

44. Tracing responsibilities in food production with animals

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Abstract

This paper summarises some results of the final report of the research project ‘Systematics of Responsibilities for Animal Welfare in the Livestock Sector’ (2018-2020). The project focused on the question who is fundamentally responsible for the treatment of farm animals. This question is largely and to some extent pointlessly discussed in the public. The study was commissioned by the German Federal Ministry of Agriculture (BMEL). It is based on a systematic examination of the term ‘responsibility’. Responsibility means that agents (who have the necessary means) act accordingly to their value preferences and cause consequences. In this respect, it must be taken into account that animal welfare (as based on altruistic reasoning) is not always given overriding priority in decision-making. This result becomes more plausible when analysing concrete examples of how real decisions were made. The report establishes a characteristic pattern that re-occurs in many discussions on problems in farm animal husbandry: There is an enormous gap between partakers ascribing responsibility to themselves or unto others. The report in contrast uses and extends well established ethical models and principles to create a matrix that makes it possible to say more precisely who is in fact responsible, and why. The report offers a detailed and rather extensive map of possible agents and stakeholders involved in animal husbandry based on the criteria of the matrix. This will lead to a much more distinguished judgement on responsibilities. The project has also developed a database tool in order to locate players in regards to certain characteristics. One result is to filter out those agents who may be called *big players* in the game at hand. The big food retailers and political bodies are prime candidates. The model can prove why they have indeed an enormous share of responsibility. The role of ‘the consumer’ is in turn to be reconsidered on this basis. The report finally offers an explanation on how responsibility and reliability are interconnected: It is much easier to stick to one’s own responsibilities if other players reliably stick to theirs. In turn, confidence in the system and its elements can be boosted whenever agents evidentially take up their responsibility and do ‘their jobs’.

Keywords: animal welfare, responsibility, reliability

Defining responsibility

The research study was based on the working definition that responsibility is the ‘attribution of actions and consequences of actions under value aspects’ (Kunzmann, 2010, p. 2). Responsibility arises where people steer the course of events out of their own decision. This can actually only be attributed to them where they had an opportunity to decide. It makes no sense to claim ‘responsibility’ for someone who cannot realise it.

In principle, decisions relevant to responsibility can be seen as ‘value preference decisions’: People choose from several options the one that realises the highest level of the most important values or goods for them. It is not trivial to establish this, because animal welfare rarely has ‘overriding priority’ among these goods. Animal welfare means the well-being and welfare of animals, which has an immediate, morally relevant value under the premises largely shared by our contemporaries (Zühlsdorf *et al.*, 2016). Animal

welfare as a moral issue is, however, necessarily altruistic at its core and inalienably so, i.e. directed towards the welfare of others (in this case; animals) and correspondingly difficult to enforce against other goods like income, food safety, etc.

Responsibility is not simply there, but is ascribed in ‘discourse’, in conversation, in debate, in argument. First of all, we have to notice whether responsibility is attributed to the bearer by others (passive) or whether he attributes it to himself and takes it on (active). When we take a closer look at this debate, we see that in the discussion about livestock farming, responsibility is used in two different directions: In self-attribution, players like to emphasise their good intentions, but refer to their limited possibilities. Subsequently, responsibility is attributed to someone else. The suspicion that responsibility was being shifted was confirmed. In detail, we were also able to reveal the rhetoric in which this happens. Once this recognised, it is easier to put it aside as an accessory to the discourse. A possible further consequence is not to trust this language game of the players too much when it comes to changes which are supposed to realise a good like animal welfare.

A matrix of responsibilities

In order to present a more realistic view of the situation, a matrix was distilled from already existing general responsibility models (Bayertz, 1995; Heidbrink *et al.*, 2017; Lenk, 2017; Loh, 2017; Lübke, 1998; Maring, 2001; Ropohl, 2002), which makes it possible to identify bearers of responsibility. It is characteristic that usually only a few players are named and negotiated as the responsible ones for animal welfare and/or animal protection in livestock farming. Our result is an extensive table that can be used to first of all more easily identify possible addressees of appeals or demands. In addition to the ‘usual suspects’ (cf. Hoischen-Taubner *et al.*, 2014), the list also includes players and groups of players who do not regularly appear in public discourse. The fact that, for example, ‘research funding agencies’ or ‘trade press’ appear in this list is not surprising in itself, but perhaps it also broadens the scope to name subjects more frequently who are not mentioned on a daily basis when it comes to promoting animal welfare and, if necessary, to hold them accountable. The example of piglet castration has shown the great influence trade press has here. This, in turn, is a concern of our list: To draw distinctions where they are necessary. For example, not to speak generally of ‘the media’, but to make the relevant distinction between what the specialised and trade press can actually do and what it does in contrast to the public media. Likewise, it is important to emphasise the well-known but often obscured distinction between ‘consumer’ and ‘citizen’.

We have also used the list to identify and name the so-called hidden players. This is also to name and classify possible subjects of responsibility who usually do not appear in usual public discourse; some of them are not even recognised as bearers of responsibility in more specialised discourses. For example, the important field of extension and advisors, which has or can have a key function in the realisation of animal welfare, is rarely addressed from the outside. Bringing such players out of their ‘virtual responsibility’ into their real one and demanding it can become an important policy field: In the respective contexts of action, it is self-evident how they influence animal welfare (albeit often indirectly), but their possible performance and, subsequently; their obligation in this is not brought up. The list in this report is certainly not exhaustive, but it does expand the space of possible addressees considerably.

A relevant side effect in the discussion of the addressees of responsibility is: we have also identified ‘bogus players’. In corresponding surveys and responses, responsibility is often attributed to collective players like ‘the consumers’, ‘the food retailers’, ‘the farmers’. We call them ‘aggregate collectives’, i.e. groups of individuals ‘who neither act with a common intention nor form an intentional group player’. As such, they cannot be an addressee of responsibility (Albertzart, 2015; Bratu, 2017; Isaacs, 2017). In contrast,

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it is very useful and extremely important to think about 'alliances' i.e. 'orchestrated' units of players from, for example, food retailers in their oligopolistic structure.

We have worked out central categories under which the many players and groups of players can be sorted. The classifications no longer follow chains of action (breeder, fattener, slaughterer, etc.), but classify the players according to characteristics of responsibility.

This includes the essential distinction between those who are structurally in a weaker position of power and those players who (can) exercise power, for example by being able to set norms and by their settings becoming binding for others. Logically, this also expands the space of their responsibility. All the more so if they can intervene in the spheres of action of others with compelling power. If they can only act in an advisory or informative capacity vis-à-vis others, for example, they can be called 'responsible' in a much weaker sense. This analysis also makes it very clear that the influence between the players is by no means purely economic: the exchange of information, advice and education, but also demands for quality, mutual monitoring and much more create important connections between players and link their responsibilities like driving belts in this system.

A category apparatus

The category apparatus thus obtained makes it possible to indicate very precisely for each individual player where spaces of action and power are and, consequently, in what sense and to what extent they bear any responsibility at all.

We have finally reduced it to four categories:

1. Type of contact to animals, either non-existent or direct or intermediate;
2. Means of establishing norms, either legal or non-legal (e.g. via technical norms);
3. Power of influence, either compelling or facultative (e.g. via consultation);
4. Sphere of influence, either in the own realm or reaching into others' realm of actions.

Applying these headings to the list of players results in a fairly complete catalogue of responsibilities in farm animal husbandry: We have worked out a short description for all players. This does not refer to where in the system a player has responsibility, but in what sense and to what extent we can reasonably attribute responsibility to him. This should make it easier to come to a judgement in appropriate discussions as to whether we are dealing with a relevant addressee at all.

Using the results of the report in this sense is facilitated by transferring them into an easy-to-use database programme. The categories can also be combined so that a targeted search for players with certain characteristics is possible. A central category is, for example, whether the respective players have direct contact with animals at all. These are then usually presented in media access, their behaviour is thereby controlled by animal protection law. However, the application of our tool also shows how limited the scope of responsibility of such players can be and usually is. Looking at further criteria classifications of these players, it becomes apparent that they all lack a certain power potential. They (mostly) do not have any compelling norm-setting power and their actions do not have any effect beyond their own area of responsibility. On the other hand, other combinations result in a list of those players who, as bottlenecks or so-called big players, can develop considerable power and assertiveness.

This probably makes the assumption plausible that special power nuclei exist in these places. It is no real surprise that corporations, system gastronomy and so-called alliances are mentioned. However, our model also provides plausible reasons why they are particularly responsible. Just naming big players is

not the real output here, but the reasoning why they are bottlenecks of responsibility and why they are therefore particularly obligated.

Levels of responsibility

From this we generate a scheme of levels of responsibility: The central idea here is a double attribution of responsibility. We distinguish between responsibility for action, i.e. responsibility for the genuine field of activity, and framework responsibility: (co-)responsibility for the framework conditions of one's own actions. If someone is held responsible for their actions, it can be asked whether they are being accused of deficits within the framework of their activities or whether they are being accused them of not shaping their field of action adequately and within their power. The driver of an animal transport may be accused of handling the animals too roughly or recklessly. However, one cannot reproach him for planning the route or for being right about the sensibility of the transports. To limit the responsibility here in a meaningful way, we have used the formula of *ultra posse nemo obligatur*: No one is obligated beyond his or her ability. The positive application of this formula means, and this is important to note at this point, that he bears full responsibility for the fulfilment of his 'duties' and cannot pass them on to the next higher authority. A nice illustration of responsibility in this sense would be, for example, the self-monitoring of animal owners according to § 11 para. 8 of the German Animal Protection Act. What is demanded there can be achieved by the animal owner at his own level of responsibility, and he is therefore obliged to fulfil it.

In general, an important step in the sensible use of responsibility is to ask very precisely what the *posse*, the ability at the respective level, actually consists of and to demand its fulfilment instead of giving in to the game of referring to the others, as is evidently common practice.

Nevertheless, the responsibility of the individual player does not simply consist of fulfilling their responsibility to act according to their respective roles: If the conditions do not allow for a satisfactory outcome at all, the players are obliged to strive for an improvement of the framework conditions as well. It is rarely apparent to what extent players access a higher level or in order to improve the conditions. For example, food retailers regularly point out that they cannot educate their customers (or similar) and can only trade with what the consumer buys. In fact, food retailing of course significantly changes the attitude of customers and in turn shapes their participation in the system to a considerable degree.

Demanding this responsibility and enforcing its realisation at all levels would be a suitable means of considerably curbing the shifting of responsibility (Te Velde *et al.*, 2002). The individual groups of players are addressed appropriately according to their power to act.

Subsidiarity and reliability

In the report we used the formula of the 'good job': If we are dissatisfied with the job someone is doing, we can mean that they are not doing their job well. We are accusing an enforcement deficit, so to speak. But if we think that he is doing a bad job, even if he is doing his job well, we have to talk about his job itself and start changes with and at those who design this job. Such a model allows for case-based attributions of responsibility to be made systematically: Players with less power to act (these are very often those with direct animal contact) are found at lower levels, whereas players with great power to act are to be located at higher levels, up to so-called players of the last level, who as the big players in the system of livestock farming are undoubtedly endowed with the greatest power to act. At the last level, it can then only be a matter of orchestrating the players who are responsible for the conditions in a network (Beckmann and Pies, 2006).

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That state bodies and the large alliances appear among the big players may not be surprising. However, demonstrating why certain tasks in livestock systems can only be regulated at this level redeems a politically relevant demand: subsidiarity. If it can be shown that other players or groups of players do not have the necessary degree of efficacy, it follows that the big players have a direct obligation and a justification for their intervention.

An approach based on the attribution of responsibility offers another advantage: it creates reliability in the system. A constant throughout the work on farm animal responsibility has been the recurring demand for ‘reliability’.

We have highlighted the meaning of reliability (Meijboom *et al.*, 2006) by distinguishing it from ‘trust’: trust presupposes that the partner acts in my interest (Hartmann, 2010; Herzog, 2013). Whoever trusts assumes goodwill towards the person whom he trusts and whom he considers trustworthy. And we have distinguished it from predictability, because even someone who is known not to be reliable is at least predictable in that (Hartmann, 2011; Herzog, 2013; Weigel *et al.*, 2017).

The framework for long-term change cannot be created by individual players in the system. They depend on other wheels in the entire mechanism turning in the same direction. This leaves only the big players and government action as guarantors of reliability.

Possible futures

In view of the political and social debate on animal welfare and animal protection in livestock farming, it is hardly possible at present to assess where the demands for animal-friendly husbandry will develop in the future and with what emphasis they will be pursued in the future. It is hardly calculable to what extent, at what speed and in what direction animal welfare measures will be protected.

Government measures promise planning security, such as the livestock strategy (cf. BMEL, 2019, p. 7). If state support for animal welfare measures does not fully or predominantly cover the additional costs or guarantee higher purchase prices, it will remain loss-making. Favourable loans are of little help, because the additional costs for extensive animal welfare measures still have to be earned in the future. Likewise, the protection of existing stables and other facilities creates reliability and planning security. However, this is precisely what thwarts animal welfare efforts, as it perpetuates forms of animal husbandry that lag behind current knowledge for many years to come.

Legal regulations that require higher animal welfare standards, on the other hand, could be a solution, since they have to be implemented by everyone (assuming appropriate structural and institutional safeguards). However, under the current premises of global market orientation, they would also have to – reliably – compensate for possible competitive disadvantages, if they are not to have negative effects on the existence of farms and businesses. It may also be questionable whether legal regulations will be withdrawn again by subsequent governments. Accordingly, the timeframe here is also in the order of magnitude of legislative periods, as long as there is no cross-party consensus and the corresponding provisions are made. On the other hand, there are also somewhat longer-term models, as in the case of the European Common Agricultural Policy (CAP) which certainly offers a lot of potential.

Uncertainties regarding the big picture cannot be eliminated: Whether the positions of animal rights movements will gain weight, whether questions about animal welfare will fade into background, etc., cannot be predicted, nor in which direction consumer purchasing behaviour will develop and how reliable citizens’ will is in the political arena. If no firm perspective can be identified in this, the players along the product chain will have difficulties in implementing measures for more animal welfare in the

long term. The economically more rational behaviour is to wait until the requirements become reliably concrete.

Conversely, however, it is possible that manageable measures that do not require large investments, that are reliably remunerated and that pay off within a manageable period of time are definitely requested and implemented.

The starting and final point of the whole analysis was the observation that the system of livestock farming is essentially characterised by a shifting of responsibility. An essential prerequisite to stop this shifting responsibility is: We must be able to rely on everyone consistently taking responsibility for their own actions and at the same time being accountable for them. And that they can do a good job if they do their job well. We must be able to rely on the fact that the effects of good and responsible action are not or cannot be counteracted by others. Establishing mechanisms and procedures to create this reliability is part of the 'steering responsibility' of the respective highest level, i.e. explicitly of the big players and also of the state. Accordingly, the conclusion of this summary is: According to this idea, reliability can promote the active assumption of responsibility. Perceived responsibility, in turn, can support and sustain trust in players, but above all trust in the system.

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