

Francesca Jackson – Winner of the 2nd place

'Imagine the world 50 years from now. Describe what you think the laws governing animals will look like and what will have influenced society in reaching that point.'

Nearly 150 years ago Bentham posited that, in keeping with the utilitarian tradition of maximising pleasure whilst minimising pain, humans should not inflict pain on sentient beings (Bentham, 1789). Yet, in the century and a half since, millions of animals have continued to be killed daily, notably in intensive livestock regimes. Focusing on the laws governing farm animals, this paper will argue that laws in 50 years' time will seek to promote higher welfare standards for farm animals - although will stop short of recognising animal rights due to their clash with counter-prevailing economic interests - for a trio of biocentric, ecocentric, and anthropocentric reasons. The essay will firstly describe how biocentric concerns for the welfare of animals have historically failed to lead to higher welfare standards for farm animals, before arguing that an eco-feminist approach which recognises the inhumane effects of the move towards intensive livestock farming over the last half century is likely to lead to laws seeking to reduce pain and suffering for farm animals in the coming 50 years. From an ecocentric perspective, this essay will then demonstrate that increased recognition of the significant contribution of intensive livestock farming to climate change is likely to lead to laws reducing the number of animals reared and slaughtered for meat by 2072, as states try to meet their environmental targets. Finally, from an anthropocentric perspective, it will be argued that concerns about overcrowded conditions on intensive livestock farms driving the emergence and spread of infectious diseases amongst the human population in the future is likely to lead to laws reducing the maximum capacity of farms over the next half century.

The legalistic definition of 'harm' adopted by the criminal law has long been unable to recognise the multiplicity of harms suffered by animals, since the criminal law has been constructed to deal with individual, non-corporate offenders and their singular - or at the very least, small - groups of human victims (Hall, 2017). Day (1991) has noted the 'staggering' number of both human and non-human animals killed each year through anthropogenic harms who fail to be recognised as victims in a strict legalistic sense by the criminal law. In the 30 years since, there have been some limited attempts to expand the remit of the criminal law to cover some of the secondary and tertiary human victims he refers to. For example, Williams' (1996) critical definition of 'victim' extends to human 'victims of past, present and future generations.' However, such attempts have been absent in relation to non-human animals over the last 3 decades, despite the fact that many - in particular farm animals - are primary and direct victims of anthropogenic harms (Carrabine et al, 2009). Thus, even Williams' (1996) critical definition is inherently anthropocentric and speciesist as it is limited to human victims, despite the fact that farm animals are the ultimate 'sacrificial victims' (Williams, 1996), with over 1000 million being killed for food

every year in the UK alone, and an astronomical 80 billion being slaughtered in the US for their meat or fish annually (Hall and Flynn, 2017).

These figures come in spite of claims that ‘in intensive rearing regimes in agriculture...there is evidence of genuine compassion for animal suffering’ (Beirne, 1999). According to Benton (1998), this compassion is ‘systematically overridden’ by a globally dominant capitalist structure within which non-human animals are ‘sacrificial victims’ (Williams, 1996) on the altar of an industrial ‘treadmill of production’ (Lynch et al, 2013). The treadmill of production theory posits that a capitalist system must increase consumption of larger and larger quantities of natural resources in order to satisfy a manufactured demand (Lynch et al, 2013), as exemplified by the fact that the number of intensive livestock facilities in England rose by 7% from 2017 to 2020 (The Guardian, 2020). Accordingly, the number of non-human animals slaughtered for food has risen; for example, the UK produced 1.7 million tonnes of chicken meat in 2020, up 28% from a decade before (The Guardian, 2021), thereby increasingly reducing farm animals to ‘the status of engineered factors of production’ (Benton, 1998). This is despite increased recognition of the anthropogenic harms perpetrated against animals. For example, nearly 50 years have passed since Singer (1975) applied Bentham’s consequential utilitarianism to argue that animals merit equal consideration with humans, and that in view of their ability to experience pain, it is not in their interest for humans to harm them. Singer thus viewed speciesism as an extension of sexism and racism, imploring society to ‘recognise that your attitudes to members of other species are a form of prejudice.’ (Singer, 1975).

Yet whilst the civil rights and feminist movements of the 1960s and 70s have made progress in tackling prejudice against traditionally oppressed human groups over the past half century (Benton, 1998), little progress has been made in that time to enact laws which promote the welfare of animals. This is because, whilst promoting equal consideration of human and non-human animal suffering, a consequentialist utilitarian approach still permits humans to inflict anthropogenic abuse on animals if it results in benefits that outweigh the harm (Benton, 1998). Thus, because the £150 billion-a-year poultry and livestock industries (The Guardian, 2021) are deemed beneficial for the economy and the consumption of protein-rich meat is deemed necessary for fast-growing populations (Ruby and Kulik, 2015), it has been possible to justify killing animals for food under utilitarianism over the last half century as the means have been deemed to serve a greater end.

Furthermore, it has been nearly 40 years since Regan put forward his deontological approach, according to which some acts are inherently wrong even if it can be shown that a balance of benefits might accrue from the act being committed (Regan, 1983). If animals are to have acquired rights in 50 years time, they are likely to be granted Regan’s fluid ‘moral rights’ as opposed to fixed ‘legal rights’, since assigning legal rights to non-human animals would impinge on the legal rights of other human actors (Hall and Flynn, 2017). For

example, an increase in legally-binding 'rights' for farm animals would impact on the practices and profits of farmers, food suppliers and, ultimately, consumers (Hall and Flynn, 2017), conflicts which are likely to be resolved in favour of the economically powerful latter. By contrast, Regan's thesis draws on the universal authority of moral rights, which were employed in the emancipatory movements of black Americans and the second-wave feminist movement noted above (Benton, 1998). However, whilst the subjects of rights claims in human liberation struggles have been actively involved in pressing for them (Benton, 1998), animals as passive 'moral patients' lacking agency are reliant on anthropocentric beliefs about what is in their best interests (Benton, 1999), creating a risk that well-meaning legislation may in fact impose further unintended suffering on them. There is evidence that this is already happening. For example, although UK law has allowed an expansion in the number of intensive chicken farms able to house 40,000 birds and pig farms able to hold 2,000 pigs because the National Farmers' Union believed that farm size was not a 'critical factor' dictating the welfare of birds, it has since been recognised by the Chief Executive of Compassion in World Farming that the fact that 70% of UK farm animals - 1 billion animals - are now kept in intensive indoor units is 'the biggest cause of animal cruelty in Britain today' (The Guardian, 2021).

Therefore, rather than recognising rights *per se*, it is submitted that laws in 50 years' time will instead seek to reverse the damage inflicted on farm animals over the last half century by taking an eco-feminist approach which looks to care for farm animals. Ecofeminists have criticised Singer's utilitarian and Regan's 'moral patients' perspectives for failing to dismantle capitalist profit-growth organisations and their patriarchal structure (Lynch and Stretsky, 2003). The movement has also rejected 'unmasculine traits' with a 'sneering dismissal of sentimentalism' (Benton, 1999), a prime example being the overriding of feelings of 'compassion' for animal suffering in intensive livestock industries noted earlier by Beirne (1999). By contrast, eco-feminists would view such compassion as a perfectly acceptable moral justifications for improving welfare standards for animals.

Eco-feminists also envision a return to small scale local economies, which could help drive a return to higher-welfare, small-scale family farms in the next 50 years, which over the last century have been dwindling rapidly: the UK, for example, had close to 200,000 dairy farmers in 1950s, whereas today there are barely 10,000 (The Guardian, 2021). Simultaneously, the average herd number has doubled in the past 2 decades, with herds of cows of 500 being commonplace today (The Guardian, 2021). Yet as farms have increased in size over recent decades, there is increasing recognition of the reduction in quality of life it has led to for the animals themselves. For example, many dairy farms have switched to indoor or zero-grazing systems where the cows never get to go outside, grass or food is brought to them with every mouthful rationed, and every cow is a number or a tag (The Guardian, 2021). This is despite studies showing that cows are happier outdoors and that keeping cows indoors can damage their emotional wellbeing (The Guardian, 2021).

Furthermore, as a result of an expansion in farms over the last half century, there is now mounting evidence that intensive rearing regimes can physically disfigure farm animals. For example, chickens - the UK's most popular meat - are bred to grow four times faster than in the 1950s, almost a third of intensively reared broiler chickens in the UK develop heart and lung problems, and more than half of birds have severe walking problems, with many suffering from lesions on their feet through sitting in their own waste (The Guardian, 2020). In addition, abnormal behaviour such as tail biting is common in intensive pig units, leading to 70% of pigs in the UK having their tails cut off to mitigate tail biting and stress aggression, whilst 60% of sows give birth while confined in a farrowing crate, causing them to feel 'depressed' and inducing repetitive stress behaviours such as bar biting (The Guardian, 2020). Tail-biting can be reduced by providing adequate enrichment such as straw, but the capitalist need to cut costs to maintain low prices means such luxuries are often not afforded (The Guardian, 2021).

Therefore, it is submitted that an eco-feminist style recognition of the pain and suffering inflicted on animals by intensive rearing regimes is likely to act as a precursor to the enactment of laws which seek put the welfare of farm animals above any profit motives. Indeed, there is evidence to suggest eco-feminism is already influencing laws enshrining higher welfare standards for farmed animals in law. For example, the UK and EU are expected to ban all forms of confinement in pig rearing in the coming months due to recognition that the mother 'pigs are happier and the piglets are safer' (The Guardian, 2021). If an eco-feminist style concern for animals' wellbeing continues to be prioritised, then there is hope to believe that the laws governing farm animals in 50 years' time will seek to reverse the damage that the laws governing farm animals have inflicted over the last half century by promoting the welfare of animals themselves.

The laws governing animals in 2072 are also likely to promote improved welfare standards for farm animals as a result of an eco-centric approach. There is increasing recognition that an ever-expanding treadmill of meat production is leading to wide ecological disorganisation (Lynch et al, 2013). Ecological disorganisation refers to the way in which the organisation of economic production consistent with the objectives of capitalism is in direct conflict with the health of the ecological system (Lynch et al, 2013). From an ecocentric perspective, ecological additions (Lynch et al, 2013) such as ammonia emissions and unsafe level of greenhouse gas emissions which emanate from the slaughter of more than 300m cows, sheep and pigs as well as several billion chickens in the EU on intensive pig and poultry farms have been linked to local biodiversity damage (The Guardian, 2019). This illustrates how capitalism thrives on the destruction of nature, giving strong reason to agree with Lynch et al's (2013) claim that 'the capitalist system of production must be seen as a crime against nature.' Laws are therefore likely to seek to reduce the number of animals reared and slaughtered each year, given ever-increasing recognition of the damage inflicted on the

natural world through intensive livestock farming and its impact on climate change; it has been revealed, for example, that 20 meat and dairy farms are responsible for the emission of more greenhouse gas than Germany, Britain, or France collectively (The Guardian, 2021).

A glimpse of what laws in 50 years' time will look like can be seen in The Netherlands. In December 2021, the Dutch government announced that it will drastically reduce the number of livestock in the country, in order to reduce its levels of nitrogen pollution (The Guardian, 2021). The Netherlands has the highest density of livestock in Europe, with more than 100 million cattle, chickens and pigs, and when mixed with urine their manure releases ammonia, a nitrogen compound which if allowed to runoff into lakes and streams can damage natural habitats (The Guardian, 2021). The announcement came after a Dutch administrative court found in 2019 that the government was breaking EU law by failing to reduce excess nitrogen in vulnerable natural areas due to farming and industrial activities (The Guardian, 2021), illustrating how pressure to comply with strict environmental standards could consequently lead to a reduction in industrial-scale farming, and thus an increase in welfare standards for farm animals. The 13-year plan aims to help Dutch farmers transition to more extensive, as opposed to intensive, methods of farming, with fewer animals and a bigger area of land (The Guardian, 2021). Experts believe Denmark, Belgium and Germany may soon have to consider similar action, whilst the UK is on track to miss its own 2030 ammonia emissions reductions by 20% (The Guardian, 2021), suggesting that in the coming years higher welfare protection laws governing animals will continue to be enacted in order for states to comply with their climate change targets.

Laws governing farm animals in 50 years' time are also likely to reduce the number of animals reared for their meat as a result of anthropocentric concerns about the impact of intensive rearing regimes on human health. There is clear evidence that an increase in intensive farming is creating social disorganisation, a process which refers to the major changes in local areas which result from large scale social transitions such as industrialisation (Lynch et al, 2013). Intensive pig and poultry farms have been found to cause noise pollution, increased traffic and potentially harmful bacteria, viruses and air pollutants in local human communities situated nearby to the farms (The Guardian, 2021). For example, the 'corrosive' smell emitted from one of the largest egg-laying factories in France has led to concerns over the safety of children at the school located just next door (The Guardian, 2019), highlighting the shocking exposure of children to the manufactured risks associated with the intensive farming industry (Beck 1992). Exposure to poor quality air can also increase the stress hormone cortisol, which can consequently lead to increased risk taking associated with a rise in criminal activities (Potter, 2012) due to the 'psychosocial environment' those individuals have been brought up in (Williams, 1996). Hence, there is evidence to suggest that in the coming half century, traditional as well as critical criminologists will also be concerned with an expansion in intensive livestock farming since such farms could lead to an increase in 'tertiary' green crimes, i.e. those committed by

victims of anthropogenic harms associated with intensive livestock farming (Potter, 2012). This is also likely to encourage states to enact laws reducing the number of industrial-scale farms in order to reduce the number of humans exposed to associated criminogenic harms.

A further anthropocentric reason why the laws governing farm animals by 2072 are likely to seek to reduce the number of industrial scale farms is the danger posed by intensive livestock regimes to human health. This is particular pertinent in light of Covid-19, since WHO suspects - albeit with no proof - that Covid-19 is linked to the intensive breeding of animals in south-east Asia's barely regulated wildlife farms (The Guardian, 2021). Other major outbreaks of the last 30 years, such as Q fever in the Netherlands, have also been linked with intensive livestock farming (The Guardian, 2021). With more than 20 billion chickens and 700 million pigs being farmed at any one time, there is a high likelihood of new flu strains and variants emerging and spilling over to humans (The Guardian, 2021). To prevent further outbreaks like Covid-19, it is likely that in 50 years' time laws will seek to uphold greater welfare standards on farms and ensure greater regulation of the animals on them.

The director of one of the UK's largest poultry producers has said that he 'does not know' whether we will be eating meat in 20 years (The Guardian, 2021) Given the reliance of the UK population and economy on the meat industry, it is inconceivable to imagine that in 20, or even 50 years' time, the UK population will have moved to a purely vegetable-based diet. Nevertheless, by 2072 there are signs that the animals on those farms will at least benefit from laws seeking to promote higher welfare standards, driven by the need to reduce the numbers of farm animals for biocentric reasons relating to their own wellbeing, ecocentric reasons due to the impact of intensive farming on climate change, and anthropocentric concerns about the impact of intensive farming on human health. Whilst these laws are likely to continue to focus on greater welfare for animals, rather than recognising animal rights per se, any increased protection for farm animals can only be an improvement on the last half century.

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