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# ANIMAL PRODUCTION AND THE NEW SOCIAL ETHIC FOR ANIMALS

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## **Introduction**

In 1989, a *Parents Magazine* survey revealed that a surprising 80% of its mainstream, middle class readership believed that animals had rights—though 80% also believed that it was morally permissible to use animals for human benefit. In this paper I want to explain this surprising result, which is a symbol of and a key to understanding the changing social ethic regarding animal use.

There is a pervasive and self-destructive tendency on the part of agricultural animal producers and animal scientists to radically misunderstand, and correlatively underestimate, the role of ethics, i.e., rules about what is right and wrong, good and bad, just and unjust, in social discussions of agricultural animal welfare. This misunderstanding in turn serves as a major impediment to the possibility of anticipatory, proactive action regarding finding solutions to these issues and makes the industry vulnerable to social action concerning which they have little voice. In my discussion, I will lay out some of the fundamental mistakes I see the industry making and outline what I take to be reasonable steps towards understanding and dealing with growing concerns about agricultural animal welfare.

## **Social Consensus Ethics**

In the first place, too many agriculturists and agricultural scientists have adopted the stance that ethics is subjective, not objective, opinion and not “fact,” and thus not subject to rational discussion. While it is true that one cannot do experiments or gather data to decide what is right and wrong, this does not mean that ethics is whim and caprice, either. If anyone doubts this, let them go out and rob a bank in front of witnesses and then argue before a court that, in their ethical opinion, bank robbery is acceptable if one needs the money.

In other words, just because ethics is not validated by gathering facts or doing experiments does not mean it is a matter of subjective opinion. In fact, relatively little ethics is left to one’s personal opinion. Consensus rules about rightness and wrongness of actions which have an impact on others are in fact articulated in

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clear social principles which are in turn encoded in laws and policies. All public regulations, from zoning of pornographic bookstores out of school zones to laws against insider trading and murder, are examples of consensus ethical principles “written large,” in Plato’s phrase, in policy. Those portions of ethics which are universally binding and socially objective I will call the *social consensus ethic*. A moment’s reflection reveals that, without such a consensus ethic, we would have chaos and anarchy and society would be impossible.

Now the social consensus ethic does leave certain areas of behavior to the discretion of the individual, or more accurately, to his or her *personal ethic*. Such things as what one reads, what one theologically believes or doesn’t believe, how much charity one gives and to what groups, are left to one’s *personal* beliefs about right and wrong. But let us stress again that what society considers absolutely fundamental to daily life does get objectified in the consensus ethic.

It is also important to realize that, as society evolves and changes over time, certain areas of conduct may move from the concern of the social consensus ethic to the concern of the personal ethic, and vice versa. An excellent example of something that has recently moved from the concern of the social ethic and law to the purview of individual ethical choice is the area of sexual behavior. Where once laws constrained activities like homosexual behavior, adultery, and cohabitation, that is now left to one’s personal ethic in western democracies.

## Ethics and the Treatment of Animals

An excellent example of the second sort of change—a type of behavior moving from the personal ethical to the social ethical arena—is provided by the issue at hand, namely, the treatment of animals. Whereas, for most of human history, how one treated one’s animals was mostly left to individual discretion, society is ever-increasingly appropriating that set of issues and encoding its ethical demands about animal treatment in law. The best example of that is in turn provided by the welter of laws or demands for laws which has arisen in the U.S., Britain, Australia, Canada, Holland, South Africa, and elsewhere regulating the way scientists must treat and care for research animals—an area which traditionally enjoyed *laissez faire*. In the same vein, demands for legislation are cropping up in all areas of animal use, from laws demanding that sellers of horses be informed if the buyer is purchasing the animal for slaughter to laws regulating puppy mills, and, most significantly, in laws relevant to animal agriculture. Indeed, Representative Charles Stenholm, a strongly pro-agriculture member of the U.S. House of Representatives, has told his agricultural audiences that there will very likely be U.S. federal legislation governing farm animal welfare by the year 2000, as there has already been in Europe, most notably in Sweden, as we shall shortly discuss.

We all understand why sexual matters have moved from the social-ethical arena to the personal. But relatively few of us understand why animal issues are moving in the other direction. Indeed, erroneous theories about this move are the second major misconception the agricultural community has in this area. Most

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agriculturalists like to think that these growing concerns are a matter of a few vocal *radicals*, kooks, cranks, vegetarian wimps, ginseng guzzlers, and tofu eaters. Yet if this were the case, it is obvious that they would be no threat, since they have little political power. It is not kooks and radicals who drive public policy—it is mainstream thought. Radicals may shout, but they will have no effect unless their message is believed and supported by society in general. As one Texas cowboy put it to me, “Hell doc, if it were just the radicals, we could shoot the sons of bitches!” So it is important to understand why society as a whole is concerned about animals now and what that concern means for agriculture. As I explain this, you will see that the spirit behind the social demand reflected in the *Parents Magazine* survey is not at all radical, but in fact *very conservative*.

## History Regarding Animal Treatment

To understand this very surprising claim, we must look at our history regarding animal treatment. For as long as we’ve had articulated ethics in society, we have had a very minimal, limited consensus ethic (and laws mirroring that ethic) regarding animal treatment. That ethic has been an ethic forbidding *cruelty*, i.e., deliberate, sadistic, useless, unnecessary infliction of pain and suffering or wanton neglect upon animals. The Bible condemns this, a number of ancient Greek philosophers condemned it, Catholic theology condemned it, and all civilized societies have laws against it, not only for the sake of the animals, but also because it has long been known that those who are cruel to animals often graduate to people. But, for whatever reason proscriptions against cruelty were promulgated, they generally sufficed as the consensus social ethic about animal treatment until the last few decades. Why has this change occurred? Why are people demanding that our consensus ethic move beyond cruelty?

To answer this question, we must recall the difference between traditional animal use and what has occurred in the last 50 years. As is the case today, the primary traditional use of animals in society falls under the category of agriculture—animals used for food, fiber, locomotion, or power. Such uses as research and testing were statistically negligible until well into the 20th century. Further, the key to successful agricultural use of animals prior to the mid-20th century was good husbandry. And the essence of good husbandry was keeping the animals under conditions to which their natures were biologically adapted and suited, and augmenting these natural abilities by providing additional food, protection, care, or shelter from extremes of climate, predators, drought, etc. In a traditional agricultural context, therefore, producers as it were piggybacked upon the natures and abilities of animals. If the animals thrived, the producers thrived. Any suffering inflicted upon an animal by a producer, any attempt to violate or work against their natures, would work just as much against the producers’ interests as against the interests of the animals. With the exception of relatively short-term affronts such as castration and branding, then, traditional agriculture involved an implicit contract between human and animal, still reflected in the

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ethics of the traditional extensive ranchers with whom I spend a great deal of time—"I take care of the animals, the animals take care of me"—which was both a prudential and an ethical maxim.

In other words, in traditional agriculture, if one did anything to violate the animals' natures or systematically harm them in any way, one was acting foursquare against one's own interests, as well as against the ingrained ethic of husbandry. No 19th-century agriculturalist would have ever dreamed, for example, of keeping thousands of chickens in one building—that would be a rapid path to ruin, eventuating in quick spread of animal disease, death, and financial disaster. Traditional agriculture, then, was about putting square pegs in square holes, round pegs in round holes, and creating as little friction in doing so as possible. To be sure, this idealized picture was sometimes distorted by custom or misconception, as occurred (and still occurs) in rough handling of cattle or brutal training of horses, but wise husbandrymen knew that "gentling" was best. To this day, ranchers are reluctant to hire rodeo competitors as ranch hands, for they are too often guilty of "cowboying" the animals.

All of this is not to suggest that traditional agriculture was a complete bed of roses for animals; it certainly was not. But the amount of systematic suffering that animals had inflicted upon them *at human hands* rather than through natural disasters such as cold and heat and drought was necessarily minimized by the win/win nature of the situation—the producer would do well if and only if the animal did well. And "did well" for the animal meant playing out its biological nature in an environment for which those powers had been selected by both artificial and natural selection.

One can now understand why the traditional consensus ethic for the treatment of animals—the anti-cruelty ethic and the laws expressing it—could be so minimalistic yet socially adequate. The overwhelming usage of animals in society was agricultural; agriculture necessitated husbandry; husbandry meant fitting the animals' natures and not violating it. And to this day, a powerful aversion to animal cruelty—i.e., uselessly harming an animal—is ingrained in virtually all of the agriculturalists I have come to know quite well.

## Sources of Animal Suffering Today

Let us now reflect, in contrast to the pre-mid-20th century picture we have painted, on the sources of animal suffering in agriculture and other uses today. As I speak to all audiences, be they members of the general public, members of the agricultural or scientific community, or other animal users, I ask them to consider a pie chart representing the total amount of pain and suffering that animals experience at human hands. What percentage of that suffering, I ask, is the result of *intentional, deliberate, malicious cruelty*, i.e., hurting the animal for sadistic pleasure or for no reason? Every audience says the same thing—well under 1%. Most of us, I daresay, have never personally witnessed deliberate cruelty or abuse. We may have seen stupidity, or ignorance, resulting in suffering, but rarely sadistic, willful cruelty. Thus the vast majority of animal suffering comes from other sources.

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What are these sources? At this point in history, when agriculture has changed significantly and when animal use in science, medical research, and safety testing has proliferated, the sources of animal suffering are generally perfectly reasonable and decent human motives—trying to cure disease, protect the public from toxic substances, advance knowledge, or produce cheap and plentiful food. Scientists are not cruel, agriculturalists abhor cruelty, as we have said, yet both produce significant amounts of animal suffering in pursuit of the very laudable goals mentioned above. So if people in society are concerned about such animal suffering, they must develop a moral vocabulary for animal treatment that goes *beyond cruelty*.

Millions of animals are used in research and testing; billions are produced in high-technology agriculture. Both of these pursuits are basically creatures of the 20th century. Obviously research and testing generate animal suffering. But what of agriculture? Clearly, the rise of intensive as opposed to extensive agriculture has changed the agricultural playing field enormously. No longer are we constrained by the animals' evolved nature in our production practices. Industrialized, high-technology agriculture has given us the ability to move beyond our implicit contract with the animal, to move beyond keeping square pegs in square holes. We can now put square pegs in round holes, round pegs in square holes, and still generate successful production and profit. Technological "sanders" help us fit animals into environments which are good for us without necessarily being good for them. Antibiotics, vaccines, hormones, and other drugs, for example, have allowed us to go beyond helping the animals to use their natural powers to thrive—we can raise thousands of chickens in one building without their succumbing to disease.

And this change has been symbolically well-expressed over the last 50 or so years as departments of animal *husbandry* became transformed into departments of animal *science*. High-technology agriculture has biased the nature of agriculture from an activity which was roughly an equal partnership, where humans shepherded the animals into a good life and harvested the animals and their products, to a far more exploitative activity, where the values of *efficiency* and *productivity* have replaced traditional husbandry values. Correlatively, as we shall see, the concept of animal welfare has changed, too, from that of a happy, healthy life (which was essential to traditional agricultural success) to that of whatever is required to keep the animals maximally productive. Technology has allowed us to divorce animal productivity from animal happiness.

It is emphatically not the case that producers *try* to cause animal suffering. What they try to do is maximize efficiency and productivity with the help of technology, and this leads to forms of suffering which do not negatively affect productivity. Some of the suffering is in the form of so-called *production diseases*, for example, liver abscesses in cattle which are a function of certain animals' responses to high concentrate diets, diets which overall maximize economic efficiency. The bulk of the animal suffering in current agriculture is probably, in my view, in the form of *psychological deprivation in confinement*—lack of space, lack of companionship, inability to move, boredom, austerity of environments, and so on. So animals' psychological and biological natures are

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frustrated, and the powers they have evolved in order to cope are frustrated. Still other forms of suffering arise from the huge scale of industrialized operations, which make detecting, let alone treating, of individual animal problems impossible—a far cry from the traditional husbandry which characterized traditional agriculture.

Here is a case that well illustrates the latter point. It was sent to me by a veterinarian for commentary in the column that I write for the *Canadian Veterinary Journal*.

You (as a veterinarian) are called to a 500-sow farrow-to-finish swine operation to examine a problem with vaginal discharges in sows. There are three full-time employees and one manager overseeing approximately 5000 animals. As you examine several sows in the crated gestation unit you notice one with a hind leg at an unusual angle and inquire about her status. You are told, “She broke her leg yesterday, and she’s due to farrow next week. We’ll let her farrow in here, and then we’ll shoot her and foster off her pigs.” *Is it ethically correct to leave the sow with a broken leg for one week while you await her farrowing?*

Before commenting on the case, I spoke to the veterinarian who had experienced this incident, a swine practitioner. He explained that such operations run on tiny profit margins and on a minimal, overextended labor force. Thus, even when he offered to at least splint the leg at cost, he was told that the operation could not afford to expend the manpower which would be entailed by separating this sow and caring for her! At this point, he said, he realized that confinement agriculture had gone too far. He had been brought up on a family hog farm, where the animals had names and individual husbandry, and the injured animal would have been treated or, if not, euthanized immediately. “If it is not feasible to do this in a confinement operation,” he said, “there is something wrong with confinement operations!”

We come now to the “punch line” of this portion of our talk. The social stirrings about farm animal welfare are not radical new ideas and not the sentimental or emotional ravings of crazies, hippies, and the sort of motley crew forming the industry’s stereotype. They are in fact, a very conservative *demand for traditional animal husbandry*. It is not the demand for traditional husbandry and letting the animals live their lives the way their natures dictate which is radical for agriculture—it is, in fact, the modern industrial, bottom line, efficiency and productivity at the expense of well-being attitude which is radical relative to the history of agriculture. And it is not just “animal crazies” who are concerned; it is, in fact, society in general, that, while still wanting animal products, wants the assurance that the animals live happy lives under conditions which suit their natures.

This is evident to anyone who looks at recent history. One can, in fact, plausibly argue that it is public awareness of the industrialization of agriculture—general public, not extremists—that ushered in the demands for a new ethic for animals. For example, it is generally acknowledged that this demand

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started in Britain in the mid-1960's with the publication of Ruth Harrison's *Animal Machines*, which let the public know that industry had replaced husbandry. So vigorous was the response that the British government was compelled to charter the Brambell Commission, which in essence recommended that animal agriculture must preserve, or restore, fundamental respect for basic components of farm animals' psychological/biological natures. It was precisely the same awareness in Sweden some 20 years later which led the Swedish public in general to push through legislation which essentially mandated the abolition of the high-confinement agriculture that treats animals as part of a factory and which mandates that farm animals have a "Bill of Rights" assuring respect for their natures.

## **Animal Welfare/Animal Rights**

This brings us to yet another pervasive error that needs correction. Too many producers identify themselves with "animal welfare" and categorically reject "animal rights." They see animal welfare as what they already do and "animal rights" as what vegetarian crazies want them to do, namely, not raise animals for food or fiber and treat animals as having "the same rights as people." While there are certainly some very radical people who hold such an extreme view, I will now argue that the notion of animal rights in fact captures the new ethic emerging *in society in general* for the treatment of food and research animals. It is not an ethic of abolition of animal use; it is an ethic designed to assure that the animals we use live happy lives consonant with their natures and as free as possible of pain, suffering, and distress.

Obviously, "animal welfare" is not a value-free term. When industrialized producers speak of animal welfare, they mean satisfaction of those animals' needs which are relevant to productivity—food, water, protection from diseases which would impair feed conversion, etc. Those needs which do not impact on the "bottom line" do not typically enter into the producers' definition of animal welfare, especially given the narrow profit margin per animal in which they operate. Social needs, boredom, need for companionship are, in such a view, luxuries. It is for this reason that many defenders of intensive agriculture see no problem in equating productivity of an operation with welfare, even though productivity is ultimately a measure of economic success of the unit as a whole and welfare is an attribute of individual animals. Thus, individual animals can be suffering in areas irrelevant to profit and yet the operation as a whole be economically sound. It is only in traditional agriculture that productivity is closely connected to general welfare, since one could not meet certain selective animal needs and ignore others and still make a living, as one can do today in industrialized agriculture. Lack of technology militated in favor of caring for the animal as a whole, whilst modern technology allows us to focus selectively on those needs relevant to productivity and efficiency.



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## A New Social Ethic for Animals

Society, in general, however, wants to see animals not suffering in *any* dimension and living happy lives. To express this demand in terms relevant to today's non-traditional treatment of animals in agriculture and research, a new set of ethical concepts was needed. We saw concepts of cruelty no longer sufficed since cruelty is not the issue; suffering and happiness are. But ethical notions are not created *ex nihilo*; as Plato pointed out, ethics proceeds from preexisting ethics. So society is faced with the question of how it generates a new ethic for animals.

And the answer is clear—it looks to the ethical machinery it has developed to deal with our treatment of people and attempts to extend it appropriately to cover the treatment of animals. This does *not* mean treating animals the same as or equal to people. It simply means that the tools and categories we have developed in our moral theory to deal with our treatment of people are carried over to the weighing and measuring of how we treat animals. Society has had much experience over the past four decades in extending its ethical categories to groups of humans who were hitherto not fully considered morally—women, blacks, and other minorities; the physically and mentally handicapped; primitive peoples. It was therefore quite natural to employ such extension when trying to develop a new ethic for animals.

Precisely how is this being accomplished? What ethical concepts are being extended to animals? Let us recall that every human society faces a fundamental challenge—to decide on the relative importance of individual interests versus the interest of the larger entity, society, the state, etc. Totalitarian societies minimize the significance of individuals versus the interests of the state. Societies like Nazi Germany, Communist China, Imperial Japan, etc., do not hesitate to completely subordinate the interests of individuals to that of the state, Reich, government, etc.—to seize personal property, suppress dissent, restrict speech and travel, and snuff out lives. At the other end of the spectrum in dealing with the question of the individual versus the group are 1960's communes, which didn't last because individual interests were held totally sacred and anarchy prevailed.

Democratic societies such as ours have provided the most reasonable solution to the problem of individual versus group interest. Most of our social decisions are made to benefit the general welfare, i.e., the group at large. We tax and redistribute income, for example, for the sake of general welfare. At the same time, however, we build protective fences around the *fundamental* interests of individual humans to protect them from encroachment for the sake of the society as a whole. Thus we protect an individual's freedom of speech, assembly, religious belief, even when the society as a whole would benefit from suppressing them, as when a speaker upsets people and the reaction to him may generate riots and disorder. Even so, we let him speak. We are not allowed to torture a terrorist to find out where he has planted a bomb, even if failure to do so means many innocent people will die.

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The fundamental interests we protect against intrusion, even by the general good, are based on our notions of what is essential to being a human being, on our beliefs about human nature. We believe that humans are speaking beings, beings with beliefs, beings who want to hold on to their property, who do not wish to be tortured, who wish to mingle with whom they choose, who want privacy, etc. The fences which we put around individuals to protect them against undue intrusion are called *rights*; rights are a legally encoded moral notion and serve as a check against suppression of individual interests fundamental to human nature.

It is this notion that society is exporting to the treatment of animals. It is not that they are saying that animals should have the same rights as humans; animals do not have the same natures. Rather, they are saying that animals, too, have natures—the pigness of the pig, the cowness of the cow, “fish gotta swim, birds gotta fly”—which are as essential to their well-being as speech and assembly are to us. While traditional extensive agriculture, as we saw, had to respect these natures, confinement agriculture and animal research, to take two examples, can succeed without respecting the full range of animals’ natures. This is the meaningful social sense of *animal rights* as a mainstream change in the consensus social ethic about animals. *It is a demand for legal guarantees that the animals’ basic natures will not be submerged in the course of their being used by humans.* That is what the Swedish law mandates when it says, for example, that cattle should, in perpetuity, enjoy the right to graze; that is what the Brambell Commission intended when it said that all farm animals should be guaranteed certain basic freedoms; that is what the new U.S. laws for research animals accomplishes when it legally requires control of pain and suffering for animals used in research—the *right* to a life free of controllable pain.

It is very important to note what this notion of rights for animals *does not mean*. Again, it does not mean that animals should have the same rights as people; they do not have the same natures. Nor does it mean that humans cannot use animals, any more than human rights means we cannot use people. It does mean that any animal use must be done in such a way as to respect the animals’ basic natures, and that is something mid-20th century agriculture has not done. It is an attempt to preserve the ancient contract with domestic animals.

The difference, then, between what producers generally mean by animal welfare and the enlarged notion of welfare represented in new social thought is a difference of degree. Producers worry largely about those aspects of welfare which have an impact on productivity and efficiency; the expanded notion demands that animal users worry about all aspects of animal nature, animal happiness, and animal suffering, even those which do not impact on productivity or profit.

To repeat the basic point: the ethic which has emerged in mainstream society does not say we should not use animals or animal products. It does say that the animals we use should live happy lives where they can meet the fundamental set of needs dictated by their natures and where they do not suffer at our hands.

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What does this mean to producers and animal scientists? Does it mean, as many producers fear, that the new ethic is demanding a return to extensive, chickens-in-the-barnyard agriculture? (It is ironic that, for many years, Frank Perdue, a large intensive producer of chickens, ran advertisements showing chickens in the barnyard and asserting that Perdue raised “happy chickens.”) It is interesting to me that most producers I have talked to would rather raise animals in the traditional way *if they could make a living*. However, given economic realities in North America, this could never happen, at least without major economic displacement and chaos.

On the other hand, just because we cannot completely return to an agriculture of animal husbandry does not mean we cannot change direction to some significant extent. Animal welfare/animal rights is not the only ethical force pushing against excessive industrialization; environmental considerations are also pushing towards more traditional agriculture. In other words, the values of efficiency and productivity must in the future be tempered by the values of husbandry and animal well-being—and by environmental concern. We must stop and think before, for example, the swine industry becomes as much an industry of total confinement as the chicken industry. But what of those aspects of animal agriculture which are now dependent on high confinement? The answer is, in ethologist Dr. Joe Stookey’s felicitous phrasing, that they must be made more “*animal-friendly*.” In other words, mechanistic animal agriculture must be rebuilt around satisfying the full range of needs flowing from the farm animals’ natures—not only food, water, and shelter, but also exercise, alleviation of boredom, companionship, etc. Obviously, such modifications will take a major research effort.

Here I must sound a major warning to producers and animal scientists. We do need much research. *But* all such research must accord with common sense. By this I mean that the public is quite certain that animals have thoughts, feelings, subjective experiences. Ordinary people, as Hume pointed out, never doubt that animals can feel fear, pain, boredom, joy, loneliness, etc.—neither did Darwin nor any farmers and ranchers I have ever met. However, as I have shown in detail in my recent book, *The Unheeded Cry: Animal Consciousness, Animal Pain, and Science* (Oxford University Press, 1989), 20th-century science has taken a skeptical position on animal thought and even gone so far as to say that we cannot know that animals feel pain. Well, if we cannot know that, we cannot know that other people think and feel, either, or that there is really a world out there independent of our experiences.

Because of this ideological skepticism about animal consciousness, too many scientists have been excessively cautious in their work and have endlessly measured cortisol and catecholamines to assess “stress” or argued about whether behavioral anomalies mean that the animal is not happy. I would submit to you that no amount of cortisol measuring will convince the average citizen that an animal living in total restricted confinement is happy or that an animal exhibiting chronic stereotypical behavior is coping adequately. We certainly need a great deal of research to make our animal agriculture more “animal friendly,”

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but it needs to be guided by the same common sense which informs that consensus social ethic.

Agricultural scientists should not place themselves in the position of those aeronautical engineers who proved conclusively that bees can't fly. Common sense tells us that animals who are built to move need to move to feel good; there is no point in trying to prove that they are fine if kept immobile—no one will believe you anyway. It is far better to expend the research money and time to figure out new ways to let them move—like the Moorman gestation stall which allows sows to borrow space from other sows, or extant profitable systems for group housing of sows—than to attempt to prove that they do not need to move. Also, research should be conducted in such a way as to minimize pain and suffering, following the model set by the laws governing biomedical research.

As mentioned earlier, most of the people in agriculture that I deal with are western ranchers. They have little quarrel with the ethic I have explained. Indeed, as I have tried to stress, the new ethic is the traditional ethic of care and husbandry expressed in a new language. The challenge to agriculturalists and producers, who carry the ethic within them, is not to resist and combat the new ethic for animals—for they will not win—but rather to appropriate it into their production systems with the help of research that acknowledges and respects the patent truth that animals can both suffer and be happy.