary journal*. 2001;49:730-735.
23. Hirt A, et al. *Animal welfare act: TierSchG*. 4th ed. München, Verlag Franz Vahlen, Germany.2016.