

Animals and ambivalence: governing farm animal welfare in the European food sector

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Introduction

That humans exploit animals, often in cruel ways, is not open to doubt. Responsibility for exploitation and cruelty lies unambiguously on the human side of any human-animal divide. For this reason, relations between humans and animals might be described as profoundly *asymmetrical* (Schiktanz 2004: 2). Asymmetry emerges whenever animals are confined for human purposes, for instance in farms, zoos and homes. As Schiktanz (2004: 2) puts it, “the animal itself has usually no opportunity to force its necessities – everything depends on the good will of the human ‘owner’”. Such asymmetric relations are apparently inevitable, especially in the agricultural domain where billions of animals are raised for slaughter. In fact, farm-based asymmetry is undoubtedly widespread as the modern industrial system leads to the ever-greater intensification, industrialisation and mechanisation of animal production (Fiddes, 1990; Rifkin, 1992; Strassart and Whatmore, 2003).

Yet, asymmetry remains troubling for many humans. Thus, as the exploitation of animals for food becomes more intense so a greater need for regulation seemingly arises. The emergence of animal welfare legislation generates, however, another key dynamic of human-animal relations – ambivalence. As Schiktanz (2004 p. 2) notes, “the reason for being ambivalent is that on the one hand a specific animal can be individually and compassionately loved and on the other hand various animal species are intensively used in a socio-economic context”. This raises a problem of “nearness” and “distance”; that is, “it reflects the distinct situations of killing animals for food: thus killing companion

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animals for food reasons is absolutely taboo; whereas for farm animals there are rules depending on the lifecycle of the animal, wild animals are killed in particular seasons and exotic animals wouldn't be used as a food resource at all" (ibid p.3). In short, while we feel some kind of connection to animals - meaning they should not be killed or should only be killed in certain ways and at certain times - we also recognise a distance between ourselves and animals - meaning they should be killed so that we can eat.

In this chapter we look at little more closely at asymmetry and ambivalence in the food sector. In particular, we focus on how they influence the construction of animal welfare regulation in Europe and the UK. Animal welfare concern in Europe, as Montanari (1996) indicates, can be traced back to the Victorian period when animal welfare societies began to emerge as agents of societal concern over animal treatment (Franklin, 1998). These societies ensured that welfare issues remained prominent in Europe throughout the twentieth century – especially as the agricultural industry intensified its animal-based production practices in the post World War Two era (elegantly exemplified by the publication in 1964 of Ruth Harrison's seminal book *Animal Machines*). The recent spate of food scares has brought consumer concerns over farmed animals even more firmly to the fore. Once the conditions of animal production were revealed to the general public (by, for instance, the BSE crisis), anxieties over consumer health were translated into anxieties over animal welfare (Franklin, 1998). Thus, in the mid-1990s around one million people signed a Compassion In World Farming (CIWF) petition for animals to be recognised as "sentient beings" in European legislation (Watts, 1999). It was argued that this new status for animals would bring them enhanced welfare benefits and that these benefits would translate into safer food (Rollin, 1995; 2004).

Thus, animal welfare has been creeping up the European political agenda and it has now given rise to a number of differing regulations and governance mechanisms. As a result, it forms a key aspect of the agricultural governance system in Europe and elsewhere. In this chapter we take the growing significance of animal welfare as a starting point for considering how farm animals are being governed in two main arenas. First, we provide an overview of animal welfare legislation in the European Union (EU). We briefly

identify the main laws and regulations surrounding welfare and some of the key implications that stem from their adoption. As we shall see, the definition of animal welfare has traditionally been interpreted in the EU as the cluster of external parameters needed to ensure the higher production of farm animals (Spedding, 2000). But during the last twenty years or so this 'productionist' approach has run in parallel with a new concern for the 'global health' of the animal, meaning the total positive psycho-physical conditions that ensure the survival of sentient life (Broom, 1991; Wilkins, 1997). We shall argue that these two conceptions of the animal remain current in EU legislation, thus bestowing on the farmed animal a profoundly ambivalent status.

Secondly, we consider how welfare laws and regulations are administered in the arena of the nation state. We suggest the UK constitutes an instructive case study: animal welfare concern is of long-standing in this country (Harrison, 1964; Harper and Henson, 1998); moreover, the UK has suffered from acute animal disease problems, notably Foot and Mouth disease (which cost the British taxpayer around £15 billion in 2001-2), BSE (which has so far killed around 100 people), classical swine fever (which has become a recurring concern in the UK pig industry), and food poisoning epidemics (such as salmonella and campylobacter). The prevalence of these diseases has made the UK government especially sensitive to animal health and welfare issues and we consider how it has sought to implement a range of welfare measures. In so doing, we trace the networks of actors that facilitate welfare regulation in the nation-state context.

Before turning to examine the governance of welfare in the European policy arena it should be noted that the analysis of animal welfare governance that follows is implicitly informed by a Foucaultian perspective. In particular, it considers whether animal welfare now constitutes a new regime of 'governmentality'. Foucault (1991) uses this term to refer to the collective ways of thinking that underpin particular governmental strategies. In his view all modes of regulation depend on modes of 'representation', that is, specific ways of depicting the domain to be governed. In general terms, modes of representation make given domains amenable to political deliberation. They also tend to define common

vocabularies that permit the mobilisation of diverse social and political actors. The adoption of shared vocabularies enables associations to be formed between a variety of agents dispersed in space and time. As Miller and Rose (1990: 6) put it:

“departments of State, pressure groups, academics, managers, teachers, employees, parents - whilst each remains, to a greater or lesser extent, constitutionally distinct and formally independent...can be enrolled in a governmental network to the extent that it can translate the objectives and values of others into its own terms, to the extent that the arguments of another become consonant with and provide norms for its own ambitions”.

In what follows we consider, firstly, whether the welfare of farm animals has now become a discrete and defined ‘object’ of governance, that is, we investigate how animal welfare has been delimited as a governmental problem. Secondly, we describe the network of actors that has been mobilised as processes of animal welfare regulation have come into being. As we shall see, the governmental network now bearing upon the welfare problematic is becoming increasingly complex in character: it consists not just of government agencies but of non-governmental actors and private sector organisations also. This regulatory network is essentially working to ‘frame’ the actions of all those engaged in the food sector using standards, prescriptions and norms of animal welfare practice. In our view, such welfare ‘framings’ not only constitute an emerging form of governmentality but also comprise an increasingly important part of the agricultural governance system.

Animal welfare legislation in the EU.

A growing number of EU recommendations, laws and treaties aim to regulate the relationship between humans and animals. While European Union law takes a variety of forms - including directives, regulations and decisions - all must ultimately be incorporated into an EU Treaty if they are to become legally binding on Member States. Yet, despite the fact that animal welfare is clearly an issue of great concern to many EU

citizens (Bennet, 1996; Miele and Parisi, 2001), European animal welfare associations strongly argue that this concern is not sufficiently reflected in the existing EU Treaties (see www.eurogroupforanimalwelfare.net). In fact, as we shall see, below there exists a profound ambiguity in EU legislation on animal welfare. On the one hand, the existing legislation sees animals as mere production resources (e.g. agricultural products or animals employed in medical research); on the other hand, it sees animals as entities with a special status and specific legal requirements (e.g. companion animals). This ambiguity underpins many current disputes over farm animals in the EU context.

In the first instance, EU directives dealing with farm animal welfare have been principally generated by the need to establish common rules that can ensure the proper functioning of the internal European market. As Moynagh (2003: 108) points out:

“It is often forgotten that the European Union is a trading body. Though it has grown in breadth and depth, one of its primary roles remains to assure the single market and to ensure free trade in goods and in services. One of the first groups of commodities traded was agricultural goods—of which animals and animal products are an important part. For this reason, veterinary legislation developed earlier than other areas of EU legislation and is generally more comprehensive than legislation dealing with other commodities and substances. There has thus been a considerable degree of harmonization of legislation between Member States in order to ensure that no Member State obtained an unfair advantage. Such harmonization has also covered welfare standards and, in particular, the setting of minimum welfare standards which apply across the EU”.

However, it is not only anxieties over competitiveness that have led to the introduction of welfare legislation: European animal welfare associations have lobbied to ensure enhanced welfare is made a basic principle of EU governance. In the negotiation between the animal welfare associations and the EU a key element for discussion has been the scientific knowledge in the field of animal science. Of key importance here has been the Scientific Committee on Animal Health and Welfare (SCAHW) which operated until very recently as a scientific advisory committee of the EU (it has now been replaced by scientific panels under the European Food Standards Agency). The SCAHW has

traditionally been composed of leading scientists in the field of animal health and welfare.

We can identify two main welfare approaches in the advice of the SCAHW has supplied to the European Commission. While these approaches are not mutually exclusive they do define the welfare of animals in sharply differing ways. The first might be termed the 'environmental approach' for it interprets the welfare of animals as the cluster of external parameters needed to ensure high levels of production. It focuses on the combination of maximum production and minimum cost through the creation of an environment in which animals are easily transformed into food products (see for example Kleiber, 1961; Mount, 1968). The second approach looks at welfare from the perspective of the animal rather than the environment. One strand of animal-centred work examines the ability of animals to adapt to (or cope with) the farm environment (see, for instance, Broom, 1991, 1996) while another strand seeks to understand how the animal feels about the farm (confinement) situation (see, for instance, Dawkins, 1980; Duncan, and Petherick, 1989; Fraser, and Duncan, 1998). These new scientific findings – especially those that focus upon the animal's likely ability for self-awareness and suffering, and its capacity to feel complex emotions associated with fear, pain and behavioural needs (Blockhuis et al., 2003) – have made a profound impact on perceptions of human duties towards animals in terms of limitations to the suffering, deprivation and various distresses connected with animal farming and other forms of animal exploitation. More specifically, they have supported the view that farm animals are 'sentient beings'. Thus, in its advice to the EU Commission - for instance on slaughtering methods or on transportation issues – the SCAHW has increasingly tended to emphasise animal-centred welfare approaches (Moynagh, 2003).

In this way, new conceptions of 'welfare' as an object of governance have emerged in EU circles and these have begun to influence animal welfare legislation, including a Declaration on Animal Welfare in the 1991 Maastricht Treaty and a Protocol on Animal Welfare in the 1997 Amsterdam Treaty. This latter Protocol was an especially important

milestone as it indicated that animal-centred definitions were moving to the fore. The Protocol reads as follows:

"The High Contracting Parties, desiring to ensure improved protection and respect for the welfare of animals as *sentient beings*, have agreed upon the following provision, which shall be annexed to the Treaty establishing the European Community, in formulating and implementing the Community's agricultural, transport, internal market and research policies, the Community and the Member States shall 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".

The Protocol creates clear legal obligations on EU Member States to pay full regard to the welfare requirements of animals and, for the first time, refers to them as "sentient beings", thereby bestowing special obligations on all who rear animals. However, while the Protocol seemingly introduces a new rationale for animal welfare regulation, in Annex I (Article 32) of the Treaty animals are still referred to as "agricultural products". Thus, ambiguity resurfaces. In fact, taken as a whole, the Amsterdam Treaty appears to see animal welfare as a subject that should be encompassed within other EU policy areas, such as the Common Agricultural Policy and the internal market.

Table. 1 : Overview of EU regulation for Welfare of Farm Animals.

General
• Protocol (No 33) to the Treaty establishing the European Community on the protection and welfare of animals (1997, adopted May 1st 1999)
Keeping of animals
Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes
Council Directive 88/166/EEC of 7 March 1988 laying down minimum standards for the protection of laying hens kept in battery cages
Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens
Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves
Council Directive 97/2/EC of 2 January 1997 laying down minimum standards for the protection of calves

Commission Decision 97/182 of 24 February 1997 amending the Annex to Directive 91/629/EEC laying down minimum standards for the protection of calves
Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs
Council Directive 2001/88/EC of 23 October 2001 amending Directive 91/630/EEC laying down minimum standards for the protection of pigs
Commission Directive 2001/93/EC of 9 November 2001 amending Directive 91/630/EEC laying down minimum standards for the protection of pigs
Transport of animals
Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC
Council Directive 95/29 of 29 June 1995 on the protection of animals during transport
Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC
Council Regulation (EC) 411/98 of 16 February 1998 on additional animal protection standards applicable to road vehicles used for the carriage of livestock on journeys exceeding eight hours
Commission Decision 2001/298/EC of 30 March 2001 amending the Annexes to CONV 842/03 12
Council Directives 64/432/EEC, 90/426/EEC, 91/68/EEC and 92/65/EEC and to Commission Decision 94/273/EC as regards the protection of animals during transport
Slaughter and killing of animals
Council Directive 93/119/EEC of 22 December 1993 on the protection of animals at the time of slaughter and killing

The most recent legislation bearing upon animal welfare is the new European Constitutional Treaty, which was agreed on 18th of June 2004 (it is due to come into force on 1st November 2006, provided it has been ratified by all the Member States). Importantly, the Treaty transforms the animal welfare Protocol into a Treaty Article. The Article is to be found in Part III of the Treaty, which is entitled “The Policies and Functioning of the Union”. The new Article is similar in its wording to the 1997 Protocol and reads:

“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 pay full regard to the welfare requirements of animals, as sentient beings, while respecting the legislative or administrative provisions and customs of Member States relating in particular to religious rites, cultural traditions and regional heritage”.

The Article has two key elements: first, it reaffirms that animals are “sentient beings” (this means they cannot be regarded as just goods or products) and, second, it requires the EU and Member States, when formulating and implementing EU policies, pay full regard to the welfare requirements of animals. The new Article relates both to policies that directly affect animals (for example, a proposed directive on cattle welfare) and to policies that may have an indirect impact on animals (such as a new policy on the safety of certain products, which could lead to more animal testing). In the latter case, the Commission is being urged to recognise that it must, as a consequence of the new Article, carry out an ‘animal welfare impact assessment’ before adopting any new policy. This might be seen as a ‘mainstreaming’ of animal welfare into general EU policy.

This brief overview indicates that ‘animal welfare’ is going through a process of refinement as an object of government in the European context. In the early rounds of the governmentalisation process, welfare was simply seen as an intrinsic part of the agricultural production system – put crudely, if an animal could grow in line with the production expectations then its welfare was not seriously in doubt. However, as more sophisticated scientific understandings of the plight of animals in modern production systems come to be bolstered by growing societal concerns (articulated by animal welfare organisations) so more nuanced regulatory initiatives come into being. These more nuanced initiatives take the animal’s feelings and emotions into account as well as broad aspects of physiology, ethology and health. In short, they see animals not as production ‘machines’ (the industry view) but as ‘sentient beings’ (the scientific view). This new perspective has now been incorporated into EU legislation, beginning with the 1997 Amsterdam Treaty and culminating in the new EU Constitution.

However, before celebrating this shift to an animal-centred approach, we should note that a profound ambiguity over the status of farm animals remains and that this inhibits attempts to stabilise animal welfare as a governmental problem. On the one hand, concerns over competitiveness continue to decree that animals are seen mainly as inputs into ever more efficient agricultural production systems. On the other hand, animals are

conceptualised as very distinct entities within such production systems, entities in need of special protection tailored to their status as 'sentient beings'. The co-existence of these two views means that EU legislation can be interpreted (by, for instance, Member States) in distinct ways i.e. it legitimises the continued exploitation of animals in line with competitiveness concerns or it upholds the need for the high standards of welfare that are associated with new understandings of animal health and well-being. In short, welfare as a new mode of governmentality continues to suffer from a lack of coherence.

National systems of welfare governance: a UK case study

EU legislation needs to be interpreted by member states and it is here that we should expect to find differing conceptions of welfare coming more fully into view. Indeed, there is clear variation in the application of welfare standards around Europe with Scandinavian countries generally upholding high standards and with southern and eastern countries being less concerned with welfare issues (although this geography of animal welfare may be subject to change as consumers in the south and east become as concerned as consumers in the north of Europe about standards of food quality). We have chosen to focus in this section on a single country – the UK - that has long displayed high levels of consumer concern but which has also been subject to acute food scares associated with intensive systems of animal production. This combination ensures that the UK has come to place some considerable emphasis on animal welfare schemes in recent years (in part, because the agricultural industry is concerned to maintain access to international markets for its animal-based products). The implementation of animal welfare measures in the context of food scares and animal disease problems makes the UK a useful case of study as we can rather easily identify the key policy networks that now surround welfare policy. A brief investigation of these networks should show whether the ambiguity so evident at the EU level is replicated at the national level.

We must first recognise that in the UK a comprehensive framework of legislation has existed for some time to protect farm animals. The Protection of Animals Act 1911 makes it an offence to cause unnecessary suffering to any domestic or captive animal while the Agriculture (Miscellaneous Provisions) Act 1968 authorises Agriculture

Ministers to issue regulations specifying detailed conditions under which livestock must be kept. The UK is also required to implement into domestic law any EU Directives bearing upon this issue. There are currently two EC Directives laying down minimum standards for the welfare of specific farm animals: 97/182/EC (calves) and 91/630/EEC (pigs). These Directives are implemented in the UK by the Welfare of Livestock (Amendment) Regulations 1998. In addition, EU Directive 98/58/EC, which sets minimum standards for the welfare of all farm animals, is implemented into UK legislation through Welfare of Farmed Animal Regulations, which came into force in 2000. Specific rules on the welfare of laying hens are set down in EU Directive 99/74/EC, and these have been implemented in England through the Welfare of Farmed Animals (England) (Amendment) Regulations 2002. The Directive and domestic implementing regulations prohibit the use of the barren cages with effect from 1st of January 2012.

The UK Government not only administers these legal functions but also encourages farmers to adopt high standards of animal husbandry through the publication of specific welfare codes. Although these codes are not directly applicable in law, failure to observe their provisions may be used in support of a prosecution for offences under the 1968 Act. As Barclay and Hughes (1998: 7) put it, “it is not an offence to infringe the terms of the codes of practice, but failure to conform to them can be cited in court as evidence of cruelty in the case of a prosecution for cruelty to animals”. In the main, the codes are enforced by the State Veterinary Service (SVS), which visits farm premises to check the welfare of livestock, and investigates complaints and allegations that welfare requirements have been infringed. Through this close monitoring of on-farm welfare practice the SVS plays a vital role in bringing a welfare governmentality into being at the local scale. Independent advice to government in the field of animal welfare standards is provided by the Farm Animal Welfare Council (FAWC), a standing committee established in 1979. Its terms of reference are to keep under review the welfare of farm animals and to advise the Government of any legislative or other changes that may be necessary. The council has freedom to investigate any topic falling within its remit and to

publish its advice independently (see <http://www.fawc.org.uk/>). The majority of FAWC recommendations are implemented by legislation and welfare codes.

The welfare of an animal includes its physical and mental state and we consider that good animal welfare implies both fitness and a sense of well-being. Any animal kept by man, must at least, be protected from unnecessary suffering.

The 5 freedoms

We believe that an animal's welfare, whether on farm, in transit, at market or at a place of slaughter should be considered in terms of '**five freedoms**'. These freedoms define ideal states rather than standards for acceptable welfare. They form a logical and comprehensive framework for analysis of welfare within any system together with the steps and compromises necessary to safeguard and improve welfare within the proper constraints of an effective livestock industry.

- 1. FREEDOM FROM HUNGER AND THIRST** - by ready access to fresh water and a diet to maintain full health and vigour.
- 2. FREEDOM FROM DISCOMFORT** - by providing an appropriate environment including shelter and a comfortable resting area.
- 3. FREEDOM FROM PAIN, INJURY OR DISEASE** - by prevention or rapid diagnosis and treatment.
- 4. FREEDOM TO EXPRESS NORMAL BEHAVIOUR** - by providing sufficient space, proper facilities and company of the animal's own kind.
- 5. FREEDOM FROM FEAR AND DISTRESS** - by ensuring conditions and treatment which avoid mental suffering.

Box 2: The Five Freedoms FAWC website 2004

The UK Government not only oversees the policing of the agricultural industry but also mobilises welfare discourses in order to encourage farmers to monitor their own conduct in welfarist terms. It issues advisory booklets on specific welfare issues (e.g., lameness, heat stress, condition scoring, lamb/calf survival, poultry welfare) and also runs advisory meetings and workshops through its agricultural extension services. Through these discursive mobilisations, the UK Government hopes to spread a welfarist ethos through the agricultural industry. This ethos is also evident in the recently published *Animal health and welfare strategy for Great Britain* (DEFRA, 2004). The new governmental initiative has a number of broad aims, including:

- That animals kept for food, farming, sport, companionship, entertainment and in zoos should be treated humanely;
- That the disease status of animals in the UK should remain amongst the highest in the world so as to allow trade in animals and animal products;
- That the costs of animal welfare measures should be appropriately balanced between industry and taxpayer or consumer;
- All disease emergencies should be dealt with effectively and swiftly;
- Consumers should come to value the confidence they have in food produced to high welfare standards.

Arguably, the overriding aim of this strategy is to ensure (following the recent outbreaks of Foot and Mouth disease and BSE) that national and international markets remain open to British animal products. As the strategy document puts it, “consumers have fundamental expectations about acceptable levels of animal health, the safety of the food they eat, and that standards of animal welfare appropriate to a modern society have been met” (DEFRA 2004: 28).

Another striking feature of the new approach is the emphasis it places on “partnership” between various industry “stakeholders”. As the document puts it:

“This strategy does not provide a magic wand to solve all the problems affecting the health and welfare of our animals. But it sets a framework and direction for a partnership between all of us who have the capacity or the responsibility to influence the health and welfare of animals. Such a partnership is crucial if we are to ensure that the continually evolving threats to animal health and welfare are effectively identified, assessed and acted upon. We hope that all who read this strategy will rise to the challenge with enthusiasm, dedication and shared commitment” (DEFRA 2004: 12).

In identifying appropriate partners the strategy document refers to ‘third sector’ organisations that run farm welfare assurance schemes. A leading exponent of this ‘third way’ approach to welfare regulation is the Royal Society for the Prevention of Cruelty to Animals (RSPCA). Since 1994, the RSPCA has run the Freedom Food scheme. This

scheme effectively implements the RSPCA species-specific welfare standards on farms and amongst hauliers and abattoirs. In general terms, the standards are based on the “five freedoms” defined by the government’s animal welfare advisory body, the Farm Animal Welfare Council (see Box 1). Before a farmer, haulier or abattoir can join the Freedom Food scheme, an RSPCA approved assessor must carry out a detailed audit on the farm or on the business premises to ensure that these ‘freedoms’ are encompassed within the production or transportation system. Once enrolled in the scheme, members are subject to regular reassessments to ensure that the ‘freedoms’ are being promoted on the farm or in the livestock business. In addition, the RSPCA’s Farm Livestock Officers carry out random spot checks to help ensure that the standards are being adhered to.

Underpinning the five freedoms are explicit criteria tailored to each species and each production system. For instance, the RSPCA produces guidelines for laying hens that stipulate that “hens must have access to nutritious food at all times each day, except when required by the attending veterinary surgeon”, with “particular attention...given to the provision of food and water in areas frequented by subordinate hens”. Producers “must have a written record of the nutrient content of the feed, as declared by the feed compounder, and must make it available to the Freedom Food assessor and RSPCA farm livestock officer”. When it comes to the environment, it is stipulated that “all hens must have sufficient freedom of movement to be able, without difficulty, to stand normally, turn around and stretch their wings” and “all hens must have sufficient space to be able to perch or sit quietly without repeated disturbance”. On health, producers must put in place a written Veterinary Health Plan with a veterinary surgeon (see RSPCA, 2003: 2-3). They must also keep detailed health records, including details of any medication. Each of the five freedoms is fleshed out in this fashion for each species.

In short, the Freedom Food scheme requires producers to apply a set of tight regulations on the treatment and maintenance of farm animals. The basic aim of the scheme is to provide an assurance to the consumer that animal welfare standards have been met at all stages in the supply chain. As the RSPCA website puts it:

“Consumers can be confident that before products can appear on the supermarket shelves bearing the Freedom Food trademark, traceability must be established through the supply chain. If the farmer is a chicken producer, for example, the hatchery from which they were sourced must be accredited. The haulier who delivered them to the farm and who will eventually take them on to the abattoir must have been successfully assessed, and the abattoir itself must also satisfy all the RSPCA welfare conditions” (see www.rspca.org).

This brings us to another obvious partner in the governmental pursuit of higher welfare standards - the retail sector. As the government’s new strategy document puts it, “retailers and their customers can specifically support and reward farmers who invest in standards of animal health and welfare that exceeds the acceptable norm” (DEFRA 2004: 28). Likewise, Young (2004: 64) notes that the huge buying power of supermarkets “means they can move quickly and decisively – perhaps more so than political decision makers – on food standard issues including animal welfare”.

Despite some considerable variation in the attitudes of the major UK supermarkets to animal welfare issues, there is some evidence that at least a minority of retailers are taking the issue seriously. For instance, in 1997 Marks and Spencer’s became the first major UK retailer to exclusively sell free-range eggs. Then in September 2002 it became the first retailer to only use free-range eggs in all food products (according to the company this covers 250 million eggs a year, laid by 700,000 chickens – see www.marksandspencer.co.uk). In addition, the Marks & Spencer Select Farm scheme aims to raise welfare standards by ensuring that “animals will be bred outdoors and benefit from more space and straw bedding, allowing them to live and behave more naturally” (*ibid.*). Following these moves into welfare-friendly sourcing, Marks and Spencer were awarded the title of ‘Compassionate Supermarket of the Year’ by the campaign group CIWF in 2002. In 2003, however, Waitrose won this title. It too runs a strict farm assurance scheme that not only ensures that the farm environment is controlled to high standards “but also provides an audit trail that gives Waitrose the assurance of quality we require” (see www.waitrose.co.uk).

Waitrose and Marks and Spencers are undoubtedly the leading retailers in welfare friendly food products. There are not such clear commercial market agendas for the sale of welfare friendly food products amongst the other UK supermarkets (Tesco, Sainsbury, Asda, Morrisons, Somerfield). As a result they are some way behind the market leaders. Nevertheless, there is some interest in animal welfare. For example the UK's biggest retailer, Tesco, is involved in sponsoring various research projects on animal welfare issues including the Food and Animal Initiative (FAI) in Oxford. One project from the FAI has aimed at identifying new ways of improving the taste of Tesco Finest's pork products. As a consequence "much higher fibre content has been introduced to the pigs' diets. This is beneficial to the intestinal health of the animals and consequently their overall well-being" (www.tesco.com).

It seems, then, that a small number of UK supermarkets are monitoring the animal welfare practices of their various suppliers. In this regard, the supermarkets are also key agents of welfare governmentality (they practice what Marsden et al., 2000, describe as "private interest governance"). However, it should be noted that the supermarkets themselves are in turn being monitored by non-governmental welfare organisations. One recent initiative of this type was "The 'Race To The Top", which was established in 2000 "to help the major UK supermarkets enhance their social, environmental and ethical policies and performances, through a process of engagement with a variety of civil society organisations" (Fox and Vorley 2004: 20). Animal welfare was one of the components of the assessment process (Lymbery 2000). The initiative was, however, shortlived and it ended in January 2004 (as one member of the advisory group noted: "the consumer and the citizen are generally not the same person, and supermarket companies listen to the former first and the latter a long way second" - quoted in Fox and Vorley 2004: 23). Another group that monitors the supermarkets is CIWF. In 2001 and 2003 the organisation produced reports under the title "Raising the standard" which assessed supermarket performance on animal welfare criteria.

These various cross-cutting initiatives indicate that the welfare and health of livestock have become issues of increasing public concern in the UK. In response, the Government

has introduced higher standards of legislation that aim to directly improve the lives of farmed animals. However, the implementation of these standards requires the support of non-governmental 'partners' including farmers, retailers and consumers. In short, the regulation of farm animal welfare is conducted by a complex network of actors, including government agencies, campaign groups and private sector organisations. The associations between all these actors are close: the Government sees the RSPCA and the supermarkets as key agents in the delivery of its own animal welfare strategy; the RSPCA works through the supermarkets and other retail outlets to ensure that its Freedom Food products reach large numbers of consumers; and supermarkets draw upon the legitimising powers of groups such as CIWF in order to build up consumer confidence in their own assurance schemes. This integrated network is slowly putting in place a new set of animal welfare standards and practices.

Yet, while great efforts are clearly being made to raise animal welfare standards in the UK – mainly prompted by the catastrophic consequences that have followed from the outbreaks of BSE and Foot and Mouth – there are still some unresolved ambiguities within the emerging systems of regulation. For instance, the UK Government's own animal welfare strategy seems to be mainly aimed at regaining consumers' confidence and the share of export market. The RSPCA's Freedom Food scheme adopts a more animal-centred approach. It specifies clear standards and guidelines derived from the needs of the animal itself. The supermarkets appear to occupy an intermediate position: they adopt higher welfare standards in order to both reassure consumers and to specify particular market niches for their products (i.e. not all UK supermarkets are competing on higher welfare standards – most are concerned mainly with low prices); however, these higher standards do seem to be having a clear impact at the farm level (Marks and Spencer's move into free range eggs is a shift of some considerable significance given the numbers involved). These differing emphases again indicate that animal welfare as an object of governance is still in the process of clarification: it is still not clear exactly what 'welfare' means in the various regulatory networks that are responsible for its implementation. It is perhaps for this reason that welfare problems continue to bedevil UK agriculture. As DEFRA (2004: 12) admits: "in 2003 there were 1,610 confirmed

bovine TB incidents compared with 720 in 1998”; “in 1999-2000, a survey of pigs before slaughter showed about 23% were infected with salmonella”; “in 2003, out of 4,964 farm inspections carried out by the State Veterinary Service, 1431 (28%) failed to comply with statutory welfare legislation”. In other words, there is still some way to go before the animal welfare network becomes an all-encompassing and effective regime of governmentality.

Conclusion

The preceding pages have shown that animal welfare regulation is a key aspect of agricultural and food regulation. At the EU level a body of legislation is slowly beginning to be assembled so that welfare issues are moving further towards the centre of policy. At present there is a concerted effort by animal welfare organisations and certain national governments to ensure that the definition of animals as ‘sentient beings’ becomes part and parcel of EU law. Once enshrined in law, it is hoped that new policies and practices towards animals will become more widespread with the effect that animal health and welfare will be markedly improved across EU Member States. In this regard, the EU is evidently aiming to turn itself in a zone of enhanced welfare standards (a place where farm animals are routinely seen as ‘sentient beings’). In the UK context a similar approach is currently being tried. EU directives are being implemented and various codes and strategies are emerging that aim to make the UK a welfare-friendly environment. While some of the existing legislation is of long-standing, some has been put in place in an attempt to overcome the devastating consequences of the BSE and Foot and Mouth outbreaks. The panoply of codes, directives, guidance notes and legislative tools now in existence would seem to imply that farmers and others involved in the livestock trade will become subject to stricter and stricter modes of regulation. A new governmentality of animal welfare seems to be emerging with its own rationalities and technologies of implementation.

Yet, at the present time it seems unlikely that the new governmental interest in animal welfare will gel into a coherent welfare regime. While a large number of initiatives are being developed at all scales of government these are often designed with sharply

differing objectives, reflecting perhaps the ambivalent nature of welfare as an object of government. For instance, in the UK case we have seen that welfare measures are introduced for a variety of (not always compatible) reasons including: to keep open international markets for national animal products, to disseminate more animal friendly methods of production, and to demarcate discrete market niches for retailers. These varied objectives mean that no common means of implementing 'animal welfare' is likely to be adopted in the near future (all the schemes mentioned have rather differing standards and regulations attached). Thus, producers and other supply chain actors will remain encompassed within cross-cutting networks, all carrying slightly differing prescriptions, standards and directions. It may be, then, that those who would prefer to slip into the spaces between the networks in order to evade any full engagement with the governmentality of welfare will find plenty of opportunity to do so. To summarise the situation, and the argument of this chapter, a damaging asymmetry – that is, the incorporation of animals into production systems that cause unnecessary suffering - will be perpetuated by a disabling ambivalence - that is, an unwillingness to recognise the full extent of animal needs and wants. The consequence will be continuing problems of animal health, animal welfare and food quality.

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