

EXTENSIVE LIVESTOCK PRODUCTION AND EMERGING SOCIAL ETHICS FOR ANIMALS

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The last 50 years have witnessed a dazzling array of social ethical revolutions in Western society. Such moral movements as feminism, civil rights, environmentalism, affirmative action, consumer advocacy, homosexual rights, children's rights, the student movement, antiwar activism, public rejection of biotechnology, have forever changed the way governments and public institutions comport themselves. And this is equally true for private enterprise; to be successful, businesses must be seen as operating solidly in harmony with changing and emerging social ethics. It is arguable that morally based boycotting of South African business was instrumental in bringing about the end of apartheid, and similar boycotting of some farm products in the U.S. led to significant improvements in the living situations of farm workers. It is de rigueur for major corporations to have reasonable numbers of minorities visibly peopling their ranks, and for liquor companies to advertise on behalf of moderation in alcohol consumption. Cigarette companies now press upon the public a message that cigarettes kill, and extol their involvement in protecting battered women; and forestry and oil companies spend millions (even billions) to persuade the public of their environmental commitments. CNN recently reported that "green" investment funds are growing significantly faster than ordinary funds, and reports of child labor or sweatshop working conditions can literally destroy product markets overnight.

One major social ethical concern that has developed over the last three decades is a significant emphasis on the treatment of animals used by society for various purposes. It is easy to demonstrate the degree to which these concerns have seized the public imagination. According to both the U.S. National Cattlemen's Beef Association and the National Institutes of Health (the latter being the source of funding for 85-90% of biomedical research in the U.S.), both groups not inclined to exaggerate the influence of animal ethics, by the mid-1990s Congress had been consistently receiving more letters, phone calls, faxes, e-mails and personal contacts on animal-related issues than on any other topic.¹

Whereas 20 years ago one would have found no bills pending in the U.S. Congress relating to animal welfare, the last 5 to 6 years have witnessed 50-60 such bills annually, with even more proliferating at the state level. The federal bills range from attempts to prevent duplication in animal research, to saving marine mammals from becoming victims of tuna fishermen, to preventing importation of ivory, to curtailing the parrot trade. State laws passed in large numbers have increasingly prevented the use of live or dead shelter animals for biomedical research and training and have focused on myriad other areas of animal welfare. Numerous states have abolished the steel-jawed leghold trap. When Colorado's politically appointed Wildlife Commission failed to act on a recommendation from the Division of Wildlife to abolish the spring bear hunt (because hunters were liable to shoot lactating mothers, leaving their orphaned cubs to die of starvation), the general public ended the hunt through a popular referendum. Seventy percent of Colorado's population voted for that constitutional amendment. In Ontario, the environmental minister stopped a similar hunt by executive fiat in response to social ethical concern. California abolished the

hunting of mountain lions, and state fishery management agencies have taken a hard look at catch-and-release programs on humane grounds.

In fact, wildlife managers have worried, in academic journals, about “management by referendum.” According to the director of the American Quarter Horse Association, the number of state bills related to horse welfare filled a telephone-book-sized volume in 1998 alone. Public sentiment for equine welfare in California carried a bill through the state legislature making the slaughter of horses or shipping of horses for slaughter a felony in that state. Municipalities have passed ordinances ranging from the abolition of rodeos, circuses, and zoos to the protection of prairie dogs and, in the case of Cambridge, Massachusetts (a biomedical Mecca), the strictest laws in the world regulating research.

Even more dramatic, perhaps, is the worldwide proliferation of laws to protect laboratory animals. In the United States, for example, two major pieces of legislation regulating and constraining the use and treatment of animals in research were passed by the U.S. Congress in 1985, despite vigorous opposition from the powerful biomedical research and medical lobbies. This opposition included well-financed, highly visible advertisements and media promotions indicating that human health and medical progress would be harmed by implementation of such legislation. There was even a less than subtle film titled “Will I be All Right, Doctor?”, the query coming from a sick child, the response coming from a pediatrician who affirmed, in essence, “You will be if ‘they’ leave us alone to do as we wish with animals.” With social concern for laboratory animals unmitigated by such threats, research animal protection laws moved easily through Congress and have been implemented at considerable cost to taxpayers. In 1986, Britain superseded its pioneering act of 1876 with new laws aimed at strengthening public confidence in the welfare of experimental animals. Many other European countries have moved or are moving in a similar direction, despite the fact that some 90% of laboratory animals are rats and mice, not the most lovable of animals.

Many animal uses seen as frivolous by the public have been abolished without legislation. Toxicological testing of cosmetics on animals has been truncated; companies such as the Body Shop have been wildly successful internationally by totally disavowing such testing, and free-range egg production is a growth industry across the world. Greyhound racing has declined, in part for animal welfare reasons, with the Indiana veterinary community spearheading the effort to prevent greyhound racing from coming into the state. Zoos that are little more than prisons for animals (the state of the art during my youth) have all but disappeared, and the very existence of zoos is being increasingly challenged, despite the public’s unabashed love of seeing animals. And, as Gaskell and his associates’ work has revealed², genetic engineering has been rejected in Europe not, as commonly believed, for reasons of risk but for reasons of ethics; in part for reasons of animal ethics. Similar reasons (i.e., fear of harming cattle) have, in part, driven European rejection of bovine somatotropin (BST). Rodeos such as the Houston Livestock Show have, in essence, banned jerking of calves in roping, despite opposition from the Professional Rodeo Cowboys Association, who themselves never show the actual roping of a calf on national television.

Inevitably, agriculture has felt the force of social concern with animal treatment — indeed, it is arguable that contemporary concern in society with the treatment of farm animals in modern production systems blazed the trail leading to a new ethic for animals. As early as 1965, British society took notice of what the public saw as an alarming tendency to industrialize animal agriculture by chartering the Brambell Commission, a group of scientists under the leadership of Sir Rogers Brambell, who affirmed that any agricultural system failing to meet the needs and natures of animals was morally unacceptable. Though the Brambell Commission recommendations enjoyed

no regulatory status, they served as a moral lighthouse for European social thought. In 1988, the Swedish Parliament passed, virtually unopposed, what the *New York Times* called a “Bill of Rights” for farm animals, abolishing in Sweden, in a series of timed steps, the confinement systems currently dominating North American agriculture.³ Much of northern Europe has followed suit, and the European Union is moving in a similar direction. Very recently, activists in the U.S. have turned their attention to animal agriculture, and it is reasonable to expect U.S. society to eventually demand changes similar to those that have occurred in Europe.

What is the nature of the emerging new ethical thinking that underlies and informs the dramatic social changes just discussed? Although society has always had an articulated ethic regarding animal treatment, that ethic has been very minimalistic, leaving most of the issue of animal treatment to people’s personal ethic, rather than to the social ethic. Since Biblical times, the social ethic has forbidden deliberate, willful, sadistic, deviant, purposeless, unnecessary infliction of pain and suffering on animals, or outrageous neglect, such as not feeding or watering. Beginning in the early nineteenth century, this set of prohibitions was articulated in the anti-cruelty statutes of the laws in all civilized societies. But even in Biblical and medieval times, the social ethic inveighed against cruelty. The Old Testament injunctions against yoking an ox and an ass together to a plow, or muzzling the ox when it is being used to mill grain, or seething a calf in its mother’s milk, all reflect concern with and abhorrence for what the Rabbinical tradition called *tsaar baale chaim*; the suffering of living things. In the Middle Ages, St. Thomas Aquinas, while affirming that lacking a soul, animals enjoyed no moral status, nonetheless strictly forbade cruelty, on the grounds that permitting such behavior towards animals would encourage its spreading to human beings, an insight buttressed by over two decades of recent research. Numerous serial killers have evidenced early abusive behavior towards animals, as have many of the youths in the U.S. who in recent years wrought massacres on their peers.

For the overwhelming majority of human history, until some three decades ago in fact, the anti-cruelty ethic served as the only socially articulated moral principle for animal treatment. Except for a few sporadic voices following in the wake of Darwin’s articulation of human-animal continuity, no one spoke of animals’ rights, nor did society have moral concepts for animal treatment that went “beyond cruelty.” The obvious question that presents itself is this: What has occurred during the last half century which led to social disaffection with the venerable ethic of anti-cruelty?

In a study commissioned by USDA to answer this question I distinguished a variety of social and conceptual reasons:⁴

1) *Changing demographics and consequent changes in the paradigm for animals:*

Whereas at the turn of the century, more than half the population was engaged in producing food for the rest, today only some 1.5% of the U.S. public is engaged in production agriculture. One hundred years ago, if one were to ask a person in the street, urban or rural, to state the words that come into their mind when one says “animal,” the answer would doubtless have been “horse,” “cow,” “food,” “work,” etc. Today, however, for the majority of the population, the answer is “dog,” “cat,” “pet.” Almost 100% of the pet-owning population views their animals as “members of the family,” and virtually no one views them as an income source. Divorce lawyers note that custody of the dog can be as thorny an issue as custody of the children!

2) *We have lived through a long period of ethical soul-searching*

For almost 50 years society has turned its “ethical searchlight” on humans traditionally ignored or even oppressed by the consensus ethic — blacks, women, the handicapped, other minorities. The same ethical imperative has focused attention on our treatment of the non-human

world — the environment and animals. Many leaders of the activist animal movement in fact have roots in earlier movements — civil rights, feminism, homosexual rights, children’s rights, labor.

3) *The media has discovered that “animals sell papers”*

One cannot channel-surf across normal television service without being bombarded with animal stories, real and fictional. Recall, for example, the extensive media coverage a decade ago of some whales trapped in an ice-floe, and freed by a Russian ice-breaker. This was hardly an overflowing of Russian compassion – an oxymoronic notion applied to a people who gave us pogroms, gulags, and Stalinism. Rather, someone in the Kremlin was bright enough to realize that liberating the whales was an extremely cheap way to score points in U.S. public opinion.

4) *Strong and visible arguments have been advanced in favor of raising the status of animals by philosophers, scientists and celebrities*

5) *Changes in the nature of animal use demanded new moral categories*

In my view, while all of the reasons listed above are relevant, they are nowhere nearly as important as the precipitous and dramatic changes in animal use that occurred after World War II. These changes were first of all huge conceptual changes in the nature of agriculture and second the rise of significant amounts of animal research and testing.

For virtually all of human history, animal agriculture was based foursquare in *animal husbandry*. Husbandry, derived from the old Norse word “hus/band,” bonded to the household, meant taking great pains to put one’s animals into the best possible environment one could find to meet their physical and psychological natures (what Aristotle and I call *telos*), and then augmenting their ability to survive and thrive by providing them with food during famine, protection from predation, water during drought, medical attention, help in birthing, and so on. Thus traditional agriculture was roughly a fair contact between humans and animals, with both sides being better off in virtue of the relationship. Husbandry agriculture was about putting square pegs into square holes, round pegs into round holes, and creating as little friction as possible doing so. So powerful is the notion of husbandry, in fact, that when the Psalmist seeks a metaphor for God’s ideal relationship to humans, he seizes upon the shepherd in the 23rd Psalm:

The Lord is my shepherd I shall not want. He leadeth me to green pastures; He maketh me to lie down beside still waters; He restoreth my soul.

We wish no more from God than what the husbandman provides for his sheep. In husbandry, a producer did well if and only if the animals did well, so productivity was tied to welfare. No social ethic was thus needed to ensure proper animal treatment; only the anti-cruelty ethic designed to deal with sadists and psychopaths was needed to augment husbandry. Self-interest virtually assured good treatment.

After World War II, this beautiful contract was broken by humans. Symbolically, Departments of Animal Husbandry became Departments of Animal Science, defined not as care, but as “the application of industrial methods to the production of animals” to increase efficiency and productivity. With “technological sanders” — hormones, vaccines, antibiotics, air-handling systems, mechanization — we could force square pegs into round holes, and place animals into environments where they suffered in ways irrelevant to productivity. If a nineteenth century agriculturalist had tried to put 100,000 egg laying hens in cages in a building, they all would have died of disease in a month; today such systems dominate.

Here is the critical point: although this new agriculture causes a great deal of animal suffering, it is not deliberate, willful cruelty. Confinement agriculturalists are not cruel, they are

simply trying to ensure a cheap and plentiful food supply. So if society wishes to express moral doubts about this new approach to agriculture, it needs new moral concepts beyond cruelty.

Exactly the same point holds regarding the use of massive amounts of research and testing after World War II. Although researchers and toxicologists are not cruel — they are attempting to cure disease and ensure product safety — they create large amounts of suffering in the animals they use with no compensatory benefit to those animals, though certainly benefit accrues to humans and to animals in general.

It is this radical change in the fairness of animal use which is the most significant factor informing the demand for a new ethic for animals in society. But new ethics are not spun out of nothing. Ethical change comes out of realization of implications of our prior ethical commitments, as when U.S. society realized that eliminating segregation was a logical consequence of our constitutional commitment to equality. So it was inevitable that when society sought new ethical concepts to express its ethical concern for the loss of fairness in animal use, it would look to its ethical machinery for judging treatment of humans for a basis. And the relevant concepts to appropriate were obvious:

Every human society forces a conflict between two sets of goods — the good of the group and the good of the individual. It may benefit the society to send young men to war — it does not benefit those individuals. Similarly, it benefits society in general to redistribute the fortunes of the superwealthy; it certainly does not benefit those individuals. Historically, the vast majority of societies — and all totalitarian ones — have unequivocally favored the good of the state, Reich, Volk, Church or whatever the corporate entity in question. The only exceptions who have favored the individual are short-lived anarchistic societies, such as the hippie communes of the 1960's.

Democratic societies, however, have effected Solomonic balance between the extremes delineated. Although we do of necessity make the majority of our social decisions by reference to the common good, we put serious limits on those decisions to protect individuals. In fact, we place protective fences around human individuals to protect them even from the general welfare. Specifically, we protect those interests that we consider essential to one's humanity, to our human nature, in the law — saying what we wish, believing and worshiping as we wish, holding on to our property, not being tortured and so on. These protective fences are called rights, and they are in essence a moral notion with legal force.

It should be evident that society, seeking an ethic for animals that goes beyond cruelty for all of the reasons delineated above, would “recollect” the rights notion that figures so prominently in our human ethics and apply it, appropriately modified, to the treatment of animals. For it is not animal use per se that ordinary people object to, but unfair, unconstrained use of the sort that takes place in the worst of confinement agriculture. Roughly the same percentage of the public (85%) that said animals have rights in a 1991 Parents Magazine survey⁵ said that animal use for human benefit was acceptable, provided the animals live decent lives, a view echoed in other surveys.

Clearly, animals have natures — the “pigness” of the pig, the “dogness” of the dog, and so on. From these natures flow fundamental interests essential to that nature — being with others of their own kind for social animals, being able to move for grazing animals, being able to eat an appropriate diet, curtailing pain we inflict, etc. If respect for those natures and the corresponding interests no longer follows naturally as it did in husbandry agriculture, people are demanding that such respect be conventionally established, through the legal and regulatory systems. Thus the administrators responsible for enforcing the laboratory animal laws my colleagues and I wrote and which passed the U.S. Congress in 1985 said to me that these laws do establish some basic rights for animals, including control of research-induced pain and mandating of living environments that

“enhance the psychological well-being of primates.” As mentioned earlier, the Swedish law of 1988 was termed by the *New York Times* “a bill of rights for farm animals.” And the same moral reasoning also explains the proliferation of laws and bills to protect animals — if respect for their basic interests, needs, and natures (what I call their *telos* following Aristotle) no longer occurs out of necessity, society wishes to see it established by law.

The relevance of all this to extensive cattle ranching should be clear. Stated simply, in the U.S. at least, western cattle ranchers are the last agriculturalists practicing husbandry in the traditional sense, where how one lives and how one treats one’s animals are as important — or more important — than productivity, efficiency, and the bottom line, as evidenced by a bold statement once made by the president of the Colorado Cattlemen’s Association: “If I had to raise animals the way the [confinement] veal people do, I would get the hell out of the business.” Thus Western extensive ranchers raise animals in exactly the manner the society ever-increasingly demands!

A few years ago, I experienced some sharply contrasting incidents which highlight the moral differences between intensive and extensive agriculture. That particular year, Colorado ranchers were afflicted by a significant amount of scours. Over two months, I talked to a half dozen rancher friends of mine. Every single one had had trouble with scours, and every one had spent more on treating the disease than was economically justified by the calves’ monetary value. When I asked these men why they were being what an economist would term “economically irrational,” they were quite adamant in their response: “It’s part of my bargain with the animal; part of caring for them,” one of them said.

It is, of course, the same ethical outlook that leads ranch wives to sit up all night with sick, marginal calves, sometimes for days in a row. If the issue were strictly economic, these people would hardly be valuing their time at 50¢ per hour — including their sleep time!

Now in contrast to these uplifting moral attitudes, consider the following: One of my animal scientist colleagues related to me that his son-in-law was an employee in a large, total confinement swine operation. As a young man he had raised and shown pigs, keeping them semi-extensively. One day he detected a disease among the feeder pigs in the confinement facility where he works, which necessitated killing them with a blow to the head, since these operations do not treat individual animals, their profit margin being allegedly too low. Out of his long established husbandry ethic, he came in on his own time with his own medicine to treat the animals. He cured them! Management’s response was to fire him on the spot for violating company policy! He kept his job and escaped with a reprimand only when he was able to prove that he had expended his own — not the company’s — resources. He has continued to work for them, but feels that his health has suffered in virtue of what I have called the “moral stress” he experiences every day; the stress growing out of the conflict between what he is told to do and how he morally believes he should be treating the animals. The above-detailed contrasting incidents, better than anything else I know, eloquently illustrates the large gap between the ethics of husbandry and industry.

Twenty years ago, I argued to ranchers that they should not oppose the animal rights/animal welfare thrust in society. (As I hope I have shown, animal rights is just the way of expressing animal welfare concerns in the context of radically changed animal usage.) I argued that liaison with animal advocates would enlist a new and powerful group of allies to help ranchers keep reasonable grazing fees, for the animal people could be made to realize that the inevitable alternative to reasonable grazing is some form of high confinement. I still believe that. And I still beseech the ranching community to find more natural allies than they have done in the past.

That the animals raised by ranchers live decent lives should be — and is — a point of pride with ranchers. Why, then, should it not be a selling point? Ironically, for 15 years, Frank Perdue, a

highly intensive producer, sold chicken on the East Coast of the U.S. with TV ads showing chickens outdoors pecking in the barnyard, a red barn and a red sun framing them, while the ad announced that “At Perdue, we raise happy chickens.” “Green” is a major selling point for many industries — why not animal happiness?

As I often ask my rancher audiences: “Suppose God came down with an eleventh commandment: ‘You may consume animals, but you can’t hurt them in the process.’ Would intensive poultry and pork go out of business? Of course! Would cow-calf people? Of course not!” That thought experiment shows that whatever animal suffering accompanies cow-calf production is inessential and, as in any husbandry-based system, actually deleterious to making a living and animal productivity. Thus, I argue, the industry should get rid of those practices that do cause pain and suffering, and take pride in a welfare-friendly philosophy. The major practices in question are of course dehorning without anesthesia and analgesia, castration without anesthesia and analgesia, and hot-iron branding.

Though this is not the place to discuss alternatives in detail. I believe, and have argued elsewhere, that there are alternatives to these management practices that could be readily accomplished. For example, an alternative to castrating is not castrating. As one Wyoming rancher put it to me: “We cut off their nuts with no anesthesia and get dinged by the public for being inhumane. We then put their nuts in their ears and get dinged by the public for adulterating the food supply. And, worst of all, the ears don’t work as well as the nuts!” As far as branding is concerned, I have pursued alternatives for 18 years, and believe I have found one — retinal imaging — which I am happy to discuss with anyone. And certainly introducing the poll gene or using local blocks and xylazine on young animals are both viable approaches to dehorning. In any case, the industry should at least be actively pursuing alternatives to demonstrate to the public their good faith in trying to end practices that cause pain and suffering.

To sum up: What I have called the “new ethic for animals” emerging in society is in essence a demand for legal guarantees that animals’ natures will not be violated for human benefit. Extensive agriculture in principle meets that new ethic because it was developed when producers were required to accommodate animal natures to be successful, lacking the technological fixes required for intensive agriculture. (In addition, extensive agriculture is far more compatible with environmental concerns than is confinement agriculture, thus according with another major international socio-ethical concern.)

Thus the new social ethic strongly favors extensive livestock production, provided such production does not rely on abusive management practices such as hot-iron branding and castration without anesthesia or analgesia. If such practices were eliminated, extensively produced livestock could be marketed as “the ethical product.” This in turn could help save the family ranches that are threatened in the U.S. and Canada, and could provide excellent markets for livestock from developing countries to Europe and North America, provided those countries provide husbandry, not merely turn the animals loose, as was at one time done in Australia.

An economist for the National Cattlemen’s Association recently told me that, statistically, a U.S. rancher will at best break even over this course of his life unless he has some special “gimmick” by which to tap special markets. Environmental soundness is one such “gimmick,” meeting the new social ethic for animals is another. In this way extensive producers can do well while doing good.

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